



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Céadaoin, 18 Meán Fómhair 2019

Wednesday, 18 September 2019

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

Paidir.

Prayer.

Ceisteanna - Questions

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Acting Chairman (Deputy Eugene Murphy): Cuirim fáilte roimh chuile dhuine go dtí an Teach. We will begin with questions to the Minister for Housing, Planning and Local Government. The first question is from Deputy Darragh O'Brien. I remind Deputies and the Minister that according to procedure, Deputies have 30 seconds to introduce the question and the Minister has two minutes to respond. The questioner then has another minute and the Minister has one minute to respond, followed by a final response from both the Deputy and the Minister. I am going to be extremely strict in asking Members to stick to that agenda because-----

Deputy Eoghan Murphy: On a point of order, when questions are taken in a group we get additional time in our replies.

Acting Chairman (Deputy Eugene Murphy): That is correct. We will explain that when we come to it. I call Deputy Darragh O'Brien.

Social and Affordable Housing

32. **Deputy Darragh O'Brien** asked the Minister for Housing, Planning and Local Government the status of the affordable homes scheme; the amount spent to date; the amount anticipated to be drawn down by the end of 2019; the number of sites identified; the timeframe for delivery; and if he will make a statement on the matter. [37684/19]

34. **Deputy Darragh O'Brien** asked the Minister for Housing, Planning and Local Government the status of the cost-rental scheme pilot project; the timeframe for its completion; the

income criteria; the selection process to be used; and if he will make a statement on the matter. [37685/19]

36. **Deputy Joan Collins** asked the Minister for Housing, Planning and Local Government the status of cost-rental plans on a site (details supplied). [37951/19]

Deputy Darragh O'Brien: Go raibh maith agat a Chathaoirligh, agus cuirim fáilte romhat ar ais freisin. I ask the Minister to give an update on the affordable housing purchase scheme, the amount spent to date, the amount anticipated to be spent by the end of this year, the number of sites identified, the timeframe for delivery, and any further relevant information he might have around the exact criteria involved. As the Minister knows, all four Dublin local authorities have adopted the bones of the criteria, which are skeletal. Where are we with the next step, in order to actually open this scheme?

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I thank the Cathaoirleach and the Deputy and welcome everyone back to what is a very important Dáil term.

I propose to take Questions Nos. 32, 34 and 36 together.

Part 5 of the Housing (Miscellaneous Provisions) Act 2009 was commenced in June 2018 to provide a new statutory basis for affordable dwelling purchase arrangements. Initial regulations in regard to schemes of priorities were made subsequently and further regulations will be put in place over the coming months regarding eligibility and other matters.

In order to support the delivery of discounted homes to buy or rent, this Government has committed €310 million under the serviced sites fund from 2019 to 2021 to provide infrastructure to support the delivery of some 6,200 homes. To date, funding of €127 million in support of 35 projects in 13 local authority areas has been allocated for infrastructure works on sites that will support the delivery of almost 3,200 homes.

The overall cost and the timing of delivery for these projects are contingent upon the completion of design, planning and procurement in the first instance and local authorities are working to achieve delivery as quickly as possible. The price of homes that will be offered for purchase under the scheme will vary by development but Dublin City Council, for example, has indicated that it expects to have two-bedroom homes available in Ballymun in the €148,000 to €168,000 price range.

The first cost rental project at Enniskerry Road in Stepaside has gone on site and will deliver over 150 homes, 50 of which will be cost rental. My Department has been in contact with the local authority concerned in regard to the commencement of drawdown of funding. The remaining projects are currently at the stage of design and planning and, accordingly, local authorities are not yet drawing down allocated funds. I anticipate that the bulk of expenditure will arise as projects reach the construction phase.

The Enniskerry Road project, which I formally launched last week, is one of two pathfinder pilot projects for cost rental. The homes involved are due to be completed in 2021 and tenants will pay €1,200 per month to live in the two-bedroom apartments. This rent is based on the cost of delivering and maintaining the homes and is a significant reduction when compared with market rents in the area.

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Regarding the St. Michael's Estate site at Emmett Road, Dublin City Council is continuing to make progress on the preliminary work on this project. It is estimated that this site can accommodate approximately 470 homes in a high-quality mixed tenure development, including approximately 330 cost rental homes, and the development framework plan for the site has recently been completed.

Dublin City Council is engaging with my Department according to the best practice guidelines set out in the capital works management framework and is procuring an architect led integrated design team which will be responsible for designing the scheme and taking it as far as the planning stage. I am determined that work will continue to progress at pace on this project over the coming months and that lessons learned from the modelling at this location are applied to the ongoing development work for a national cost rental model.

In terms of that work to progress the cost rental agenda more generally, I have convened a working group led by my Department, also involving the Land Development Agency, the Housing Agency and other bodies, to develop the cost rental policy framework to provide for a sustainable financing structure and to allow us to commence the delivery of homes at scale. In order to assist with this work, in May 2019 my Department signed an agreement with the European Investment Bank to officially engage it to undertake a research project into cost rental on our behalf. Detailed operational and eligibility criteria for cost rental will be informed by this evidence building and policy work. This work will be concluded well in advance of the completion of construction work on the first homes at Enniskerry Road.

These new schemes are set in the context of significant moderation in the growth in house prices and complement other key Government affordability initiatives. Included among these are the Rebuilding Ireland home loan, under which more than 1,000 loans had been drawn down at the end of June this year, and the help to buy scheme, under which some 14,000 applications have been approved. In addition, the Land Development Agency's initial portfolio of sites will have the potential to deliver 3,000 affordable homes and the local infrastructure housing activation fund, LIHAF, will support more than 2,300 affordable homes on mainly publicly owned lands, while 5,600 further homes will benefit from a LIHAF related cost reduction, some of which have already come on stream.

In overall terms, programmes are in place under which some 18,000 affordable homes or homes with a LIHAF related reduction will be delivered, with 15,000 households already supported under the Rebuilding Ireland home loan or the help to buy scheme.

Deputy Darragh O'Brien: Before we start-----

Acting Chairman (Deputy Eugene Murphy): The questions have been grouped. I will allow Deputies Joan Collins and Darragh O'Brien to speak.

Deputy Darragh O'Brien: That is a point of order I want to raise. I do not want to be obstructionist on the first day back but I wrote to the Office of the Ceann Comhairle before the recess about the grouping of Priority Questions. They should not be grouped. Deputy Collins's question has been grouped with mine. I do not have any issue with that but I get two Priority Questions, other Deputies get one and they are grouped together. That is not the Minister's fault but it allows for an omnibus answer like the one we got, which covered everything from affordable purchase, affordable rent and cost rental to help to buy and Rebuilding Ireland home loans.

I will conclude. I wrote to the Office of the Ceann Comhairle in July this year to complain

about the grouping of Priority Questions. They should not be grouped because every six weeks I get two questions and other Deputies get one. Three of the five Priority Questions for today have been grouped. That is not acceptable. I did not object to this at the start of the debate when the Acting Chairman announced the grouping of the questions and I know the House agreed to that. I am very serious in that regard. I would like the Acting Chairman to convey my concerns to the Ceann Comhairle. I will again write to his office to complain about this practice because it restricts our ability to ask the Government questions.

Deputy Eoghan Murphy: On a point of information-----

Acting Chairman (Deputy Eugene Murphy): As one very famous radio presenter said, “I hear what you are saying.” I will take your concerns back to the Ceann Comhairle. The grouping of questions is a matter for the Minister. We will have 80 minutes for this debate.

Deputy Eoghan Murphy: On a point of information, the grouping of questions is not a matter for me. I support what Deputy O’Brien has said.

Acting Chairman (Deputy Eugene Murphy): My understanding is that it is a matter for the Minister. He can decide. There are 80 minutes.

Deputy Eoghan Murphy: That is not what I was informed of. From my point of view, issues like the Rebuilding Ireland home loan are separate from the serviced sites fund. It is in my interest to be able to speak to those issues separately because of the amount of information we have in this area. The questions have been grouped today, but it is something we could look at before we take questions in the future.

Acting Chairman (Deputy Eugene Murphy): I can see there are concerns. As I said, I will raise this matter with the Ceann Comhairle. Deputy Darragh O’Brien has written to his office.

Deputy Darragh O’Brien: Yes, and I have not received a response.

Acting Chairman (Deputy Eugene Murphy): I will have a word with him today. We are losing valuable time. Maybe we could move on.

Deputy Darragh O’Brien: I am aware of that. I know officials have to abide by their rules. I respectfully say that it is irrelevant whether it is the same amount of time or the time is extended. The Minister has made a fair point. My point is that our questions are being grouped, as are his answers, and he is trying to fit many things into one answer. In some instances, they are not particularly relevant. We want to be able to tease out individual questions and ask follow-up questions. When I ask a follow-up question, I could throw six or seven issues at the Minister and not receive an answer to any of them. It is not acceptable.

Acting Chairman (Deputy Eugene Murphy): The Deputy has one minute.

Deputy Darragh O’Brien: That is the issue. The Minister had eight minutes to outline a number of answers to three questions. It is now up to me to decide what I have to pick by way of a supplementary question.

I refer to home ownership and affordable purchase. Home ownership levels in Ireland are now below the EU average, at 67%. In 1991, the home ownership rate was 82%. In 1991, private renters comprised 9% of the market and the figure is now 21%. The average age at

which a person buys one's own home has risen from 26 years to 35 years. This is a major issue. Where are the criteria for the national scheme? I wrote to the Minister in March to raise issues I had with the salary levels, in particular those for couples. The matter should be devolved to local authorities and should not involve simply a discount on market price. That is a mistake. We should consider a shared ownership type arrangement. That relates to affordable purchase.

I want to talk about affordable rent but my issue is that when I ask supplementary questions it is as if I am asking only about affordable purchase. I want to ask about affordable rent, help to buy and the Rebuilding Ireland home loan.

Deputy Joan Collins: I support the point made by Deputy O'Brien. The grouping of questions is not helpful. My specific question concerned the cost rental model in St. Michael's Estate. On 20 February this year, Deputy John Curran put down a question about the off balance sheet costs of cost rental accommodation. The Minister replied that the urban design development framework plan for St. Michael's would be completed later in quarter 1 of 2019. Where is the framework plan? There was a forum meeting on Monday and I have not been able to get much information on St. Michael's Estate. This is an important pilot scheme.

I note the Minister's point that rents of €1,200 per month will be charged under a cost rental model in Enniskerry. I would have to consider that as the figure seems quite high. I would expect rents in St. Michael's Estate to be lower than that.

The Minister went all over the houses on some other points. I want to discuss what is happening in O'Devaney Gardens where land was handed over to a developer and we will only get about 176 public housing units out of a total of 798 or 800 houses. What is happening is a scandal and I would like the Minister to comment. Perhaps he will withdraw the land initiative proposal put forward by the Government.

Deputy Eoghan Murphy: If Deputies are going to ask questions, they should stick to the subject of the questions they tabled if they want to get specific answers. Deputy Collins asked about St. Michael's Estate in her question but has now delved into another area that, in fairness to the Deputy who asked the question about O'Devaney Gardens, will be addressed later in the session. The average age of home ownership, which was raised by Deputy Darragh O'Brien, has been changing for a number of reasons. The average age has moved from 26 to 35 or 36. Home ownership has been declining since 1991. I think it fell as quickly during the boom years as it is falling now so, again, that is linked to different things. The National Development Finance Agency, NDFA, has modelled cost reductions for affordable homes schemes that are not just related to a discount on the market price but to the net income of a person. With regard to a clerical officer or a teacher on the mid point of the salary scale, we are looking at those types of salary scales because we must make sure the homes being provided are affordable for people living and working in areas and cities where price pressures are highest. This is why we have the ambition for at least 20,000 affordable homes under the different schemes and that is why we set up the Land Development Agency and locked in a minimum of 30% for the provision of affordable homes on the land being brought forward by the agency.

Acting Chairman (Deputy Eugene Murphy): Time is-----

Deputy Eoghan Murphy: I have not had a chance to respond to Deputy-----

Acting Chairman (Deputy Eugene Murphy): I am sorry but I laid it out at the start. The Minister will have a further opportunity to come back in.

Deputy Darragh O'Brien: We did not have the opportunity to ask the questions we wanted to ask this morning.

Acting Chairman (Deputy Eugene Murphy): The Deputy can ask it now.

Deputy Darragh O'Brien: I am going to but it is wholly inadequate. I wrote to the Minister on 7 March 2019 with regard to the criteria for the scheme. Part 5 of the Housing (Miscellaneous Provisions) Act states that the Minister may, from time to time, consider it appropriate to issue housing authorities guidelines but this has not been done. The Minister should not strangle the local authorities with upper income limits, particularly for couples. Given that €2,024 is the average monthly rent in Dublin city and county, a couple consisting of a nurse or a garda earning €75,000 between them will be excluded from the draft scheme, which is not what we want. That is not the scheme that Fianna Fáil developed. The previous Act would allow for discretion at local authority level. This must happen. We need clarity about when the scheme will open for applications. The only way that can be done is after we know the real criteria for the scheme.

I ask the Minister to look back at the letter I sent him on 7 March, a copy of which I will give to him. There are elements in that letter that may be helpful to him and his officials so that we are not trying to fit square pegs into round holes. In some areas of the country, the criteria may work while they may not work in others. Can I come back in?

Acting Chairman (Deputy Eugene Murphy): No. Does Deputy Joan Collins have a final comment to make?

Deputy Joan Collins: It is impossible. Does the Minister know when that plan will be brought forward? It has been over a year since he came to St. Michael's Estate to launch the cost rental model there and I would like to see what is happening and for the Minister to report back. It has gone too far.

Regarding affordable housing, it has been said that prices for a two-bedroom house in O'Devaney Gardens would be between €270,000 to €315,000 while prices for a three-bedroom house would be between €300,000 and €350,000. It has been said that prices for one-bedroom apartments would range from €237,000 to €276,000 while prices for three-bedroom apartments would range from €360,000 to €420,000. Does the Minister not realise that the mean average wage is €37,000 and that 64% of workers earn less than that? The median average income is €27,000. These workers will never have a chance to buy these so-called affordable homes that we are handing over to a private developer that will make a profit of €67 million from them. It is outrageous. This is not what we want in our country.

Deputy Eoghan Murphy: My understanding is that we do have quite a bit more time left because of the grouping so Deputies can come back in but I will be guided by the Acting Chairman. I think it is unfair of Deputy Joan Collins to have raised O'Devaney Gardens because it is a question for later on in this session but I will get straight to the point about it. Most of the affordable homes in O'Devaney Gardens will be priced at less than €310,000. I spoke to Dublin City Council yesterday and was informed that no homes will be sold for more than €400,000 under the schemes relating to the land there. There is more work for Dublin City Council to do on this but I repeat that most of the affordable homes will be priced at less than €310,000.

With regard to Deputy Darragh O'Brien's point about the modelling, in its modelling, the NDFA has looked at people like clerical officers earning €27,000 per year to see what kind of

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rent they could afford based on 35% maximum of their net income. When we talked about this during a previous engagement, I spoke about €50,000 for an individual and €75,000 for a couple but they are guides. The actual determination is 35% of net income so we are working on the regulations for that aspect with local authorities and they will be in place before the houses come on stream. It is important to note that the regulations for the scheme of priorities have already gone through most local authorities, 21 local authorities have approved and ten are still going through their scheme of priorities, namely, who comes through based on his or her connection to the area, working in the area and children in school. We discussed that during a previous session.

Regarding St. Michael's Estate, the NDFA has completed its financial modelling. A report from Jack Nolan on the wider scoping exercise is due next month. Dublin City Council is procuring its design team, the urban design framework plan for the site has been completed and we have had initial discussions with the European Investment Bank. Progress is being made. It is too slow. This site has huge potential, particularly for cost rental, and we are trying to expedite things and are looking at ways of doing that.

Acting Chairman (Deputy Eugene Murphy): Because there is a minute and a half left, there will be 30 seconds for a question and 30 seconds for a reply.

Deputy Darragh O'Brien: What the Minister said about flexibility relating to criteria is welcome because this flexibility is needed. Selling State land is a flawed model. We should prioritise building affordable housing on State-owned land and doing that does not require selling off land. We will probably discuss the Land Development Agency's approach later because there are questions relating to it further down the agenda. How many sites have been identified through local authorities, how many local authorities have responded to the Minister and what is outstanding?

Deputy Joan Collins: I thank the Minister for his reply. At least, it is moving along a bit. I also think it is too slow. We are talking about 330 homes in St. Michael's Estate, which would add to us having rents that could be affordable. I am looking forward to seeing that model.

The Minister said that Dublin City Council informed him that no home in the affordable housing scheme in O'Devaney Gardens would be sold for more than €400,000. Does he not realise that a person buying a home costing €270,000 would need a deposit of €27,000 and would need to earn almost €70,000 per year? That is not what the majority of workers are even touching on. So-called affordable housing will only be for the top 20% of earners, not for the ordinary retail worker or bus or train drivers.

Deputy Eoghan Murphy: I thank the Deputies for their questions. With regard to the serviced sites fund, the intention is to build on local authority land. That is what we are trying to do but there is wider scope for the serviced sites fund beyond that.

In the case of O'Devaney Gardens, we are using a portion of the land - about 22% - to get all those hundreds of homes built across the site as well as other very important infrastructure. I can go into that in detail when the question submitted is answered later on. The important thing about the Land Development Agency's approach to land is that it is State land in terms of the initial tranche of sites and it is the developer so it is not a question of selling off the land. It is a question of developing it in the best interests of the State.

Progress at St. Michael's Estate is too slow and I am looking for ways to expedite that. Most

of the affordable homes in O'Devaney Gardens will be priced at less than €310,000. Regarding a house priced at €310,000, if a person is getting Government help in the form of the help to buy scheme to get the deposit together, that is for people on the mean average industrial wage about which Deputy Joan Collins spoke earlier. We are modelling affordability using positions like clerical officers, teachers or gardaí because we know that when it comes to affordability, while people in these occupations do not qualify for social housing, they are unable to buy a home and that is why they need this help and why it is so important.

Building Regulations

33. **Deputy Eoin Ó Broin** asked the Minister for Housing, Planning and Local Government if he will reconsider supporting the recommendations made in the Oireachtas Joint Committee on Housing, Planning and Local Government report *Safe as Houses* which recommends establishing a latent defects redress scheme (details supplied) in view of recent revelations in the media that homeowners in counties Dublin and Kildare are facing costs to remedy latent defects uncovered in their properties. [37658/19]

Deputy Eoin Ó Broin: Over the past number of weeks, Niamh Towey and Jack Horgan-Jones have been reporting in *The Irish Times* about new stories of latent defects. Homeowners in Sandyford have had to pay €10,000 to rectify defects while homeowners in Blackrock have had to pay €25,000. One homeowner in County Clare must foot a bill of €62,000 for latent defects for which the homeowner had no responsibility. Given that it is almost two years since the Oireachtas Committee on Housing, Planning and Local Government unanimously called for the creation of a latent defects redress fund, will the Government move to introduce such a scheme?

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): I thank Deputy Ó Broin for raising this issue, which has been discussed a lot in the House in recent years. It is a very important issue and more cases are being brought forward. It is an issue in which the Minister, Deputy Murphy, the Department and I are very interested. I recognise the work of the Deputy and the committee on the issue. It is something of which we are certainly well aware.

The *Safe as Houses* report has been considered by the Department, and while I can subscribe to many of the principles in it, I believe the building control reform agenda that is already well under way provides a comprehensive road map for embedding a culture of compliance and accountability in the construction industry and for strengthening the building control framework in this country. I am conscious that many of the issues raised date from prior to the new building control measures coming into place.

The reform agenda includes amendments made to the building control regulations, the national building control management project and the ongoing development of new legislation through the building control (construction industry register Ireland) Bill. I am conscious the report mentions this and it is something we hope to publish later this year.

Local authorities have extensive powers of inspection and enforcement under the Fire Services Acts 1981 and 2003, the Fire Services Acts, the Housing Acts and the Planning and Development Acts. Fire services may inspect buildings in cases of defects or complaints in respect of fire safety. They work with building owners to ensure immediate risks are addressed and a plan

is put in place, where required, for works to bring buildings into compliance. This framework, which followed the 2015 report, is enabling and is a model that can be used to try to address some of the issues affecting some of these apartments.

In relation to legacy issues generally, I acknowledge the very stressful circumstances that owners and residents face when defects occur in their homes. However, in general, building defects are matters for resolution between the contracting parties involved, that is the homeowner, the builder, the developer and-or their respective insurers, structural guarantee or warranty scheme. The State has no general statutory role in resolving defects in privately owned buildings, including dwellings, nor does it have a budget for such matters. It is not possible for the State to take on responsibility or liability for all legacy issues nor would this send the right message to the industry regarding its responsibility for compliance now and in future.

My focus will remain firmly on ensuring the full roll-out of the building control reform agenda, to ensure all those engaged in the construction sector take their responsibilities seriously and are appropriately held to account. As part of the reform agenda, consumer protection will continue to be my core concern and any proposal in this regard will, of course, be considered. We have seen some new products in the insurance market on foot of the building control measures in place. Naturally, if they had been in place in the past we would not be in this situation. There is a lot of reform going on. I am conscious the Deputy is raising legacy issues and it is the exposure to taxpayers-----

Acting Chairman (Deputy Eugene Murphy): I call Deputy Ó Broin for his first supplementary question.

Deputy Eoin Ó Broin: Given that the Minister of State said he is conscious that I raised legacy issues he spent more than two thirds of his reply speaking about the present rather than the past, which has become the stock response of the Government to avoid dealing with the real issues.

Nobody is asking the Minister of State to take on full liability for the cost of latent defects. Here is the problem: the State has already accepted liability for some, including Priory Hall, pyrite and mica block in Donegal, but has left other home owners to their own devices. What we are calling for is very straightforward. We want a redress scheme that provides a one-stop shop to assist homeowners to deal with latent defects when they find them. We also call for a mediation and dispute resolution service, not unlike the Residential Tenancies Board, to make the developer pay in the first instance. To take the one part of the Minister of State's reply relevant to my question, if we leave the home owner at the mercy of the legal system as it stands he or she will never get redress.

The Minister of State also knows there are cases where the developer is no longer pursuable and we need a fund to tackle this. In my view, a portion of this should come from industry and another portion should come from the State because the State has liability for the self-regulation that allowed this to happen. Under our proposals, the €40 million the State will lose on Priory Hall would have been €20 million because the industry would have been forced to pay its fair share. At some point, the Government must take its head out of the sand and provide some assistance - not full liability - for the hundreds if not thousands of home owners who, through no fault of their own, have ended up in properties with fire safety issues, water ingress issues or other structural problems that need to be addressed.

These people are asking for our help. A unanimous recommendation from the Oireachtas committee has given the Minister of State a pathway and he should get his head out of the sand.

Deputy Damien English: This is an issue we have discussed at length and we have been very clear on the State's responsibility. The State did not accept liability in the schemes mentioned by the Deputy. With regard to the pyrite scheme that has fixed more than 1,200 houses at this stage, and with regard to the mica scheme in Donegal that was announced in the budget, the defective products and issues were not apparent at the time of construction or purchase. This is different to the failure to adhere to regulations, the building control mechanisms or workmanship. After going through the expert panels and not being able to find another solution, it was the approach taken. The State did not accept responsibility. That is not the case because they were defective properties.

We have always been very clear on this. The relationships between the builders, the owners of the properties, the purchasers, the insurance companies and the banks and lending institutions are private. We have tried to help when we can. We have always said if there are solutions that do not expose the taxpayer to an unquantifiable amount of money and we are given an opportunity to help we will try to do so. We have tried to engage where we can, through the building control mechanism, local authorities and fire services. It is a difficult situation and we accept this but what the Deputy is putting forward involves an unquantifiable amount of potential exposure for taxpayers. It is not the responsibility of the State to do this.

Deputy Eoin Ó Broin: The State does have responsibility in this. It was the failure of Government regulation of the building industry prior to 2014 that allowed this to happen. It happened on the Government's watch. It happened because of self-certification. Most of what the Oireachtas housing committee has recommended does not lay any liability on the State. It has recommended a one-stop shop where a householder who has discovered latent defects can get independent advice free of charge, which is eminently reasonable and doable. It also recommended a mediation and dispute resolution service, not unlike the Residential Tenancies Board, whereby a public body would have the legal authority to ensure in the first instance the developer is responsible for the bill for mediation, which is an eminently sensible response that would have a limited cost to the State. It also recommends the creation of a fund and, in my view, industry should pay. We have done it with the insurance industry where a levy was introduced to tackle the problems.

Unfortunately, because of the failure of previous Governments in this regard, the taxpayer should also make a contribution but there are ways of designing a fund. Although it was not my preference, the committee's report even recommended a long-term low interest loan whereby the home owner would still pay but at least in a way that would be manageable and affordable. In fact, it could be done through Home Building Finance Ireland.

The Oireachtas committee has recommended a range of options that does not land the entire liability or financial responsibility on the State. In some instances, the committee gave the Government ways of doing it without the State putting any taxpayers' money into it and yet, to date, nothing has been done for these homeowners. These people are asking for assistance, guidance and help and it is in the gift of the Minister of State to give it to them.

Deputy Damien English: Where the State was able to find a way to deal with defective products through the expert panels it has done so. We have managed to find schemes to do this. I repeat that the issue is mainly the undetermined exposure to the taxpayer. It is unquantifiable.

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We have tried to step in where we can with regard to some of the changes to the legal system. We have written to the Law Reform Commission about this to see whether we can change the system to achieve easier access to civil justice. Again, it is a private matter and the State is not responsible. The regulations were there but they were not followed. Fine Gael has strengthened the system since we came into government and we have changed this.

Deputy Eoin Ó Broin: That is of no benefit to the people with latent defects.

Deputy Damien English: That is very clear and we are all in a good position with regard to building control mechanisms. Other issues can be addressed as we bring forward legislation. I understand the committee is supportive and it has made recommendations. They will be brought forward in the months ahead, which will give us a chance to deal with some of these issues as we put in place a system in which people can have trust and faith so they can understand they are buying a top class quality product. The legislation is about driving the cultural change needed throughout the system as well as putting in place building control mechanisms. I repeat there are now much more enhanced insurance products that should have been there in the past but they were not.

Question No. 34 answered with Question No. 32.

Residential Tenancies Board

35. **Deputy Richard Boyd Barrett** asked the Minister for Housing, Planning and Local Government if he will intervene in eviction attempts by two owners of properties (details supplied); and if he will make a statement on the matter. [37383/19]

Deputy Richard Boyd Barrett: In the Public Gallery we have three groups of tenants comprising more than 100 families and individuals facing eviction at the hands of vulture funds. One group is from the constituency of the Minister. They reside in Grove Park, South Richmond Street and Rosedale Terrace. Val Issuer DAC, a vulture fund, is trying to evict them. Another group is from my area. They reside in St. Helen's Court in Dún Laoghaire and are facing the fourth attempt the vulture fund has made over the past two years to exploit loopholes regarding sale or substantial refurbishment to evict them. The other group comprises approximately 50 families residing at Emmet Lodge, Emmet Manor and Emmet Court in Inchicore who face eviction by Mill Street Projects Limited, which is, interestingly, the same group trying to evict the people in Dún Laoghaire. What will the Minister do to stop these vulture funds evicting these people into homelessness?

Deputy Eoghan Murphy: I thank the Deputy for the question and his guests in the Gallery are welcome. The Residential Tenancies Board, RTB, was established as an independent statutory body under the Residential Tenancies Acts 2004-2019, with one of its key functions being to resolve disputes between landlords and tenants. Due to the quasi-judicial and independent role of the RTB, it would be inappropriate for me, as Minister, to intervene in specific disputes.

A number of measures have been introduced in recent years with the objective of improving security of tenure for tenants under the Residential Tenancies Acts. Section 34 of the 2004 Act provides that a landlord must state a reason for the termination in any notice served, in accordance with the allowable grounds for terminations. Through an amendment introduced in 2016, where a landlord proposes to sell ten or more units within a single development at the

same time, that sale is subject to the existing tenants remaining *in situ*, other than in exceptional circumstances. In addition, the Residential Tenancies (Amendment) Act 2019 provides that where a landlord terminates a tenancy because he or she intends to sell the property, he or she must enter into a contract for sale within nine months of the termination date and, if not, must offer to relet to a former tenant who provides his or her contact details. The 2019 Act also provides that where a landlord terminates a tenancy because he or she needs vacant possession to substantially refurbish or renovate the property, that property must be offered back to the former tenant, who provides his or her contact details, upon completion of the works. Also, such a termination notice must contain or be accompanied by a written certificate of a registered professional under the Building Control Act 2007, such as an architect or surveyor, stating that the proposed substantial refurbishment or renovation works would pose a health and safety risk necessitating vacation by the tenants and that such a risk would be likely to exist for at least three weeks. The 2019 Act provides additional powers for the RTB to investigate and sanction landlords who engage in improper conduct, including non-compliance with the tenancy termination provisions. My Department will continue to keep the effectiveness and enforcement of the security of tenure provisions in these Acts under review.

Deputy Richard Boyd Barrett: All three of these cases demonstrate that the Minister's legislation is riddled with loopholes for unscrupulous vulture funds, which lack any compassion or humanity. The Minister's laws make assumptions about landlords - and I am sure there are many individual landlords out there who care about their tenants and have a scintilla of compassion or humanity - but these three cases demonstrate that there are vulture funds that do not want to be landlords, do not give a damn about tenants and do not care about making people homeless. They just see the property as an asset they can sweat and the best way to sweat it is to evict people, exploiting loopholes, particularly the loophole around substantial refurbishment, the loopholes around sale or, in the case of Dún Laoghaire where there are 11 tenants, they will move to evict eight and will try to evict the other three a little bit further down the line because of the Tyrrelstown amendment. We need a ban on evictions on the grounds of sale. We need a tightening up of the issue of refurbishment so that it cannot be used to justify evictions and we need the passing of the anti-evictions Bill 2018, which was passed by the majority of this Dáil but which the Minister is blocking, which would prevent many of these evictions.

Does the Minister recognise there is a problem? Will he address it in order to help these people avoid homelessness?

Deputy Eoghan Murphy: I thank the Deputy for the follow-up question. The RTB has confirmed that a number of cases related to the question have been referred through its independent dispute resolution processes and are still ongoing. The RTB replaces the courts for the majority of landlord and tenant disputes and it is important that all parties are afforded due process in order to ensure that the system of dispute resolution is legally robust. I am precluded from interfering with the judicial nature of the RTB, just like it would be improper for me to interfere with planning applications or planning decisions. What I will say to the Deputy is that the reforms we brought forward to protect tenants were not my laws; they were the laws of this Oireachtas, and they could only be passed if they had the majority support of the Oireachtas because the Government is in the minority. These are ambitious reforms to protect tenants who find themselves in this difficult situation. We have strengthened those protections and we have talked about banning sales and vacant possession before and how that would not be a solution because it would still allow the person who is buying the property to then serve a notice to quit. All that is being done is to displace the problem from one landlord to a new buyer, to someone

else without solving it. With the protections we have brought in, we are trying to make sure that tenants have the strongest rights possible so that where there may be a breach of those rights, they can find resolution through the RTB, and find it quickly, and where those rights are upheld, that they have access back to the property they have been evicted from.

Deputy Richard Boyd Barrett: The tax breaks the Government has given these people and the meetings that were held in 2013 with Deputy Noonan who invited them in have created the conditions in which these vultures are operating. I repeat that the measures mentioned by the Minister do not address the problems that are faced by these people. It is no good for the Minister to say he is independent of the RTB. The Government proposed the legislation which is failing to protect these tenants. We have proposed alternatives, such as the anti-evictions Bill 2018, as have other Opposition parties, to close down these loopholes. The Government resists these efforts for reasons I do not understand when it is as clear as day that these vultures do not care about tenants. They are not even interested in being landlords. They are buying property to evict people and then to flip it on because the asset will have an increased value. That is what they are doing. Society and the tenants are paying the price because they will end up in homeless services because the Minister failed to address the problem. Will the Minister address the problem or will this continue to happen? What does the Minister have to say to the people in the Visitors Gallery who are faced with this situation? What are they supposed to do?

Deputy Eoghan Murphy: We have made a number of changes to the laws to make sure that where we are constrained by the Constitution, we are not constrained to the degree that we cannot rebalance matters back in terms of the public interest. The Tyrrelstown amendment, which was brought forward to protect people in these situations, has stood up when it has been tested in the Residential Tenancies Board.

Deputy Richard Boyd Barrett: They have found a way around it.

Deputy Eoghan Murphy: I cannot interfere in matters that are before the RTB. It would be illegal, improper and unethical for me to do so. I am very sorry for the plight of people who are facing these difficult circumstances, who find themselves in housing insecurity and who are vulnerable as a result but that does not mean I can break the law and interfere in matters such as RTB cases, legal cases or An Bord Pleanála decisions because people want me to for different reasons.

Deputy Richard Boyd Barrett: Change the law.

Deputy Eoghan Murphy: That is why we have brought in these robust changes in the law to protect tenants so they have rights to go back into the property when they bring cases to the RTB and they are successful where the landlord or the person who owns the property has been offside. They have those rights because we brought them in. We have also given more robust powers to the RTB. They can go through criminal as well as administrative sanctions because of the new powers that this Oireachtas introduced earlier this year. That is the work we are doing to try to protect tenants and it is important that we continue to do that work. When people find themselves in housing insecurity, which we will be addressing later, we should continue to have the supports in place to prevent them from having to go into emergency accommodation. It is worth noting so I will repeat that in the first six months of this year, for every two families that presented to homeless services, one family was found a home immediately.

Question No. 36 answered with Question No. 32.

Ceisteanna Eile - Other Questions

Land Development Agency

37. **Deputy Darragh O'Brien** asked the Minister for Housing, Planning and Local Government the amount and location of lands transferred to the Land Development Agency to date; and if he will make a statement on the matter. [37699/19]

225. **Deputy Darragh O'Brien** asked the Minister for Housing, Planning and Local Government the amount and location of lands that have been transferred to the Land Development Agency to date; and if he will make a statement on the matter. [37686/19]

Deputy Darragh O'Brien: At the outset I wish to correct the record of the House. Earlier on in my contribution when I was complaining about the grouping of questions, I mentioned that I had written to the Office of the Ceann Comhairle and had not received a response. On checking my records, I did receive a response and that response further clarified that the grouping of the questions is a matter for the Department and the Minister. I ask the Minister to speak with his team in the Department to ensure we do not have a situation where Priority Questions are grouped into the future. It is not helpful. I want to correct the record because I laid the blame at the Office of the Ceann Comhairle inadvertently and incorrectly.

Deputy Eoghan Murphy: I looked at this the last time because it was raised when there were grouped Priority Questions on a previous occasion. I checked with Department officials and I was told that the Ceann Comhairle had grouped them. I repeat that it is not in my interest to group Priority Questions either because I cannot get the answers out.

An Leas-Cheann Comhairle: It is clear that it is a matter for the Minister's office to decide. Before we come to Question No. 38 from Deputy Connolly, which is grouped with Question No. 58 from Deputy Darragh O'Brien, I point out to Deputy Darragh O'Brien that he will have the advantage there.

Deputy Darragh O'Brien: I ask the Minister for an update on the great big idea of the Land Development Agency which was announced by the Government. What land has been transferred to the agency to date? Could the Minister provide an update on legislation surrounding this? The issue was raised in the Joint Committee on Housing, Planning and Local Government just before the recess that the LDA is not set up on a legal footing yet.

Deputy Eoghan Murphy: I propose to take Questions Nos. 37 and 225 together.

On establishment, the LDA had access to an initial tranche of eight sites that have near-term delivery potential for 3,000 new homes. The sites concerned are: the Central Mental Hospital site, Dundrum; Hampton, Balbriggan; Hacketstown, Skerries; Devoy Barracks, Naas; the former Meath Hospital, Dublin city centre; St. Kevin's Hospital, Cork; Columb Barracks, Mullingar; and Dyke Road, Galway.

The ownership of seven of the sites will not be formally transferred to the LDA until the Land Development Agency Bill is enacted, while the site in Galway is owned by Galway City Council and will be developed on a partnership basis. It is intended the Bill will be published and brought before the Oireachtas later this year. The Joint Committee on Housing, Planning and Local Government, of which the Deputy is a member, will conduct pre-legislative scrutiny

on the Bill soon. The LDA is also working with Dún Laoghaire-Rathdown County Council on a delivery plan for a site at Shanganagh.

Notwithstanding that the legislation has not yet been finalised, the LDA is already working on the initial sites made available to it. While passing the LDA legislation is a priority, it does not prevent the agency from progressing these sites. In addition, because the sites are public lands rather than lands in private ownership, the issue of ownership and transfer is not an obstacle to early progress. The LDA is entering into pre-sale agreements with the landowners, as appropriate, to ensure that it has full access to the sites to carry out necessary pre-construction activities. Significant preparatory work is under way, with feasibility and planning work initiated and the first planning applications due to be submitted later this year. Construction activity is envisaged to commence on some sites by the middle of next year, subject to the granting of planning permissions, with the first homes due to be completed by the end of next year.

Deputy Darragh O'Brien: The Minister's response is a fantasy. He stated that no land has been transferred to the LDA and that it is not likely that anything will be transferred. He hopes the legislation will be enacted quickly but he should hurry up if that is what he wants to happen. For example, at Castlelands in Balbriggan, the local authority is rushing through a master plan in advance of a potential transfer of the land to the LDA. The master plan was produced over and above the heads of the residents, with over-intensification of the site and inappropriate housing. It is being rushed because the local authority wants to get it done before the land is transferred to the LDA. If the LDA is to be the vehicle that will deliver housing on a mass scale, it is certainly a slow-moving one.

I read reports in the newspapers during the summer that some of the staff within the LDA stated that they would not be subject to the Regulation of Lobbying Act. Who are they to decide whether they will be subject to the Act? One would have thought that would be for the Oireachtas to decide by way of legislation. Is it the Minister's intention that the LDA will be subject to the Regulation of Lobbying Act? If not, I put him on notice that I will table amendments to the legislation when it is published to ensure that the agency will be subject to the Act.

Deputy Eoghan Murphy: This is great idea. What is proposed should have been done decades ago. If it had been, we would not have a housing crisis.

Deputy Darragh O'Brien: It remains an idea.

Deputy Eoghan Murphy: The LDA will exist for 15, 20 or 25 years and will provide hundreds of thousands of new homes. We did not waste time getting it established. I established it under the Local Government Services (Corporate Bodies) Act 1971 and made €20 million available to it. An interim board and chairperson have been appointed, we have just finished the competition for a CEO and we are hiring staff. As I noted earlier, given that public land is involved, is the transfer of land to the legal entity necessary? The agency is already examining sites and will soon submit planning applications. It has not needed to own the sites to do that. The Central Mental Hospital in Dundrum, for example, is in the process of being decanted but we will not wait for the site to be fully decanted before we examine what we want to do. We are already there looking at it. Once the site has been decanted by the Department of Health, we can move straight into construction. That is how the LDA is approaching the matter. This does not mean that the legislation is not a priority; of course it is. We want to get the full capitalisation into the LDA, provide as many of the powers in respect of compulsory purchase orders and so on, and address issues with lobbying, transparency and accountability to the Oireachtas.

All such steps need to be taken, which is why the legislation is important and it is a priority to publish it this term. I want to get it enacted in the first half of next year and the €1.25 billion funding in licence.

As for the site at Balbriggan, if the Deputy wishes to ask about individual sites, tabling a question for written reply might be more helpful. Based on the plan I have to hand and the information I have from the agency, the number of units it hopes to provide is between 800 and 1,000, in a phased way. It is moving efficiently in respect of the plan for the site.

Deputy Darragh O'Brien: I look forward to the introduction of the legislation. It is important that the House and the members of the Joint Committee on Housing, Planning and Local Government get to see the legislation in order that we might discover what powers the Minister intends to give to the agency and how it will operate. It is not appropriate that Deputies should read in newspapers the views of staff within the LDA on how they believe it will operate. If the agency is to be established properly under legislation, it will have to be done quickly. There are political cycles and different Governments may have different ideas about this very approach.

Is it the Minister's intention that the LDA will, under the legislation to be published, be subject to the Regulation of Lobbying Act? What is the current head count versus the optimal staffing level in the agency?

Deputy Eoin Ó Broin: If the active land management functions of the LDA are to work, it has to have strong compulsory purchase order powers. According to a story in the newspapers in July, there was a view in the Department, on foot of advice from the Attorney General, that state aid rules would be breached. As a result, although we have only the heads of the Bill, the final version will contain greatly weakened powers in the context of compulsory purchase. I accept that the Minister cannot answer questions about the legal advice of the Attorney General, but will he tell us whether he has a concern about a breach of state aid rules? Does he plan to weaken the compulsory purchase powers originally envisaged under the heads of the Bill in order to avoid any conflict with EU law?

Deputy Eoghan Murphy: Let us be clear: the Oireachtas will, through the legislation I bring forward that will, I hope, gain majority support in the House, decide how the LDA operates. Deputy Ó Broin referred to an important issue in the context of the compulsory purchase powers of the agency. For the initial eight sites, arrangements have been reached with other Departments or State agencies. It is being done because we are trying to manage actively the land in the most efficient way for the Departments and agencies in question. It has not required any stick; it has been a carrot approach. Nevertheless, when we undertake site assembly in some parts of the country with some private landowners, the threat of CPO powers will be important. We are resolving those issues through bringing forward legislation and can then agree on how we want to take it forward. We will have to be mindful of issues such as state aid but we are being mindful.

The LDA has been established with a full interim board and the names of those on the board have been published. Mr. John Moran, the chairman, has spoken at length about what he hopes the LDA can achieve while keeping to the vision we have as a Government. It is important that when we bring the legislation through, we address every matter that has to be addressed and that we do so in a timely fashion. Deputy Darragh O'Brien mentioned a future Government and the composition and ideas it may have. I do not want to leave the matter to a future Government. Given that the LDA is up and running and working, has sites and wants to lodge planning ap-

plications, it is important we get it set up on its own two feet as quickly as possible. That is my ambition, as Minister, between now and the election in May 2020.

Tenant Purchase Scheme Data

38. **Deputy Catherine Connolly** asked the Minister for Housing, Planning and Local Government the number of homes purchased in Galway city and county under the 2016 tenant incremental purchase scheme; the number and value of loans accessed by tenants under the scheme; when the review of the scheme will be published; and if he will make a statement on the matter. [37721/19]

58. **Deputy Darragh O'Brien** asked the Minister for Housing, Planning and Local Government when the review of the tenant purchase scheme will be published; and if he will make a statement on the matter. [37696/19]

Deputy Catherine Connolly: How many homes were purchased under the 2016 tenant purchase scheme? What were the number and value of the loans accessed by tenants under the scheme? Has the promised review of the scheme been completed and, if so, why has it not been published? When will it be published?

Deputy Damien English: I propose to take Questions Nos. 38 and 58 together.

The Housing (Sale of Local Authority Houses) Regulations 2015 set a commencement date of 1 January 2016 for the introduction of the tenant incremental purchase scheme of 2016. In Galway city, the number of homes sold under the current scheme in 2017 was eight, while a further nine homes were sold in 2018. The scheme in Galway city was not started until December 2016, having been slower to implement it, which is why there are no figures for that year. In the case of Galway county, the number of homes sold under the scheme in 2017 was 11, while nine homes were sold under the scheme in 2018. No homes were sold in Galway city or county under the scheme in 2016.

In respect of the loans accessed and their value, it should be noted the financing of a house sold under the tenant incremental purchase scheme is a separate matter to that of a tenant being deemed eligible under the scheme. If the tenant is deemed eligible, he or she may fund the purchase of a house from one, or a combination, of his or her own resources or a mortgage provided by a financial institution or a local authority home purchase loan. My Department does not hold information on local authority loans accessed specifically by the tenant purchase scheme. One can also use one's own funds to buy a house.

In line with the commitment given in the Government's Rebuilding Ireland - Action Plan for Housing and Homelessness, a review of the operation of the 12 months of the tenant purchase scheme has been completed and a full report has been prepared setting out our findings and recommendations.

It is intended that a comprehensive package of social housing reform measures will be brought to Government by the Minister in the near future and the relevant recommendations made in the review of the tenant purchase scheme will be progressed as part of that process. The publication of the review will also be addressed in that context.

Deputy Catherine Connolly: I thank the Minister of State for the figures. They are very

clear. In the context of the review, the Minister of State has given similar responses in the past. The review arose from the work of the Committee on Housing and Homelessness. One of its strong recommendations was that there be an urgent review of the tenant purchase scheme. Various comments were made by different contributors concerning the scheme, some positive and some negative. On 29 June 2016, the Minister of State responded to a Fianna Fáil Deputy to the effect that, in line with the commitment in the programme for Government, he planned to undertake a review of the scheme. That was fine and the Minister of State provided clarification. On 25 January 2018, he indicated that the review was almost complete and then, in July 2018, he stated that it had been completed. That was over a year ago. It was stated that the review was completed and that a full report had been prepared. Why is the report not available? When exactly was it completed?

Deputy Damien English: I thank the Deputy for outlining our work in the past few years. I clarify again that the tenant purchase scheme is open, working and successful. It is a favourable scheme and quite a few people have managed to avail of it in order to buy their homes in recent years. It is not as if the scheme is closed. We are talking about making changes to it and we debated different possible solutions, both inside and outside the House. The Department has gone through the review and has done much work on it over the past few months. We have been going through all of the recommendations, as well as the science behind the original decision made in 2016. As already stated, that will be brought forward by the Minister in the weeks and months ahead as part of a package of reforms on social protection. We will tease through all of the recommendations and suggestions for changes at the appropriate time. That is where matters stand.

Deputy Catherine Connolly: I asked about the review. It seems that somewhere between 25 January and 3 July 2018, the report was completed. When was it completed? Why is it not being published? The Minister of State stood up and told me that the scheme is working. I did not question whether it was still ongoing. I asked about figures and about the review. I ask the Minister of State to please tell me when was it completed and why it is not being published. There are issues regarding the scheme but I do not have time to go into them here. The Minister of State is telling me that the scheme is working. I do not know if it is working. The figures for 2017 and 2018 in Galway city are very low, and only slightly higher in the county. I cannot judge those figures without context. Perhaps many other people might have applied if there were different variables involved. My question is simple. Let us bring some type of integrity back into the English language. When will the review be published? If it is not being published, then the Minister of State should tell us why.

Deputy Damien English: The purpose of the review was to allow the Department to look into this scheme in order to see what changes might be made, if any. There have been discussions about that. Regarding when the review was finished, it is within our Department and it has been feeding into discussions over the last year. There has been much debate in that context and many issues now have to be checked. It may lead on to recommendations for changes, which will be brought forward in the months ahead by the Minister for a decision to be made. That is where matters stand. On when or if the review was completed, I will try to see if I can identify an exact date. It has, however, been discussed in the appropriate division of our Department in the past year or two because it is an ongoing discussion document. We committed to reviewing this scheme and possible changes. Many people have told us that they like the scheme as it stands, while others have indicated that they would like changes. Many local authority members have suggested changes. That will all be brought to a head now when the

Minister brings forward recommendations in the weeks and months ahead.

Deputy Darragh O'Brien: I wish to support Deputy Connolly on this issue. We have learned that the review is an ongoing discussion document within the Department. From time to time, the Minister of State and his ministerial colleagues can kick around possible recommendations but not let any of us know what is in the review. There are different views on the current scheme. I agree with Deputy Connolly. The anecdotal evidence I have from Dublin is that the tenant purchase scheme has pretty much ground to a halt. There are different views, particularly as we are trying to build up our housing stock, of what a future tenant purchase scheme should look like. Some people argue that such a scheme should not be in place, while others argue that it should. That is a matter about which we can have a discussion. I do not see why we should actually bundle this issue into the new social housing package that the Minister is apparently bringing forward. If the report exists, and it has since July 2018, why not bring it into the House for discussion? I mean that in a very constructive way because I have views on it, as do colleagues. Why wait until the end of the year and then bundle it in with everything else? This is an important issue.

Deputy Damien English: I want to be very clear. We have discussed this matter on many occasions in this House, at the committee and elsewhere.

Deputy Darragh O'Brien: We have not discussed the review.

Deputy Damien English: The review relates to the first 12 months of the 2016 scheme. Tenant purchase schemes have been in operation since the 1970s. The commitment was to review the first 12 months. Many issues have been raised and we will bring forward the suggested changes and recommendations as part of an overall package. It is not to be addressed on its own and many issues have fed into the scheme and the review. I reiterate that the scheme is open. Yesterday, I met a family that are currently involved in purchasing their house. The scheme is open, successful and very favourable, for most people. I ask the Deputies to bear that in mind as we continue the debate.

Deputy Darragh O'Brien: After all of those questions and all of the back and forth, we are no further down the road. I ask the Minister of State to publish the review in order that we might see it. I know we discuss the issue of tenant purchase but the Minister of State has just engaged in a bit of linguistic gymnastics. I am trying to understand what exactly he is saying. If the review is ready, then please publish it and let us discuss it. I know we discuss the topic of tenant purchase but we have not discussed and nor have we seen the review. It could be helpful just to let the committee be involved. Members, such as Deputy Connolly and others, who are interested could then come to the committee and offer their tuppence ha'penny on the review. That is all we are asking. We should not need to be rowing about this. It should be simple.

An Leas-Cheann Comhairle: I call the Minister of State for a brief response.

Deputy Damien English: I did not sense that there was any row. I just want to clarify that the scheme is open, working very well and it is a-----

Deputy Darragh O'Brien: I know the scheme is open but I am talking about the review.

Deputy Damien English: -----very generous and favourable scheme. People have been delighted to use it. Many people have told us not to change the scheme, while others have indicated that we should change it. That is where the debate will go in the weeks ahead. If we want

to look at properly reviewing tenant purchase schemes, however, there also has to be an examination of succession rents, succession rights, etc. There is much more to this issue and that will mean that a proper and full discussion regarding the social housing reform package. The Minister has explained that he will bring that forward in the weeks ahead. We will be debating that here, and certainly the housing committee will be discussing it. A great deal of information has to feed into that discussion because that is what is needed.

Local Authority Housing Maintenance

39. **Deputy Maureen O’Sullivan** asked the Minister for Housing, Planning and Local Government the way in which it is planned to address the turnaround times for maintenance sections in the context of refurbishing local authority units for allocation to new tenants; his views on the fact that these times can often be excessive and that this can have an effect on tenants and general length of local authority housing waiting lists; and if he will make a statement on the matter. [37492/19]

Deputy Maureen O’Sullivan: This question relates to local authorities and the turnaround time of their maintenance sections before flats and houses can be allocated to new tenants, and the effect of this on the tenants and waiting lists.

Deputy Damien English: The management and maintenance of local authority housing stock, including pre-letting repairs to vacant properties, is a matter for each individual local authority under the Housing Act 1966. Local authorities return vacant properties to use through their own resources, but my Department also continues to provide Exchequer support, under the voids programme, for properties that require significant investment prior to re-letting. In 2018, more than €26 million was provided to local authorities for this purpose.

I recognise that whether a local authority is availing of the voids programme support or is reletting properties through its own resources, there can be challenges depending on the condition of the vacant property and some such properties require very extensive and costly works before they can be safely retenanted. It is better in the long term if these extensive works are completed while the property is vacant. This means that when the property is relet, a new family moves into a high-quality, energy-efficient home.

Unquestionably, local authorities need to complete these upgrades and relet the properties as swiftly as possible. It is important also that this be done to the necessary standard, but without excessive cost. Local authorities need to have a common approach to this work, based on established best practice, which is why I welcome the work that the City and County Management Association, CCMA, is undertaking to identify and implement best practice in respect of housing stock maintenance and repairs across all local authorities. I also believe that councillors can take a strong role in this area, by overseeing the performance of their local authorities in achieving timely relettings and pressing for improvements in this regard, where needed.

Deputy Maureen O’Sullivan: I thank the Minister of State. I acknowledge that there has been movement. The reality is, however, that local authority housing lists are lengthy, exhausting and deeply frustrating. There are people who have been on those lists for a long time. The waiting times on the list, measured in years, are now moving into double figures. We need accurate statistics on the length of time for which flats and houses undergo maintenance. There is a discrepancy between the figures of the local authority, in my case Dublin City Council,

and those of the National Oversight and Audit Commission. The reality is that the turnaround is slow. I accept what the Minister of State says about certain works that have to be done, but properties undergo maintenance for an inordinate length of time before they are reallocated. Are enough resources devoted to maintenance to ensure a speedy turnaround? Dublin City Council has one of the highest numbers of persons on its local authority housing list. I see a lack of urgency. I contrast that with the speed and ease with which student accommodation is going up in Dublin 1 and 7. We have discussed this before and I still cannot understand why this is seen as a solution. Students are only there for eight or nine months. That student accommodation, which consists of lovely buildings, is going up so quickly but it takes months before renovation of houses and flats begins to allow them to be given to people on the housing list.

Deputy Damien English: The issue of student accommodation is separate from this conversation. It is a very different issue. I am happy to discuss it with Deputy O'Sullivan because a lot of progress has been made on student accommodation. Some 6,000 new units have been built, 6,000 are currently being built and 7,000 are planned. Great progress has been made. It is probably unfair to students to generalise by saying this is not positive for a neighbourhood. A lot of work has been done with neighbourhoods and communities to ensure the new accommodation fits in. There are quite good reports on that. I accept that there were fears before the accommodation was built but those fears have been addressed. Again, student accommodation and the voids programme are separate issues. In essence, student accommodation is a form of accommodation which was needed and can be built quite quickly. That is why we have adapted the planing process to allow it to go through planning quickly. They are new builds on new sites, more often greenfield than brownfield sites.

The voids programme, planned maintenance and the timelines involved are different issues. Naturally, as a Department, we would like to have a standard timeline throughout the country and we want to achieve standards regarding the works completed on empty houses. Local authorities take different approaches. We have been working with the local authorities association to implement a standardised approach. There has been considerable engagement with the Department on this over recent months and much progress has been made. Timelines will be outlined, as will guidelines on the level of work to be carried out on houses.

We also want to move towards planned maintenance. At the moment, maintenance takes place in an unplanned and responsive way in most cases. When a house becomes vacant a local authority can go in and do all the work. Very often, this is an expensive job and it takes time. We want to address that. We need a planned maintenance regime and we signalled that in 2018. That is what we are working towards. That will help us with a faster turnaround. More than 1,700 voids were brought back into the system last year. A large amount of money has been spent on this area in the past three or four years.

Deputy Maureen O'Sullivan: I will start by acknowledging the movement that has taken place. However, I must note a couple of other facts. There are issues around the general maintenance of local authority housing. That is also extremely slow. I know of one flats complex with three flats that have been lying vacant not just for weeks but for months. There does not seem to be any movement on those. I know they have to be refurbished to a certain standard. However I have been in state-of-the-art flats and houses whose tenants have left for various reasons where everything is ripped out again. Some common sense is needed.

There are increasing difficulties for housing assistance payment, HAP, tenants trying to stay in the properties they are renting. It goes back to what Deputy Boyd Barrett was talking about,

namely, that vulture funds come in and take over these buildings and there is absolutely no doubt that they want to get rid of HAP tenants.

I return to the issue of student accommodation. I know it is not part of this question. According to one statistic I saw recently, 79% of the student accommodation is for international students. I would not deny these students a place to stay, but this is not helping the housing situation. I note the ease, quickness and urgency with which student accommodation was built. We do not see the same urgency when it comes to refurbishing local authority housing and making progress on the housing waiting list.

Deputy Damien English: Again, Deputy O'Sullivan has addressed many issues in one question. People often mention cases concerning HAP properties. There are more than 40,000 HAP tenancies. We have not received 40,000 complaints. The majority of these tenancies work well and the tenants are happy. They want something permanent in the long run and that is fine. Some do and some do not. HAP tenancies are often portrayed here as a major problem. There are some cases of HAP tenancies that are not satisfactory. We all accept that. However the majority of cases are positive. If there are a couple individual problematic cases, I will be happy to look at them.

The Deputy mentioned three void properties. I do not know where or what they are but she can always bring details of cases to me and we will be happy to look at them. We regularly engage with local authorities on this issue. We want properties to be turned around much more quickly, in line with turnaround times in the private sector. Many local authorities achieve that and have very good timelines, while others perform poorly. We have worked with the local authorities on that. Again, we want a planned maintenance approach. Local authorities are meant to fund this from their own resources and rents. Some will say they do not get enough from their rental schemes. That matter is also being examined. In the past couple of years, our voids programme has brought nearly 10,000 properties which had been left empty by previous administrations back into the system. They are now back in use. That is money well spent. We want to see it spent more quickly and that is also something we are working on.

Question No. 40 replied to with Written Answers.

Wastewater Treatment

41. **Deputy Aengus Ó Snodaigh** asked the Minister for Housing, Planning and Local Government the steps he will take to ensure that the recurring closure of Dublin beaches due to sewage leaking into Dublin Bay from the sewage treatment plant at Poolbeg is addressed. [28302/19]

63. **Deputy Eoin Ó Broin** asked the Minister for Housing, Planning and Local Government his views on the Environmental Protection Agency, EPA, assessment concluding that the Ringsend water treatment plant is not big enough to properly treat all the wastewater that it receives; the conversations he has had with Irish Water on the recent discharges of large volumes of untreated sewage into Dublin Bay; the steps which will be taken to ensure that the State is not in further breach of the urban wastewater treatment directive due to these ongoing breaches; and if he will make a statement on the matter. [37633/19]

75. **Deputy Thomas P. Broughan** asked the Minister for Housing, Planning and Local

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Government the steps he is taking to protect the United Nations Educational, Scientific and Cultural Organization, UNESCO, designated ecosystem of Dublin Bay, Baldoyle Bay and the wider Dublin coastline following continuous overflows from the Ringsend wastewater treatment plant; and if he will make a statement on the matter. [35807/19]

Deputy Eoghan Murphy: I propose to take Questions Nos. 41, 63 and 75 together.

This summer, Dublin has experienced above average rainfall and some periods of exceptionally heavy and sustained rainfall. As a result, there were sewage overflow issues at Ringsend and at West Pier pumping station in Dún Laoghaire-Rathdown. Specific and temporary bathing prohibition notices were issued as a precautionary measure for a number of Dublin beaches during the summer to protect people pending water test results. Overflows are designed to ensure that sewers do not back up and flood streets, businesses and homes, which would be a much more serious threat to public health.

There are other multifaceted sources of pollution that impact on bathing waters in Dublin Bay, many of which are outside Irish Water's remit, including sewer misconnections to surface water drains and streams, wildlife and dog fouling. In these cases, the Dublin local authorities are working together to diagnose the root causes and put programmes in place to solve these issues.

As these events happened, I was in contact with Irish Water through my officials. My Department maintains close contact with both Irish Water and Dublin City Council on the issue. A meeting is being convened in the coming weeks with Irish Water, the EPA, the HSE and the Dublin local authorities to discuss bathing water in Dublin Bay. I have signalled the need for clear communication and better early warning systems. The EPA has agreed to work with my Department and the other partners on examining ways of further enhancing the communication to bathers regarding potential water quality issues, including early warning systems in the event of weather alerts. The EPA recently reported an overall improvement in the quality of our bathing waters nationally. Some 94% of our bathing waters meet the required standard and almost 86% are classified as either "good" or "excellent".

It is well established that our wastewater networks and treatment plants require investment to bring them up to the required standards. Ringsend wastewater treatment plant was originally designed to treat wastewater equivalent to a population of 1.64 million and is now overloaded. Irish Water is undertaking a major upgrade of the plant at a cost of more than €400 million to ensure the wastewater is treated to the required standard and to improve the water quality in the lower Liffey estuary. This staged upgrade will increase the capacity of the plant to the equivalent of a population of 2 million to deliver compliance with EU law by the end of 2022. Planning permission was granted for the project in April of this year.

Following a judgment in March 2019 by the Court of Justice of the European Union on Ireland's non-compliance with the urban wastewater treatment directive, my Department, accompanied by Irish Water, met Commission officials and proposed a programme of measures to ensure this case is resolved. My Department will maintain close contact with the Commission while the case remains open.

Dublin Bay is a unique amenity for Dublin city residents and visitors. The investment in wastewater infrastructure which this Government is providing will help protect the bay and its biosphere designation for future generations. Under the national development plan a total of

€8.8 billion will be invested in public water services over the ten-year period to 2027. Investment in wastewater infrastructure has been prioritised in the Irish Water strategic funding plan for 2019-2024, with an estimated investment of €1.9 billion planned in wastewater projects over the period, including investment in the Ringsend plant.

The Dublin Bay UNESCO designated biosphere reserve comprises Dublin Bay, north Bull Island and adjacent land, including parts of Dublin city. It is managed in partnership by communities, non-governmental organisations and relevant public bodies at local and national levels. Dublin Bay is the only biosphere reserve worldwide which includes a national capital city within its area. This adds to its value and importance.

The Dublin Bay biosphere partnership's biodiversity conservation and research strategy 2016-2020 recognises the need for a research project to assess environmental pressures on the bay, including the contamination of rivers and bathing waters and the impact of climate change driven effects on water pollution. This project is now under way in the form of the INTERREG-funded Acclimatize research project at University College Dublin. My Department will consider the outputs from that study once it is completed.

Deputy Eoin Ó Broin: I thank the Minister. The problem is this. Irish Water's explanation of the discharge of raw sewage into Dublin Bay is that the wastewater treatment plant is functioning properly. That is, when one gets an adverse weather event and in order to cope with the additional water flow and the mixing of surface water and sewage, there is a natural discharge into the sea. The problem is that because we are having an increase in the number of adverse weather events these instances are becoming more prevalent. It is not just that they are inconvenient; they are causing huge damage to our local environment. It was only this summer that the Environmental Protection Agency, EPA, said the Ringsend plant had repeatedly breached its standards and that it was not in line with its wastewater discharge licence, and the EPA is urging the Government to do more. How long is it going to take before that plant stops discharging large volumes of raw sewage into Dublin Bay? What additional investment will be made to ensure that takes place as quickly as possible?

Deputy Thomas P. Broughan: It is astonishing, given this repeated and outrageous environmental vandalism of our UNESCO designated bay and all the associated waters, that the Minister and Irish Water would say that it is normal when one has storm water overflow then sewage will be pumped into Dublin Bay. Our great beaches of Dollymount and Sutton end up with an unbelievable smell and with contaminated waters. It is totally unacceptable. The Minister said it is a UNESCO designated bay, and it is the only one in a capital city on the whole planet, and yet he is not protecting it or taking the necessary steps. Everything seems to be future based. We have had discussions about the second sewage-wastewater plant. Irish Water appears to be determined to go ahead with placing that plant in the wrong location. It will exit into Baldoyle Bay, which is part of the Dublin Bay ecosystem. Nobody wants that plant located there. It should be based further north. I put it to the Minister that we need strong and urgent action so that there will not be a recurrence of this. It is disgraceful.

Deputy Eoghan Murphy: I thank the Deputies for their questions. The previous Fianna Fáil and Green Party Government did not invest in water and in wastewater treatment like it should have.

Deputy Thomas P. Broughan: I second that.

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Deputy Eoghan Murphy: Of course, this overflow is not normal but unfortunately the discharges have been necessary because if the discharges had not occurred into the sea they would have occurred into the streets and into people's businesses and homes. The health repercussions of that would have been far more significant than what we have seen.

There are other complex pollution issues happening in Dublin Bay currently. There are sources of algae that are not as a result of these discharges and that have led to distressing sights and smells for people. These have coincided with the timing of some of the discharges but they have been an ongoing problem in Dublin Bay for several years, before the recent events of this summer.

We have committed €400 million to this plant upgrade, which is incredibly important. Planning permission was achieved earlier this year, which means that they can now commence on site. I have visited the plant and it will be a very significant upgrade. It will not be completed until the end of 2022. I have had direct contact with Irish Water to tell it that early warning systems are to be put in place. When, for example, a yellow weather alert for rain is forecast a warning will go out to bathers that until we have had sufficient time to test the quality of the water they should not bathe in it. These are the types of things we can proactively do to protect citizens.

As I said in my initial reply, there will be a meeting in the coming weeks between the different stakeholders, such as the EPA, Irish Water, the local authorities and the HSE, to see what we can do in the interim before the actual plant works are completed. The other important project, on which the local authorities are leading, relates to sewage pipes that are not connected properly to the sewerage system.

Deputy Eoin Ó Broin: The Minister is correct that investment in wastewater treatment was very low under the Fianna Fáil Government, but it was the actually the Fine Gael-Labour Party Government that cut capital investment in wastewater treatment to historically low levels. That was the reason the European Commission initiated the infringement proceedings. That is why there was a case brought to the European Court of Justice, and why the Government still faces the possibility of very significant fines. The most recent word from the European Commission is that it is not satisfied with the progress to date. Having said all that, Ireland's own Environmental Protection Agency says that this plant is failing to meet the requirements of its wastewater discharge licence and is failing to meet Ireland's legal obligations. Irish Water has said that the upgrade should be complete by 2023. Is that the Minister's expectation? Is he saying that the residents of Dublin city and the users of Dublin Bay will have to wait for three full years before these discharges stop, or does he believe it can be done sooner? What is the Minister doing to assist Irish Water in that?

Deputy Thomas P. Broughan: It is correct. The Minister's Government cut capital investment to below the depreciation rate and we could not even maintain the systems we had at the Ringsend plant and at other facilities. Will the interim measures proposed by the Minister ensure that we do not have a repetition, week after week, of noxious pollution of our beautiful bay? The Minister represents the bay area on the south side, and I represent it on the north side. It is a jewel. It is important for the whole cultural life of the city. I am aware that currently the sewerage plant deals with the sewage from the whole of mid-Leinster, or half of Leinster. The other facility is needed but at this stage the Minister should be looking to Irish Water to forget about the plan to base a treatment plant in Clonshaugh in the suburbs north of the city. This would provide further emissions into the ecosystem at Portmarnock, which is totally intoler-

able. This plant has to be moved further north to cater for Swords and the rest of Fingal.

Deputy Eoghan Murphy: Yes, capital investment was cut to protect current expenditure investment. It was not Fine Gael's reckless policies that drove the economy off a cliff. We wanted to protect schools, hospitals, nurses, social welfare payments and so on. We cut the capital spending-----

Deputy Darragh O'Brien: What about the children's hospital or the broadband plan-----

Deputy Eoghan Murphy: -----but we are investing €8.8 billion into our water infrastructure between now and 2027. This is very important.

Deputy Darragh O'Brien: -----and the €300 million worth of tax cuts?

Deputy Eoghan Murphy: The biggest issue that I am dealing with at the Commission is the fact that water charges were taken off the table by politicians in this country, which means we are not dealing with the effective treatment and use of water that we should be, as happens in other EU countries.

Deputy Eoin Ó Broin: That is not true. It is the failure to comply with the Water Framework Directive.

An Ceann Comhairle: Can we let the Minister speak without interruptions, please?

Deputy Eoghan Murphy: I will be honest with the public. Planning was achieved this year for a major €400 million investment that will be made between now and the end of 2022. That is the timeline for the investment, but the meetings that will happen in the coming weeks will see what it is we can do to minimise, prevent or alleviate any future problems we may have when there is substantial rainfall and capacity difficulties, specifically at the Ringsend wastewater treatment plant. When those meetings are concluded I will be able to inform the public in Dublin as to the outcomes of them.

An Ceann Comhairle: We have time for one more question. I believe the next question, in the name of Deputy James Browne, will be asked by Deputy Darragh O'Brien.

Housing for People with Disabilities Provision

42. **Deputy James Browne** asked the Minister for Housing, Planning and Local Government the way in which he plans to address the issue of social housing for persons with mental health issues; his plans to provide additional housing; and if he will make a statement on the matter. [36517/19]

Deputy Darragh O'Brien: I ask this question on behalf of Deputy James Browne who cannot be in the Chamber. It is an issue I have raised also in committee. What plans has the Minister to address the issue of social housing for persons with mental health issues? What are his plans to provide additional housing and does his Department intend to track in each of the local authorities housing provision for those with disabilities, be they physical or mental disabilities?

Deputy Damien English: Housing needs for people with mental health difficulties are considered in the national housing strategy for people with a disability. The strategy sets out the Government's framework for housing delivery for people with disabilities and it was developed

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in conjunction with the Government's mental health policy, A Vision for Change.

Flowing from the strategy, local authorities have been mandated to set up housing and disability steering groups that are tasked with achieving a co-ordinated and integrated approach to meeting the housing needs of people with a disability, including mental health difficulties. The Housing Agency is also developing a manual to assist local authority staff to support people with mental health difficulties to access housing.

Over the last number of months, the Minister, Deputy Murphy, and I have visited a number of new social housing developments, recently in counties Meath, Kildare and Clare and in Tralee, which have made provision for those with special housing needs. Some very successful projects have been brought forward by those local authorities. The developments have been designed around the needs of people with mental health needs, sensory issues and acquired brain injuries.

Not all people with mental health difficulties require a specific type of housing but, in many cases, social care supports are required to assist with adjusting to independent living, which includes issues such as maintaining a tenancy. Together with the Department of Health, my Department currently co-funds a national tenancy sustainment programme to assist persons with mental health difficulties in the transition from HSE facilities into mainstream social housing to maintain their tenancies.

The national strategy for people with a disability will be reviewed in 2020 and housing for people with mental health difficulties will again form part of the considerations in that review. I hope this is useful to the Deputies.

Gnó na Dála - Business of Dáil

An Ceann Comhairle: At the start of Oral Questions, some questions were raised about the grouping of questions. There was a suggestion that I or my office had some role in the grouping of questions. I want to make it abundantly clear that questions are grouped by Government Departments or by the Taoiseach if he is the person taking the questions. This matter is addressed in Standing Order 41 and salient ruling No. 666. The proposal to do the business in this way is made by the Minister or the Taoiseach to the House, with which the House can disagree if it chooses. Let us be clear about these matters in future.

12 o'clock

Deputy Darragh O'Brien: A Cheann Comhairle, I did correct the record of the House and noted that it was the Minister's responsibility.

An Ceann Comhairle: I am keeping a careful eye on Deputies.

Deputy Eoghan Murphy: I see the Standing Order, a Cheann Comhairle. You are correct.

Deputy Eugene Murphy: I also wish to put on record that I was correct in my statement to the House as well.

An Ceann Comhairle: Brownie points all around.

Deputy Darragh O'Brien: I blame the Minister, Deputy Eoghan Murphy. It usually is his fault.

Deputy Eoghan Murphy: It was like that when I got here.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Micheál Martin: Last night, the daily struggle of Gillian Bolger and Darren Milne to look after their eight year old twins, Kyle and Ryan, who both have autism and other health issues, was harrowingly revealed. The story showed where the Government, through its agencies, has clearly failed these children and parents, and many more parents, due to the shortage of school places and the inadequacy of timely and regular access to therapies such as occupational therapy, speech and language therapy and physiotherapy. I ask the Taoiseach to look at that ten-minute segment at the end of "Prime Time". Gillian summed up the feelings of many parents of children with special needs. She asked a question which is asked of many of us. Why are these children not prioritised when it comes to getting into school? Every other kid goes back to school in September. Why is there always a problem for quite a number of children with special needs in getting school places in September? They said they had to fight every day, tooth and nail, to secure services for their children. The father, Darren, who works with Bus Éireann, had to cut down his week as the children with their health needs had to come out of school. Because they came out of school, they could not get home tuition. They had to fight for 12 months to get back home tuition. The father could only work two days a week. The couple's income went down, their mortgage went into arrears and they are now facing repossession. Their plight sums up the struggle and fighting that so many parents have to go through to get services for children with special needs. Many parents annually face these challenges in securing school places.

Before the recess, I met the special education council to discuss about six or seven cases, not within my own constituency. One child was 12 months outside secondary school and the mother of that child said exactly what Gillian Bolger said last night. She also told me her other son had no difficulty in getting a placement in his second level school while her child with special needs had to be out of school for 12 months. That is a fundamental failure on the part of the Government and the Minister for Education and Skills to provide for children with special needs as they should be provided for. It is a denial of their constitutional right. In my view, there is a terrible inertia within the Government towards this issue, which has been ongoing for some time. Last year, the Opposition forced through an amendment to the Education (Admission to Schools) Act 2018 to give the power to the Minister to instruct schools to provide for children with special needs, to have specific autism classes. That is what was done in the 1990s in terms of primary education, when education was transformed in terms of access for children with special needs. There is no plan for second level. There is terrible inertia and a terrible lack of getting in there and getting it sorted. I ask the Taoiseach the question Gillian Bolger asked last night. Why are the children with special needs not prioritised above and beyond everybody else? They are being left behind and the parents are fighting too hard every day.

The Taoiseach: I thank the Deputy for his question. The matter of special needs is very important and I know that, as a former Minister for Education, the Deputy has had a real and genuine interest in that area down the years. All of us in this House are very aware of the struggles that many parents face in trying to ensure that their children receive the special education

they need. While I do not want to comment on any individual case or family, the Minister for Education and Skills has committed to examining the particular case of Kyle and Ryan to see if there is anything more that can be done more quickly for them and their family.

When it comes to special education, there are essentially three options: a place in a special class in a mainstream school; a place in a special school; or home tuition. Sometimes those options do not work out and different options have to be tried but those three options are available. As I think people will want to acknowledge in the interests of fairness and accuracy, the truth is that in the round, children with special educational needs are being prioritised. There has been a huge investment in special education in recent years. The budget for special education is nearly €2 billion, with €1 in every €5 that we spend on education now spent assisting children with special educational needs. That is as much as we invest in higher education. It is a big change from five or ten years ago and shows how much we are prioritising special needs and special education. There are 10,000 children now in special classes, three times as many as there were in 2011. There has been a real ramping up and improvement in the provision of special places and special classes. There are now 15,000 special needs assistants, SNAs, in our schools. There are as many SNAs in the country as there are gardaí, even though the number of gardaí is going up as well. That is a dramatic improvement on where we were eight years ago. There are 13,000 special teachers. This is an area that is being invested in and prioritised. We are in a much better place than we were eight years ago. However, there are plenty of individual cases and plenty of families who are not getting the support they need and deserve. We will continue to work on those cases as best we can.

Deputy Micheál Martin: We can quote the global figures. However, the number of children with special needs is growing. We had an increase in the number of schoolgoing children generally across the board, which does result in increased provision of teachers and SNAs to meet that demographic increase. Last year, about 850 children were availing of home tuition, which reveals an absence of school places for them. In Youghal, for example, there is no second level unit for autism in the school catchment area. I assume other Deputies would have other cases within their own areas. There is no plan for second level. In my own constituency over the last six years, about two schools have been providing for second level pupils with autism. A teacher in Cork brought all the Deputies together and asked us to sponsor an amendment to give power to the Minister to engage with schools to provide for children with special needs. Too many schools have no unit for children with autism. There is no proactivity from the Minister or the Department of Education and Skills. They are standing back, detached. There is a policy of containment. There is a fundamental lack of advocacy for the children within the education service. These children deserve a place in second level without the terrible struggle, daily battles and fighting that was revealed again last night in the “Prime Time” piece on Gillian and Darren. We thank them for having the courage to tell us their struggle because it shines a light on the struggles of many other parents in similar situations. I ask the Taoiseach to do something about this once and for all.

The Taoiseach: I thank the Deputy. That change to the law - the new section 37A of the Education Act - gave the Minister, for the first time, the power to instruct schools to take new special classes. That power was used this summer for the first time.

Deputy Micheál Martin: That is all.

The Taoiseach: It was used in my own constituency to require schools to take on-----

Deputy Thomas Byrne: It was way too late in the year.

The Taoiseach: -----and open additional special classes and that has caused some difficulty and consternation among school principals and also boards of management.

Deputy Thomas Byrne: That is because the Minister did it during the summer holidays.

The Taoiseach: Yes, some of them were on holidays when they were asked to take on a special class, but I am glad the Minister has invoked that power to require schools to open new special classes and used it. We will work with the principals and boards of management to allay their concerns about taking on additional special classes.

Where I differ with the Deputy is that I do not think global figures should be dismissed so sanguinely. Figures are facts and behind those numbers there are real children. There are now 10,000 children in this country in a special class. That is three times the number eight short years ago. There are 15,000 special needs assistants, as many as we have gardaí, and 13,000 special educational needs teachers. That is a dramatic improvement, a trebling of services for people with special educational needs on eight years ago. There is an increase in demand but it has not trebled.

Deputy Thomas Byrne: Why are there more being taught at home?

Deputy John Brady: The Data Protection Commissioner's 172 page report into the public services card provides us with much more than just the findings of her lengthy investigation, which has been ongoing since 2017. It tells us of the flawed arguments put forward by the Department of Employment Affairs and Social Protection that in some instances are totally nonsensical. It also gives us a very clear insight into the Department's attitude to the Data Protection Commissioner, one that can only be described as embarrassing and childish. I am embarrassed when I think of the 470 scanned pages, without numbers, and sent illogically by the Department to the commissioner as its response to her initial draft report, like a child throwing a tantrum. That is unprofessional and unbecoming a Department of the State. We see a total lack of regard for taxpayers' money, which we have seen time and again from the Government. The Department threatened the Data Protection Commissioner in October 2018 when it did not get its way when seeking more time to respond to the draft report, even though the commissioner had already extended the deadline for reply. The Department's response was totally unwarranted and unreasonable.

The Data Protection Commissioner referred in her report to the Minister's insistence in arguing that there is no evidence of dissatisfaction with the public services card. Has the Minister forgotten the uproar when an elderly lady lost her pension payment for not having a card, or the delays experienced by people forced to get a public services card in order to allow them to apply for a passport or driver's licence? Likewise, has she forgotten the people who were adopted who were denied a card unless they had an adoption certificate, or any of the numerous complaints received about the public services card by her Department, the Department of Public Expenditure and Reform and the Department of Foreign Affairs and Trade? That hardly screams of satisfaction.

The holding indefinitely of personal documentation belonging to those who apply for the public services card by the Department cannot be explained. The Department's response is that the process of satisfying the Minister as to identity is not necessarily complete once the card issues, yet the legislation clearly states that a public services card will not be issued unless a

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Minister is satisfied as to the identity of the person. Which is it?

The Taoiseach said yesterday that his view on the Data Protection Commissioner's findings is supported by outside legal counsel.

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

Deputy John Brady: That advice should be published by the Government in the public interest. Will the Taoiseach publish it? Is he concerned by the clarification given by the Department to the commissioner-----

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

Deputy John Brady: -----that not everyone who was issued with a public services card went through the SAFE 2 process. Some did and some did not. How was the differentiation made and how does that combat fraud?

The Taoiseach: Like the majority of people in this House, I am a big supporter of the public services card. I think it has worked extremely well. More than 3 million people in this country now have a public services card, including me, and when people were asked what they think about the public services card they have, more than 80% of people were satisfied with it and prefer it to what they had before, namely, a number of different books and passes such as pension books, children's allowance books, free travel passes and the social welfare services card. The public services card has replaced all of those and given people one simple card which enables them to access public services. That is what the public services card is; it does exactly what it says on the tin. It is what it was intended to be in 1998 and in 2005 when it was introduced in legislation. It is there to assist people to access public services and to make public services more efficient to deliver. It is not primarily about fraud, but it also has benefits in terms of deterrence and reducing fraud. Its primary purpose is to make it easier for people to access the public services and benefits they are entitled to and it also makes it more efficient for Departments and agencies to provide those public services.

The reason most people support and like the public services card is that instead of having to go through the rigmarole of going to the chemist, getting passport photos, signing them on the back, going to the Garda station, getting forms signed, filling them in, finding a utility bill and having to do that every year or every couple of years when they engage with a new Government service, they only have to do that once. That is the big advantage with the public services card and that is the reason it has worked very well.

In the pension case Deputy Brady mentioned, it is worth putting on the record of the House that the Data Protection Commissioner found in favour of the Department, but it was dealt with sympathetically in any case by the Minister accepting that there was a conscientious objection.

It is not our practice to publish legal advice either from the Attorney General or from outside counsel. We will not do that but if this case goes to the Circuit Court or the High Court thereafter, the legal advice will be made public at that point, which is the normal procedure when it comes to litigation.

Deputy John Brady: What we just had was a rehashing of all the Taoiseach's arguments on the perceived benefits of the public services card. The Data Protection Commissioner accepts those points, but she says the process is totally illegal. The collection and retention of individu-

als' data are completely illegal. I again urge the Taoiseach to issue the third-party legal advice. I accept it is the practice that advice from the Attorney General is not made public but there is a strong argument for the third-party advice to be issued.

Some 3.2 million people had no choice but to get the public services card because it was mandatory but not compulsory. Reading between the lines, the Government is not going to implement the findings of the Data Protection Commissioner and will continue to illegally implement the use of the public services card and essentially put it up to the Data Protection Commissioner to initiate enforcement proceedings so that the case ends up in the court. That is an unfortunate continuation of the waste of public funds.

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

Deputy John Brady: In terms of the continuation of the roll-out of the public services card, from October it will be required for the national childcare scheme. There are also plans to require the public services card for school transport cases that are being appealed. Under the current system, no ID is needed-----

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

Deputy John Brady: -----for that process. Rather than selling the benefits of the card, which is illegal, the Taoiseach should fully implement the findings of the Data Protection Commissioner and desist from his continuous undermining of the commissioner and her good office.

The Taoiseach: As Deputy Brady is aware, the national childcare scheme is coming into effect later this year. It will provide increased subsidies for childcare for tens of thousands of families across the State and, for the first time, some 10,000 middle-income families will qualify for childcare subsidies. The vast majority of these families, about 80%, have the public services card already and will be able to apply for those subsidies and increased subsidies online. I think the vast majority of them will do that because they will see the convenience of just being able to take out the public services card, apply for those childcare subsidies online and get those subsidies without having to go through all the rigmarole of filling in forms, getting photographs, producing bank statements and all of that. However, for those who want it, that option will be available - there will be an option available for those who do not want to get a public services card. Mark my words, people will vote with their feet and their keyboards, and the majority of those parents will use the public services card to apply for that subsidy because it makes sense. Moving online and digitisation are the future of providing public services to people in this country but the alternative will be there.

In regard to the Data Protection Commissioner's report, we have yet to receive an enforcement order from the Data Protection Commissioner. When that arrives, obviously, the Department will study it and if this case goes to litigation, then, at that point in time, of course, any legal advice will be made available. The Minister has offered to meet the Data Protection Commissioner to discuss her concerns and findings but, unfortunately, the Data Protection Commissioner has declined that request.

The one thing I would say is that this is a democracy. The right of appeal is part of a democracy; it is in our Constitution. It is not unusual for the Government to appeal a decision. Dublin City Council made a ruling against the injecting centre on Merchants Quay and the Government has appealed that to An Bord Pleanála. The European Commission, on occasion, makes decisions that we do not agree with and we appeal them to the European Court of Justice. I think

we would be undermining the Office of the Data Protection Commissioner if somehow we said her office was unique and that there was no right of appeal. That would be the wrong approach.

Deputy Alan Kelly: We all know Brexit is on the horizon. We do not know the scale of what we are facing yet but that is no reason we should take our eyes off domestic issues. Healthcare and health services is the biggest issue we are facing into as winter is coming. Already, 6,386 people have been on trolleys and it is just September, with 531 people on trolleys right now in overcrowded hospital corridors. As the Taoiseach knows, I represent Tipperary and two of the hospitals serving the county, South Tipperary General Hospital and the hospital for the mid-west, University Hospital Limerick, are often - or nearly always - the most overcrowded in the State despite the best efforts of all the staff and management.

The Government seems to be no closer to getting to grips with health spending either. The Minister, Deputy Harris, who is not present, has also been deliberately avoiding scrutiny in recent months. He had the de Buitléir report last February but chose to release it over the summer in order, obviously, to bury it. Likewise, the HSE capital spending plan was buried by releasing it towards the end of the summer, nine months after the plan was in operation. Maybe the Government thought that these reports would go unnoticed. I believe it was cowardly behaviour by the Government, the Minister and the Department.

The Government claim that the HSE capital plan is not affected by the cost of the national children's hospital is incredible - it is all just profiling. The first test of this will be if projects are going to be delivered on time. I can tell the Taoiseach that, from speaking to numerous HSE officials, they are actually laughing at this plan. There is no hope of the commitments and the milestones being met. Second, there are glaring omissions in this plan. There is little mention of the very good national maternity strategy, which we collectively all support.

To refer back to the most overcrowded hospital, University Hospital Limerick, where is the 96-bed unit that was promised and that is absolutely necessary, as the Minister saw with his own eyes over the summer? This hospital suffers the worst overcrowding in the whole country. Figures from the Department of Health show that no other hospital spends as much on agency staff - €9 million in the first seven months. The staff there are so stressed and the staff in related hospitals in Nenagh, Ennis and St. John's likewise. There is a serious lack of staff. They are also clearly very upset across the country at the *de facto* recruitment ban that is in place for front-line staff, as well as other staff. We always hear from the HSE and the Minister that this is not a recruitment ban but it is, in effect, a recruitment ban. I can read out lists of people who cannot get jobs in the HSE and others who, despite actually being recruited, cannot commence because of this *de facto* recruitment ban. What does this say to the staff across the country and to all the patients who need their help?

I ask the Taoiseach the following questions. When will this *de facto* recruitment ban, which is affecting front-line staff and other critical staff across the HSE, in acute services in particular, be lifted and dealt with? Second, when will he commit to dealing with the outstanding and incredible issues that have been left in the mid-west, particularly at University Hospital Limerick, where there has not been a commitment in the capital plan to the much-needed 96-bed unit?

The Taoiseach: I thank the Deputy. To go back to his earlier comments, I do not think there is any Minister in the Government who is subject to more scrutiny than Deputy Harris, whether it is in the media, taking questions in this Chamber or appearing before the committee, so I do not accept that at all. I also do not agree with the Deputy's assertion that publishing a document

during the summer recess is somehow an attempt to bury it. A lot of us work during the summer recess, not just the Government but also members of the Opposition.

Deputy Micheál Martin: The Minister was not. The poor author was left in a lonely room.

The Taoiseach: When it came to the HSE capital plan, which runs for three years starting this year, I was there myself and so was the Minister, Deputy Donohoe. I guarantee the Deputy that when we try to hide something, we do not send the Taoiseach and the Minister for Finance alongside the Minister for Health.

Deputy Alan Kelly: It is nine months later.

The Taoiseach: It is not just for this year; it is for three years. What that HSE capital plan contains is the 250 projects that will go ahead over the next three years and it answers that bogus claim that the overrun on the children's hospital has somehow caused all other projects to be stopped or delayed. Yes, it does have an impact, it does require some projects to be re-profiled, but we have set out in black and white exactly what the 250 projects going ahead are.

It is important as well that people understand the impact it has. The national children's hospital this year will take up about 1.3% of the budget and 0.4% of public spending in total. Listening to the commentary around it, people would be forgiven for thinking that 10% or 20% of all taxpayers' money this year is being spent on a single project. That is not the case. Some 0.4% of Government spending this year is on that project and 1.27% of the HSE budget is going on that project, which leaves 98% for everything else, including the 250 projects that are in that plan.

The Deputy referenced in particular to the maternity strategy. That is in the plan. The tendering of Holles Street to move to St. Vincent's is there in the plan, and the funding required to begin work on the transfer of St. Munchin's to Dooradoyle in County Limerick, of the Coombe to the St. James's site and of the Rotunda to Connolly is provided for in the plan.

Deputy Alan Kelly: There were two reports. They were buried and everyone knows what happened. One was nine months late and the other has sat in a lonely room since February. The Department did not even have the class to change the date on the cover of the report.

In regard to the de Buitléir report, does the Government intend to implement the recommendations of the report to remove private medicine from public hospitals? Will it honour what Sláintecare said? I was part of the team that reported on that. Will the Taoiseach commit to that here and now? With regard to the capital plan, will the Taoiseach give a commitment to the people of the mid-west that the 96-bed unit that is required in the most overcrowded hospital in Ireland will be delivered? Otherwise, will he commit in the interim that there will be some change in the pathways in regard to how the emergency theatre operates in that area? We are in a crisis and we cannot continue. There will have to be different pathways in regard to Ennis, Nenagh and St. John's. Will the Taoiseach tell us today, on this date in September, considering we have had a nine-month delay with two reports, when the winter plan will be published for the forthcoming winter season?

The Taoiseach: The winter plan will be published before the winter.

As for wishing to bury a document, here are the facts: four Ministers, including the Taoiseach, the Minister for Finance and the Minister for Health, went out to Dún Laoghaire-----

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Deputy Darragh O'Brien: Are there any good ones?

The Taoiseach: -----and to the wonderful new national rehab hospital that is now almost completed and that will replace the Victorian facilities there.

Deputy Mattie McGrath: Is there any sign of the children's hospital?

The Taoiseach: I absolutely guarantee the Deputy that we were disappointed the visit did not get more coverage than it did.

(Interruptions).

The Taoiseach: I do not take half a day out with four Ministers when I want to bury something. I absolutely guarantee the Deputy that.

An Ceann Comhairle: May we have order for the Taoiseach?

The Taoiseach: We were disappointed it did not get more coverage. Why did it not get more coverage? Because it is good news. These are the 250 healthcare capital projects that are going ahead-----

Deputy Micheál Martin: Shocking.

The Taoiseach: -----over the course of the next three years.

Deputy Michael Ring: The Opposition does not like good news.

Deputy Micheál Martin: Sack the press officer.

The Taoiseach: To respond to Deputy Kelly's other questions, the Government accepts the de Buitléir report. It is Government policy to remove private practice from public hospitals but, having read the report, everyone will understand the difficulties and costs associated with its delivery. It will cost €600 million a year, or €6 billion over ten years, three times the cost of the children's hospital. It is already the case that private practice in public hospitals is going down. It is now down to about 15%. Having read the report, the Deputy will understand the complications in delivering this, how much it will cost and how many years it will take to do it.

Deputy Alan Kelly: I asked about the 96-bed unit.

The Taoiseach: Finally, Limerick has a new emergency department and the new Leben wing, both delivered by this Government and open and operating, and a new ward block under construction which will be opened and will operate certainly in the next six months. I will have to come back to the Deputy on the 96-bed block, but so much investment has gone into that hospital to date I know he will want to complement us on that.

Deputy Alan Kelly: The Taoiseach should visit it.

An Ceann Comhairle: May we have order for Deputy Boyd Barrett, please?

Deputy Richard Boyd Barrett: This morning I brought three different groups of tenants into the Public Gallery before addressing a question to the Minister for Housing, Planning and Local Government, Deputy Murphy. All three groups face evictions by ruthless vulture funds that have absolutely no concern for their welfare but seek to evict them in order to drive up the value of the property assets they have purchased. More than 100 individuals and families,

some in Inchicore, some in Dublin 6, the Minister's own constituency, and some in my constituency, Dún Laoghaire, face evictions at the hands of these vulture funds. All the funds are using loopholes in the residential tenancies legislation in order to justify or execute these attempted evictions, loopholes which we in the Opposition have repeatedly pointed out would be and are being used by vulture funds to evict people. The loopholes relate to substantial refurbishment of property and sale of property. The latest case concerns the Dún Laoghaire residents, who face the fourth separate effort by two different vulture funds to have them evicted in the past two years. This time they think it will succeed because they have found another loophole to get around the so-called Tyrrelstown amendment, which restricts mass evictions in cases of ten or more tenants. What do these vulture funds do? They evict eight of the 11 tenants and then, in nine months' time, they can evict the other three. There used to be 21 tenants in the properties affected, but slowly the vulture funds have whittled their numbers down through insecurity, fear and anxiety. The numbers go down as the vulture funds try to get them all out. Now 50 families on Richmond Street and Grove Park, in Dublin 6, face the same, as do residents of three blocks of apartments, Emmet Manor, Emmet Court and Emmet Lodge, in Inchicore.

I asked the Minister for Housing what he would do to stop these ruthless, inhuman vulture funds - that is what they are. Let us be clear about what is at stake. They are trying to do one thing and one thing only: make people homeless to drive up the value of the assets and make profit. They do not want to be landlords and they do not care about the tenants or the kids. They just want to drive up the value of the assets. What will the Government do about this? We have put before the Government Bills to amend the Constitution to enshrine the right to housing and we have seen the House pass the Solidarity-People Before Profit anti-evictions Bill, which the Government blocks, to prevent evictions in these kinds of cases, but still the Government does nothing. It is protecting these vultures and giving them tax breaks. Michael Noonan invited them in in 2013 with a whole series of meetings and they are ruthlessly exploiting the housing crisis and inflicting misery on hundreds of families. What will the Taoiseach do?

The Taoiseach: I think the Deputy may be conflating evictions with notices to quit. Of course, they are not the same thing-----

Deputy Richard Boyd Barrett: I said "attempted evictions".

The Taoiseach: -----and it is wrong to conflate the two. Eviction rates in Ireland are probably among the lowest in the western world. Leaving that aside, a crucial part of the Government's housing policy has been to enhance and strengthen the rights of tenants. We did so by introducing rent controls. Hundreds of thousands of people renting across the country who might have faced very high rent increases in recent years have had rent increases of between 0% and 4% instead. That has brought a lot of relief to people who are renting. There are also longer notice-to-quit periods such that if somebody is asked by the owner to leave a property, he or she is given much more time to find an alternative place to rent, and that has really helped people too. As for notices to quit linked to refurbishments, it is now a requirement that the landlord offers the refurbished house or apartment to the tenant after the refurbishment takes place, which I think will make a difference too.

The Residential Tenancies Board, RTB, has confirmed that a number of cases related to the specific matters the Deputy raised have now been referred to its independent dispute resolution process, and that is ongoing. The RTB replaces the courts in the majority of landlord-tenant disputes, and it is important that all parties be afforded due process and that their cases be heard in order to ensure that the dispute resolution system is legally robust. We strongly encourage any

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tenant to contact the RTB to access a dispute resolution service if an issue arises. As of 1 July of this year, the RTB has new powers of investigation and can sanction improper conduct by landlords, including any non-compliance with tenancy termination provisions.

Deputy Richard Boyd Barrett: Rent increases of 4% per year on top of already unaffordable rents are not doing much to control rents. They are completely out of control and beyond the vast majority of workers' ability to pay. The failure of all the measures the Taoiseach cited to address the threat of vulture funds trying to evict people is very evident in the case of St. Helen's Court, Dún Laoghaire, as I mentioned. Two different vulture funds - one flipped the property to the other - have attempted four times to try to evict the people living there. When they keep doing this it has an attrition effect and it is absolutely clear that the people behind these funds have no interest in having tenants. They have succeeded. In that block there are now ten empty units sitting there. The Government should instruct Dún Laoghaire-Rathdown County Council to use compulsory purchase powers to take over those units. Otherwise, the vulture funds will eventually drive the tenants out, as they have already driven out ten. More to the point, the Government should close the loopholes in the law that allow these vulture funds to do this continually, but the Government is not doing so. The vulture funds find new loopholes because the Government still allows sale or refurbishment as grounds for attempted eviction. Another way around this is that they refurbish the property but change its fundamental character such that they cannot offer it back to the tenant because it is a different type of property. That is what they are doing.

I ask in the first instance that the Taoiseach gets the Minister to intervene to ensure that the local authorities-----

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

Deputy Richard Boyd Barrett: -----secure those properties to prevent the eviction, change the loopholes in order that one cannot evict on the grounds of sale, close down the other loopholes and introduce a constitutional right to housing.

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

Deputy Richard Boyd Barrett: That is how we will address these vulture funds treating tenants in this way.

The Taoiseach: Regarding the rent caps, rent increases are set at a maximum of 4%. That has given hundreds of thousands of people already renting a house or an apartment a degree of certainty about their rent. However, it has a knock-on effect, in some cases a negative one, on people who need to move or people who are renting for the first time. That is the downside to rent controls. However, it gives people who are in existing tenancies, who are renting apartments and houses, a degree of certainty they never had before. The Deputy mentioned landlords attempting to evict tenants. I do not know the exact details of the case the Deputy mentioned. Since he stated that there was an attempt to evict, I assume it was unsuccessful. This would indicate that the law was on the side of the tenants and was successfully upheld.

Deputy Richard Boyd Barrett: Ten of them are gone.

The Taoiseach: The Deputy proposes preventing homeowners, property owners and landlords from selling the apartments or houses they own. We think that is too onerous. If a person owns an apartment or a house and it has been rented out for a period, he or she may need to sell

it. He or she may need to pay off debts or emigrate.

Deputy Richard Boyd Barrett: Sell the properties with the tenant.

The Taoiseach: We have extended the period of notice that has to be given to tenants. They have much more time than they had before to find alternative properties.

Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation

An Ceann Comhairle: Some 27 Deputies have indicated so far. I ask them to adhere to the time of one minute per question. I call Deputy Micheál Martin.

Deputy Micheál Martin: I acknowledge the presence of representatives from Irish Rural Link, with 90 people, mostly women, in Leinster House today, and the Next Chapter women's caucus, which is funded by the European Union PEACE IV programme. I look forward to engaging with some of them later.

It is a year and a half since the CervicalCheck scandal broke. Will the Taoiseach indicate the timeline and the progress expected during this session regarding the suite of promised legislation relating to open disclosure and to extend HIQA's remit to private hospitals in the context of patient safety?

The Taoiseach: That will be in the patient safety Bill, which is on what used to be called the A list, and will be published this session.

Deputy John Brady: Paul Graham, a survivor of the Bethany Home, has challenged the Government to explain why it has refused to pay redress to the home's former residents. The wrongs of Ireland's mother and baby homes are accepted by all in this House. Many of those who survived horrific treatment during their younger years are now elderly and in ill health. Sadly, in the case of the Bethany Home, they are increasingly few in number. In 2016, the Commission of Investigation into Mother and Baby Homes stated in its second interim report: "Logically, children who were resident in the named Mother and Baby Homes and all County Homes should be eligible [for the Residential Institutions Redress Scheme]". Another Bethany Home survivor, Derek Leinster, has described the Government's refusal to extend redress to the survivors until the commission concludes its final report as a "delay and deny until they die" policy.

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

Deputy John Brady: It is difficult to disagree with him. Understandably, the exclusion of Protestant-run homes-----

An Ceann Comhairle: Please adhere to the time, Deputy.

Deputy John Brady: -----from redress has left the survivors of the Bethany Home and the Westbank Home with a sectarian aftertaste. The blame for this lies squarely at the Government's door.

An Ceann Comhairle: Does the Deputy have a question?

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Deputy John Brady: Will the Taoiseach provide Paul Graham with the explanation he needs?

The Taoiseach: I thank Deputy Brady for raising this important matter, which I know is of concern to many people. No legislation on it is promised. However, we will have to assess the findings of the Commission of Investigation into Mother and Baby Homes when it produces its report. That will not be until the first quarter of next year. We will take the matter from there.

Deputy Alan Kelly: In January of last year, my party published the Harassment, Harmful Communications and Related Offences Bill 2017, which was debated in Private Members' time. The Bill was broadly welcomed and it contains some good initiatives. During the past 18 months or longer, we have known of many cases which have been exemplified in the media whereby harassment is continuing at a level that is quite frightening. This is having certain impacts on young people and very negative impacts on a range of others. It is giving rise to mental health issues. The Department of Justice and Equality committed to coming back quickly on this matter but it has not done so. It committed to coming forward with amendments. Will the Taoiseach indicate the position in this regard? We have been waiting for too long for these amendments to be tabled.

The Taoiseach: I spoke to Deputy Howlin about this matter yesterday. The Bill is on Committee Stage. We are keen to work with the Labour Party to get it enacted during this session. The Department is still working on amendments to it. I asked the Minister for Justice and Equality to prioritise their drafting with a view to having the legislation enacted by the end of the year.

Deputy Ruth Coppinger: The housing crisis has become so crazy, the laws on rent rises are so toothless and so much power has been left in the hands of landlords that we now have a situation where sex for rent is becoming a reality for many tenants. We do not have data in this country but the Shelter organisation in England reports that 250,000 women have been propositioned by landlords in this way. A young woman who was renting a property that was a bedsit in all but name in the Rathmines area was a victim of this. I would like the Taoiseach to listen to some of the messages she was sent. When she said she had to leave because the rent was too expensive, the landlord asked if she was coming to live with him in his house. She asked if he was being serious and he replied "Yes" and that he thought she was beautiful. He suggested that she could stay there for two months at half the money and that they could go for dinner and see what happens. When she rejected this, he said he would make her a better offer and that she could stay for free until Christmas if they could agree something. I have the text messages here and I think it is high time that we collated data of this sort. The Government has allowed a situation to develop where a young woman in a vulnerable position - thankfully she was able to move on - could be put under undue stress and pressure-----

An Ceann Comhairle: The Deputy's time is up. She might table a Topical Issue matter.

Deputy Ruth Coppinger: -----because landlords rule in this Dáil and the Government has done nothing to change that.

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I thank Deputy Coppinger for the question. On her initial point about protections for renters, earlier this year, we enacted the most substantial reform for protecting tenants that has been enacted since we brought in rent controls in the first place. Implementing those protections had

the support of a majority of this House because they are so important.

The specific case that the Deputy talked about sounds disgusting and a horrible thing for someone to have to go through. It is absolutely a criminal matter for the Garda. I hope it has been addressed in that way.

Deputy Ruth Coppinger: Under what law should it be addressed?

Deputy Eoghan Murphy: With regard to the Deputy's wider point and research carried out in the UK, I will talk to the Minister for Justice and Equality about what might be possible to address the situations in which women might find themselves. What happened is reprehensible.

Deputy Mattie McGrath: Yesterday, many of us attending a briefing in the audiovisual room, supported by, among others, the Rehab Group, the Irish Wheelchair Association and the Disability Federation of Ireland. These groups expressed their anger at the decision of the HSE to scrap the rehabilitation, training and employment allowance of €31.80 a week for students who go on to participate in training schemes. How much lower can the HSE go? This is clearly a case of the HSE trying to cover up for its ineptitude and for its finances being out of order by attacking this vulnerable sector. We all want those people to be supported and to go into further education. We have been getting harrowing stories over the summer since this broke. Can the Government please have some compassion and show empathy towards these people? It claims to support them but this is the meanest, leanest cut of all. It is unbecoming of the Government to do this to the group of people in question.

Deputy Carol Nolan: I ask the Minister to call on the HSE to suspend its plans to implement this cut. It is shameful in light of the fact that we ratified the UN Convention on the Rights of Persons with Disabilities only a few years ago, which should have happened long ago. It is disgraceful and targets the most vulnerable in society. I call on the Minister to show some compassion and decency to these people who want to further their career and go through our education system.

Deputy Eamon Scanlon: I raised this issue in the Dáil two or three months ago and, at that time, the Taoiseach was not aware of this cut. It is having a serious effect on the most vulnerable people and I ask the Taoiseach to reconsider it. I ask him to speak to the Minister for Health and ensure that this cut is not made. It is €31.80 per week for vulnerable people. It is a job for them and something to get up for. The allowance means that they get a few euro for themselves. What is currently proposed needs to be addressed and changed.

The Taoiseach: This is a matter for the Minister of State at the Department of Health, Deputy Finian McGrath, so I will ask him to correspond with the Deputies in a bit more detail. I checked up on it and I was advised that it would not apply to anyone who currently receives that payment but would only apply to new entrants. A difficulty arose in that some people were getting the grant and others were not, and there is an inequality in that. The decision was taken, instead, to use the money to provide better services for people with disabilities, and the money was diverted to services from cash payments.

Deputy Thomas P. Broughan: Before the recess, the Taoiseach met the Stardust relatives and victims committee and an indication was given that the Attorney General would come back with a decision on the report which they and their solicitor, Mr. Darragh Mackin, had compiled in relation to the call for a new inquest. The Minister of State indicated many dates in the past ten months for when a decision would be made and the latest seems to be this Friday. When can

we expect a decision from the Attorney General on the vital matter of the call for a new inquest into the Stardust disaster?

The Taoiseach: I thank the Deputy for raising this issue, which I know is of great interest to him, as it is to the Minister of State, Deputy Finian McGrath, and I was very affected by what the families had to say in the meeting. It had been intended that the Attorney General would be in a position to make a decision before the summer recess but that was not possible. The last time I checked with him, he was anticipating making a decision this month but I have not checked back with him for a week or two so I will double check with him again and get back to the Deputy.

An Ceann Comhairle: We will now move to the Deputies whose questions were carried forward from yesterday. The first is Deputy Eugene Murphy.

Deputy Eugene Murphy: Some weeks ago we had a crisis in my part of the country when 78 seasonal workers in Bord na Móna were laid off at the Mount Dillon works in Lanesboro. Many of those workers have been left throughout the summer without any social welfare payments. Some of them got their payments yesterday, after nine weeks. The Taoiseach can imagine any worker left without a week's wages and, knowing some of those families, I can assure him some of them had to go without this summer. Some had to borrow money for family members. This is a disgraceful situation. I do not expect the Taoiseach to have the knowledge about Mount Dillon today but I ask him to ensure that, in a crisis like this where temporary workers are laid off, they do not have to wait eight or ten weeks for social welfare payments. It is simply not right and is morally wrong. We should correct it in this House.

The Taoiseach: I agree with the Deputy that this should not happen. These are people who are paying their taxes and PRSI and should be entitled to jobseeker's benefit within a week or two, and to have it backdated. If the Deputy wants to pass some of the information around this case on to me, I will make sure the Minister, Deputy Regina Doherty, looks into it and advises him directly.

Deputy Eugene Murphy: I will do that.

Deputy Fiona O'Loughlin: There is a funding crisis in disability services at the moment. Younger people and older people with disabilities and their families and teachers are being very much let down. My colleague, Deputy Micheál Martin, raised the issue relating to problems in education and the Joint Committee on Education and Skills has shone a light on reduced timetables. In early intervention, the supports and resources that are needed are falling down and people are not getting them.

The issue I want to raise was highlighted to me on Monday by CARE and Muiríosa services in Kildare and relates to the residential spaces that are needed, as well as to respite care. One mother, a widow, told me her child needs a 2:1 ratio in the services they use. There also needs to be a special bus with a driver and companion but this lady is left without any respite outside the time her daughter is in the service. In another family, the dad is 90 and the mum in her mid- to late 80s. They have a daughter with an intellectual disability and with significant behavioural issues. These families and many more are living in fear but they feel huge guilt for telling me, or any Member, about the situation they are in as they feel they are letting down their son or daughter by talking about the situation. This is an absolute crisis and it needs to be dealt with. I would like to hear what the Taoiseach's proposals are.

The Taoiseach: I appreciate that this is an important issue and one that is close to the Deputy's heart, but the best way to raise it would be as a Topical Issue matter for the Minister of State with responsibility for disability services.

Deputy Fiona O'Loughlin: I have put it in but it has not been taken.

Deputy Niamh Smyth: In the local and national news this morning, we heard about the deplorable attacks on Mr. Kevin Lunney, the director of Quinn Industrial Holdings. This is the most recent in a spate of attacks on the staff working there. We have seen bombs planted in Wattle Bridge and Cavan and Monaghan are under severe pressure from this type of criminality. In light of the recent announcement by the Garda Commissioner, Mr. Drew Harris, on the realignment of Cavan, Monaghan and Louth, can the Taoiseach assure me that gardaí will have the proper resources to deal with this type of attack and to bring an end to it?

The Taoiseach: As the Deputy will be aware, the resourcing and organisation of the Garda are a matter for the Garda Commissioner. When he was appointed the Minister for Justice and Equality, Deputy Flanagan, and I gave him a commitment that we would support him in making the changes to the organisation of the Garda force he felt were necessary. We fully support him in the work he is doing. The plan he has is about making sure there are more resources on the front line, fewer chiefs but many more policemen and policewomen on the ground. There will be an extra 2,000 on the front line over the course of the next two years as a result of the reforms he is making, and because he is taking out management layers and duplication. I hope everyone in the House will support the reforms which he is driving through.

An Ceann Comhairle: Deputy Imelda Munster has had to leave. Deputy O'Keeffe is next.

Deputy Kevin O'Keeffe: In May 2019 the Minister for Transport, Tourism and Sport, Deputy Ross, the Minister of State at the Department of Transport, Tourism and Sport, Deputy Brendan Griffin, and the chairman of the Fine Gael party, Deputy Martin Heydon, announced an increase in funding to the National Transport Authority from €12.2 million in 2016 to €21 million, which was for the provision and continuation of LocalLink services. This was to ensure the continuation of existing services at least. The Minister said that "[p]eople in rural Ireland need to be able to get from A to B; to work, to socialise and to ensure that their communities thrive and prosper in every way." The Minister has failed in his promise. Mallow College of Further Education is very strong and I recently saw colleagues graduate from the college but its success, under the auspices of Mr. John Healy and Mr. Paul Murphy, has led to greater demand from applicants from north Cork and even Limerick. In the past year and a half, LocalLink provided a transport service from Mitchelstown and Fermoy to Mallow but this service has now been cancelled. I ask the Taoiseach to reinstate the service.

Minister of State at the Department of Transport, Tourism and Sport (Deputy Brendan Griffin): I can make inquiries about the specific route. We are committed to spreading the benefits of the LocalLink service to as many communities as possible. I piloted a community car initiative in Kerry, which has been hugely successful because we have carried almost 3,000 passengers since last February. It is volunteer led and is working very well.

We are keen to address the deficit of transport services in some rural communities. This should have been done over the past decades but it has not been done. Nevertheless, we are determined to do it now and that is why we have been pumping more money into LocalLink. We do not decide the route plans of the various LocalLink companies but I would be happy to

investigate the Deputy's case and get back to him.

Deputy John Curran: On page 67 of A Programme for Partnership Government, it states:

Accessible and informal mental health services can play a vital role in connecting with young people. We will extend these services, such as Jigsaw...

For some time, we have been aware that the Jigsaw service offered in Clondalkin has been part of a review for the south County Dublin area, but we have recently learned that it is to close from January 2020, with the services being relocated to Tallaght. The service that had been in Clondalkin will now be offered on an outreach basis, if a premises can be found, for one day a week. This is insufficient. I do not expect the Taoiseach to be able to sort this out here and now but I would like him to have a word with the Minister of State, Deputy Jim Daly, and to ask him to suspend this proposal until an adequate service can be provided. Can he also ask the Minister of State to meet local representatives?

This is a service that had been in operation in the area for many years but it is now to be removed. The area is one of high need. The local community is concerned that this is just one of a number of cuts. It feels abandoned in terms of other support services. Specifically, there has been no increase in core funding for drugs task forces. The Minister for Rural and Community Development, Deputy Michael Ring, has closed the RAPID programme. Could the Taoiseach liaise with the Minister of State at the Department of Health, Deputy Jim Daly, to suspend the decision until we negotiate to put in place a meaningful replacement programme?

Deputy Eoin Ó Broin: I wish to echo Deputy Curran's comments. The situation is now critical. Deputy Curran, Deputy Gino Kenny and I met the Minister of State, Deputy Jim Daly, some months ago on this. He guaranteed there would be no reduction in the service provided to the community of north Clondalkin. It is an area with very high levels of deprivation, social and economic inequality, self-harm and, unfortunately, suicide. We were promised by Jigsaw when Deputy Curran, Deputy Gino Kenny and I met that there would be widespread consultation before any decision would be made, and then we were told in writing that the service was closing and that outreach would be provided. There is no budget for this outreach, however, and there was no premises secured. The Jigsaw premises is due to close early next year. Like Deputy Curran, I urge the Minister to take closure off the table. All we ask for is consultation on the entire future of this project so all views may be considered before a final decision is made.

1 o'clock

The Taoiseach: I thank the Deputies for raising this important issue. As they will be aware, there has been a phenomenal increase in resources for mental health in recent years. The budget is now almost €1 billion, if not more. I do not know the circumstances of the particular Jigsaw service the Deputies mentioned. I am at a disadvantage as none of the four health Ministers managed to make it here today. I will be meeting the Minister of State, Deputy Jim Daly, on a different matter this evening and I will tell him what was raised today. I will revert to the Deputies after that.

Deputy Michael Healy-Rae: There could be a perceived conflict of interest on some of these matters. As I have done before, I remind the Taoiseach that his remit does not stop at the Red Cow roundabout. There was much about rural-proofing Government policy in the programme for Government. In the past, the Taoiseach came in here and attacked our beef industry. He has abandoned our health service. University Hospital Kerry, for example, is continu-

ally having its status as a university hospital attacked by stealth. The Taoiseach should know a lot about rural general practitioners and other doctors. Owing to Government policy, they are finding it impossible to carry on servicing rural communities. Our pubs and pub culture are on their knees. Our post offices are hanging only by a thread because the Department of Employment Affairs Social Protection is still continuing to encourage people to get paid through the banks. All the Government is doing about housing is attacking a core of people who are doing their best to provide accommodation to others.

An Ceann Comhairle: I thank the Deputy.

Deputy Michael Healy-Rae: I am only at 36 seconds.

An Ceann Comhairle: No.

Deputy Michael Healy-Rae: The help-to-buy scheme has to be extended. No assurance has been given on that. The sick and dying are finding it impossible to get a medical card. These are all things-----

An Ceann Comhairle: The Deputy has one minute to ask one question about one matter.

Deputy Michael Healy-Rae: Yes, I will do that, so. I will condense my remarks into my next point.

An Ceann Comhairle: The time is up.

Deputy Michael Healy-Rae: During the negotiations for the formation of the Government and in the programme for Government, much was made about rural-proofing Government policies. The Taoiseach has done nothing to rural-proof the policies because what the Government is doing is attacking rural Ireland. The Taoiseach and his Ministers are attacking-----

An Ceann Comhairle: Deputy Danny Healy-Rae wants to make a point on the same matter.

Deputy Michael Healy-Rae: I do not want to wrong anybody. When I look at one man on the Government side - I do not want to run everybody-----

(Interruptions).

Deputy Michael Healy-Rae: When we asked for the Minister for Rural and Community Development, Deputy Michael Ring, to do things, particularly in County Kerry-----

(Interruptions).

Deputy Michael Healy-Rae: I cannot look at the Minister of State and say he let us down. I will not do that, or I would not do that to him.

Deputy Brendan Griffin: I thank the Deputy. I appreciate that.

An Ceann Comhairle: The Deputy is over time.

Deputy Michael Healy-Rae: The Taoiseach will have to remember there is more to Ireland than Dublin. I ask him to remember that.

Deputy Brendan Griffin: I thank the Deputy.

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An Ceann Comhairle: The Taoiseach agrees.

Deputy Danny Healy-Rae: One of the things on which I insisted was that the local improvement scheme be included in the programme for Government. I appreciate that it was but, although there were 800 applications submitted before April 2018, funding has been received for only 26 to date. At that rate, it will take 30 to 33 years.

An Ceann Comhairle: The Deputy wants it hurried up.

Deputy Danny Healy-Rae: I want money for that scheme.

(Interruptions).

Deputy Danny Healy-Rae: There is just one other point.

An Ceann Comhairle: The Deputy may ask only one question.

Deputy Danny Healy-Rae: The people on the roads in question, who are paying their property tax, motor tax and every other kind of tax, are as entitled to a road to their door as the people in Dublin 4.

An Ceann Comhairle: The Deputy is not being fair to the other the Deputies who wish to contribute.

The Taoiseach: I thank the Deputies for their questions. All Government policies are both urban-proofed and rural-proofed because Ireland is both urban and rural. It is wrong to try to set different parts of the country against each other. What has the Government done? It has established a Department of Rural and Community Development, with a dedicated Minister for rural affairs, backed with a fund of €1 billion. A huge investment in rural Ireland is happening through that. We have restored the local improvement scheme and we intend, by the end of the year, to sign the national broadband contract, which will result in a €3 billion investment in rural Ireland, perhaps the greatest investment in rural Ireland since the investment in rural electrification.

Both Deputies were present for the negotiations on the formation of this Government, a Government that is now entering its fourth year, and they chose not to be part of it. They could have had influence but they chose not to have it.

Deputy John Brassil: Under the health section of the programme for Government, there is a commitment to provide quick access to innovative drugs. I wish to raise the issue of the drug Tagrisso, which is used for non-small cell lung cancer as a second line treatment. It has been in the system since 2016. It was not approved in March but positive approval was given in May. About 96% of patients in the European Union who are eligible for treatment are getting the drug. The only ones who are not are in Ireland. I understand it will become available in early 2020. The reason for raising this is that there are currently 11 patients in the system awaiting the approval of the drug. It is literally a life-saving drug. As the Taoiseach can appreciate, any drug that can successfully treat non-small cell lung cancer is of extreme importance. I ask the Taoiseach to liaise with the Minister for Health, Deputy Simon Harris, to get a drug that I understand is already approved funded for the remainder of 2019 and into 2020. The cost is between €200,000 and €250,000. When talking about saving the lives of 11 people, I cannot stress the importance of this enough.

The Taoiseach: I understand that, as of September, 29 new medicines have been approved for reimbursement by the HSE. I do not have information to hand on the medicine that the Deputy raised but I will say to the Minister that it was raised today in the Chamber. I will ask him to reply to the Deputy in writing.

Deputy Thomas Byrne: My colleague, Deputy Micheál Martin, raised last night the issue of the “Prime Time” programme on the twins in the Milne-Bolger family. The family’s horrific experience is shared right across the country. We have all heard such stories many times. The family spoke about home tuition and Deputy Martin spoke specifically about that case. Notwithstanding the fact that home tuition numbers have increased, which really means an increase in the number of children who cannot get a place in school, I understand there are considerable delays within the Department in dealing with applications for home tuition grants. Many children are idle at the moment because they do not have teachers. The teachers who provide home tuition are losing patience and are not willing to continue to provide the service if the Department continues with the delays. It is the ultimate insult to the children with special needs. Those who cannot find a place in school are suffering from further delays because the Department will not deal with the home tuition applications.

Minister for Education and Skills (Deputy Joe McHugh): The Taoiseach spoke very clearly on this issue in terms of investment and commitment. Legislation to compel schools to provide classes was introduced on 3 December last year and was enacted on 18 April. There has been considerable consultation with schools on this to ensure what is desired happens. I am not going to go down the road of using the big stick to tell schools what to do. The consultation is working. We will have a positive set of circumstances emerging in Dublin 15.

With regard to home tuition, if parents want to get their sons and daughters into schools, that is our focus. If we can improve the administration of applications, we will, but a concerted effort is being made to deal with this issue. The Deputy’s party leader used the word “inertia” today. There is no inertia on the part of the officials in the Department of Education and Skills. They are prioritising this. There is no inertia on the part of Government either; €1 out of every €5 is going into special education. We will continue to work on that.

Deputy Thomas Byrne: The Minister should tell that to the kids sitting at home.

Deputy Michael Collins: There have been protests outside our beef factories for as long as a month now. Men and women, the farmers of this country, have spent 24 hours of every day trying to get a simple message across, which is that they are working at a major loss which they cannot sustain. These people, whom I meet and speak to daily, are mystified as to why the Taoiseach and the leader of the main Opposition party have been silent throughout these protests. I ask the Taoiseach to personally intervene in this crisis and to fight for a proper base price for these farmers’ cattle. The protection of the factory owners and large retailers in this country must end. This can be done if the Taoiseach comes out and supports these struggling farmers today.

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Andrew Doyle): This issue was debated at length last night. There have been two rounds of negotiated talks and last weekend an agreement was reached between seven organisations and the meat industry. It needs to be allowed a chance to work. As I said here last night, we need everybody to take a step back from the brink, to take a leap of faith, and to try to develop a level of trust that would allow the mechanisms and component parts of this agreement to work. As

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the Deputy knows, it is not legally possible for the Taoiseach, the Minister, or anyone else here to discuss price, but we have approved the first producer organisation, and we hope to approve many more. These can discuss pricing in a calm environment. If farmers get together they will be in a position of strength to influence the direction of this industry. I ask everybody to accept what was decided and agreed over the weekend and to give it a chance to work. It is the best chance we have for the future of this industry.

An Ceann Comhairle: Six Deputies were not reached, beginning with Deputy Aylward. Those Deputies will be given priority tomorrow.

Gnó na Dála - Business of Dáil

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): It is proposed that, notwithstanding anything in Standing Orders, any division which would normally be taken at the weekly division time on Thursday, 19 September, shall be taken in the weekly division time on Thursday, 26 September.

There shall be no oral Taoiseach's questions under Standing Order 38(1)(a) taken next week. Consequently, on Tuesday, 24 September, oral questions to the Minister for Defence will be taken immediately following the Order of Business, and on Wednesday, 25 September, the suspension of sitting under Standing Order 25(1)(a) shall be taken immediately following Questions on Promised Legislation.

An Ceann Comhairle: Is that agreed? Agreed.

Ceisteanna (Atógáil) - Questions (Resumed)

Taoiseach's Meetings and Engagements

1. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his attendance at the special meeting of the European Council from 30 June to 2 July 2019. [29287/19]

2. **Deputy Brendan Howlin** asked the Taoiseach if he will report on the agreed candidates to hold the key EU posts following the European Council meeting held from 30 June to 2 July 2019; and if he has met or spoken to them since then. [29753/19]

The Taoiseach: I propose to take Questions Nos. 1 and 2 together.

I attended the meeting of the European Council in Brussels from Sunday, 30 June, until Tuesday, 2 July. President Tusk convened this extraordinary meeting of the European Council to secure agreement on high-level EU appointments. Our objective, which I believe was achieved, was to propose candidates who reflect the diversity of the EU, including its gender, geographical and political balance; and to ensure that suitable and qualified people are in these

posts.

We agreed that the current Belgian Prime Minister, Charles Michel, should be our next President of the European Council. Euro area leaders agreed also to appoint Charles Michel as President of the Euro Summit. He will take office on 1 December and remain in post until 31 May 2022.

We also decided to propose Ursula von der Leyen as candidate for President of the European Commission. I am glad that she was subsequently elected to this position by the European Parliament on 15 July. We agreed that Spanish Foreign Minister, Josep Borrell Fontelles, would be our High Representative for Foreign Policy, subject to the agreement of the President-elect of the Commission; and that Christine Lagarde, until recently the head of the IMF, was the best candidate to be the next President of the European Central Bank. In July, the European Parliament elected David-Maria Sassoli of Italy as its new President.

I met the new Danish Prime Minister, Mette Frederiksen, on the margins of the European Council. I took the opportunity to congratulate her on her election and I noted the excellent bilateral relations between Ireland and Denmark, including our strong co-operation as EU member states. I updated her on the state of play with regard to Brexit and the Prime Minister confirmed Denmark's ongoing solidarity. I spoke with President Anastasiades of Cyprus by phone on several occasions to update him on the discussions at the European Council and to seek his views, as he was unable to attend the meeting.

I spoke with Prime Minister Michel following the meeting and congratulated him on his election as the next President of the European Council. On 12 July, I spoke with Ursula von der Leyen to congratulate her on her nomination as candidate for President of the European Commission. I said that I looked forward to the opportunity to work together in the future and spoke to her about the composition of the new Commission and our strategic agenda with regard to the future of the European Union and Brexit.

Deputy Joan Burton: I am speaking on behalf of Deputy Howlin. I thank the Taoiseach. The future of the European Union depends in many ways on the quality of the incoming Commission. For all our sakes, we hope its members do well. Do the Taoiseach and his party, as members of the EPP, accept Dr. von der Leyen's decision to label the Commissioner in charge of migration issues as the vice-president for protecting our European way of life? We are all used to dog-whistle politics whereby words are used to set a certain tone. This has a history in different European countries. Dr. von der Leyen has nominated a Hungarian politician, Mr. Trócsányi, who has been specifically asked to carry out a number of obligations with regard to "Neighbourhood and Enlargement". In Hungary, this man, while minister for justice in Viktor Orbán's Fidesz Government, led attacks against civil society, the independence of the judiciary, and the media. He also made giving assistance to refugees a crime under what has been called the stop George Soros law.

It is important for us in Ireland to be aware of these developments. It is understandable that we are deeply concerned about Brexit at the moment but this use of language and these placements of portfolios are extremely strange. It unfortunately harks back to the language used in the 1930s, and we all know how that ended. As a member of the EPP, does the Taoiseach feel that the language used to describe the portfolios and the appointment of the Hungarian vice-president who has a history of attacking the judiciary are appropriate? Was there an opportunity to discuss this at the meeting of the Council?

Yesterday we discussed a number of questions relating to Oughterard. In fairness, the Taoiseach has made his own view clear on that matter. We discussed how part of the problem in Oughterard was caused by a lack of consultation with local people by the Department of Justice and Equality. I believe we made some progress in that discussion. What is the Taoiseach's understanding of Dr. von der Leyen's choice of title, vice-president for protecting our European way of life? In most of Europe it is seen as inherently anti-refugee and anti-migration.

Deputy John Brady: When defending the controversial Mercosur trade deal, Phil Hogan admitted that Ireland's beef market had been passed up to gain concessions in other areas. The produce of Irish farmers is to be, quite literally, the sacrificial lamb in the much-maligned trade agreement, championed by the former Fine Gael Minister. Astonishingly, Commissioner Hogan told us that the Mercosur deal would protect food and environmental standards. Not even the Government believes that. In a shocking display of naivete, the Commissioner seems to believe that, having identified the problem of deforestation in Brazil, the EU can set out an agenda under the Mercosur deal to "put them right".

Before and after he was elected, President Bolsonaro could not have been clearer about his views on climate change and Brazil's indigenous people. His comments about women are utterly shocking. His intention has always been to deregulate and open up the Amazon for agribusiness, logging and mining. In August, he fired the head of a Brazilian Government agency that had revealed the significant increase in deforestation in the Amazon. The dismissal of Professor Ricardo Magnus Osório Galvão, a well-respected physicist, came after the Brazilian President claimed that Government officials and workers were damaging the country's image abroad by informing the public of the rate at which the rain forest was being destroyed by him.

An Ceann Comhairle: With all due respect, the Deputy is wandering a little bit from the subject matter of the questions. We are discussing the Taoiseach's attendance at a special meeting of the European Council. I do not know where President Bolsonaro comes into it.

Deputy John Brady: It has to do with Commissioner Hogan and his new role.

An Ceann Comhairle: He has not joined the European Commission yet.

Deputy John Brady: I will conclude on this. What confidence can we have in Commissioner Hogan in his new role and in this Government to deliver on climate action commitments if they do not set their faces against this deal?

Deputy Dara Calleary: Our focus is entirely on Brexit at the moment, but other major issues will arise in this Commission's lifetime, particularly the discussions around the future of Europe and the future shape of the EU. What input is the Taoiseach making to those discussions and what time are we putting into them, particularly in terms of defending the interests of smaller nations?

Another issue that needs to be discussed at European Council level is the climate change agenda. It will be the major challenge facing the incoming Commission, as approved at the meetings in question. A Commission that comes into office on the back of these meetings cannot profess to be a climate change-friendly Commission while endorsing the Mercosur deal as currently framed. In light of the Brazilian rainforest fires, the Taoiseach has signalled his potential opposition to the deal. Will he clarify his remarks on that?

Due to the passage of time, people have forgotten the political games that were played

around the appointment of President-elect von der Leyen. The candidate that the Taoiseach proposed and in whose campaign he was involved during the European elections was Mr. Frans Timmermans. Will the Taoiseach recall for the House the circumstances in which Mr. Timmermans was effectively dropped in favour of the President-elect?

The Taoiseach: I thank the Deputies for their questions. Regarding President-elect von der Leyen, she was nominated unanimously by the European Council, albeit with one abstention by her own country of Germany. She has now secured the majority support of the European Parliament, and only did so with very strong support from the EPP, to which my party is affiliated, the Group of the Progressive Alliance of Socialists and Democrats in the European Parliament, to which the Labour Party is affiliated, and Renew Europe, to which Fianna Fáil is affiliated. I particularly want to thank the social democrats and the Labour Party and Fianna Fáil and Renew Europe for helping to ensure that President-elect von der Leyen will, indeed, be President von der Leyen.

When it comes to individual Commissioners and their portfolios, that is actually not a matter for the European Council of prime ministers and presidents. It is a decision that the President-elect will make herself. However, each individual Commissioner will be subject to parliamentary ratification in the European Parliament, and I have no doubt that many MEPs will want to scrutinise their appointments as individuals but also their portfolios, what exactly their roles will be and what the various titles mean.

Regarding Mercosur, political agreement has been reached between the EU and the Mercosur countries after about 20 years of negotiations. However, it is only a political agreement and it will be at least two years before there is a legal text in front of us. Once there is a legal text, we are going to have to consider it very carefully to see how ratification will proceed. The Government has committed to carrying out an independent, comprehensive economic assessment and, indeed, an environmental assessment to assess the overall implications for Ireland. As I have indicated before, I would not support a free trade agreement that is not in the interests of the Irish economy and Irish jobs as a whole. We have both defensive and offensive interests, as is the case in all trade negotiations. We know that the beef sector could be very exposed. The agreement provides for an additional 99,000 tonnes of tariff-rate quota phased in over five years, which is clearly more than we would have wanted, but it is important to say that this is having no impact on beef prices at the moment, as it does not kick in for many years, if it ever does. Currently, 270,000 tonnes are already imported into the EU from Mercosur countries, so it would mean a 7.5% tariff on just over one third of that.

In terms of our offensive interests, Ireland currently exports roughly €2 billion in goods and services to the Mercosur region, a region with 260 million people now. We believe that trade could double over the next decade, with particular sectors benefitting like the dairy sector, the drinks industry, chemicals, pharmaceuticals, industrial goods and Irish small and medium-sized enterprises. We believe that it is absolutely crucial that we have safeguards in place for labour standards and environmental standards, and it is intended to write into the agreement specifically that Mercosur countries must honour and not depart from the Paris accord. As President Macron and I have indicated, it is our view that Mercosur is off should they do so. We will of course work to protect the interests of Irish beef farmers so that they can compete on a level playing field when it comes to product standards, traceability, the environment and climate action.

Deputy Calleary was absolutely correct in saying that there was a lot more happening on the

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European stage than Brexit - issues such as climate action and issues such as trade - but it is a reality that Brexit takes up so much Government time that we do not have the time to focus on those issues as much as we would like. We do give them adequate time, though.

British-Irish Council

3. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his attendance at the British-Irish Council in Manchester. [29286/19]

4. **Deputy Joan Burton** asked the Taoiseach if he will report on the recent meeting of the British-Irish Council. [29954/19]

The Taoiseach: I propose to take Questions Nos. 3 and 4 together.

These questions both relate to my attendance at the British-Irish Council. I attended the 32nd British-Irish Council summit, which was hosted in Manchester by the then Chancellor of the Duchy of Lancaster, Mr. David Lidington, MP, on Friday, 28 June. I was accompanied by the Minister for Communications, Climate Action and Environment, Deputy Bruton. The First Ministers from Scotland and Wales, along with Heads of Administration from the Crown dependencies, also attended the summit.

The discussion at the summit covered important political developments for administrations since the last summit in November. The discussion focused largely on the implications of Brexit, particularly for relationships across the islands. The council also discussed the current political situation in Northern Ireland and I again stated my regret that Northern Ireland, without the Executive restored, was not represented at the British-Irish Council anymore.

Building on the shared goal of decarbonising our economies, the Minister, Deputy Bruton, took part in a thematic discussion to explore how we could best facilitate the transition by modernising our energy systems. Ministers explored policy approaches to enabling this transition, the facilitation of key technologies, smart energy at a local scale and also funding for innovation. The council also received an update on the British-Irish Council marine litter event held in Glasgow in February.

I took the opportunity to have bilateral discussions with Mr. Lidington, First Minister Nicola Sturgeon and the new First Minister of Wales, Mr. Mark Drakeford, who was attending his first summit meeting. In all meetings, we exchanged views on issues of mutual interest and continued co-operation, with discussions mainly focusing on Brexit and its impacts on business and citizens. We also spoke about the developments in Westminster and Brussels. At my meeting with First Minister Sturgeon, we also discussed developments on Rockall and we agreed that our shared aim was to resolve differences in a way that was satisfactory to both countries and to continue to develop a very strong bilateral relationship.

Following the summit, I officially opened the ESB's new offices in Manchester and I attended Enterprise Ireland's first business roundtable with Irish companies operating in the UK's "northern powerhouse" region. The House will be aware that it is the Government's intention to establish a new consulate in the north of England as part of our efforts to continue to enhance and deepen the British-Irish relationship after Brexit. I also met the mayor of Greater Manchester, Mr. Andy Burnham, and visited the new Sisk development at Circle Square in Manchester

city centre.

Deputy Joan Burton: At the most recent meeting of the British-Irish Council, the Taoiseach expressed regret that no Northern Ireland representatives were present due to the prevailing political impasse at Stormont. I am of the view that the latter is adding to the Brexit difficulties for the whole island. There is a real prospect of direct rule in Northern Ireland in the case of a no-deal Brexit. The Minister of State with responsibility for European affairs, Deputy McEntee, recently stated that the Taoiseach has always indicated that the Government would never accept such an outcome. The Taoiseach has called for real and meaningful involvement in Northern Ireland if devolution is not restored, with a role for the British-Irish Intergovernmental Conference. Did the Taoiseach raise the issue of direct rule with the British Prime Minister, Boris Johnson, during their recent meeting? How does the Taoiseach intend to respond if direct rule is imposed on Northern Ireland in the wake of a no-deal Brexit?

Deputy John Brady: I am sure Deputies across the House will agree with me regarding the magnitude of difference a few months can make in British politics. British Ministers who attended the 32nd meeting of the British-Irish Council struck a different tone on the importance of protecting the Good Friday Agreement to that emanating from the new Government there. I am not sure how the Taoiseach and the Minister for Communications, Climate Action and the Environment, Deputy Bruton, felt about Ireland being indirectly referred to as a dependent territory of the Crown in the communiqué issued by the council after the summit. I am sure the Scottish First Minister, Nicola Sturgeon, may also have had something to say about that. The acknowledgement by the council of the need for continued engagement and collaboration between members, as well as the value of strengthening relationships, was welcome. Sadly, the actions of the new British Government have not matched the intent signalled by the Council.

The June summit marked the 20th anniversary of the establishment of the council. Strengthened relationships at this turbulent time would be welcomed by us all. However, the reality is very different to the sentiments that were expressed. The council is an institution established under the Good Friday Agreement of which the British are co-guarantors. The British Prime Minister's madman-theory Brexit tactics are fundamentally undermining the agreement. We need to be clear that Brexit is incompatible with the agreement and the views of the majority in the North who wish to remain in the EU. Given that the council is a body established under the Good Friday Agreement, it is disappointing that there was not a deeper discussion at its summit of Brexit and its implications for advancing positive and practical relationships among the people of the islands. After all, that is its tasked responsibility. I ask the Taoiseach to update the House on Brexit discussions at the summit and whether the implications of British withdrawal from the Good Friday Agreement will be high on the agenda for the next summit.

Deputy Dara Calleary: I was reflecting on the change of personnel since the meeting. Has the Taoiseach discussed the British-Irish Council in his conversations with the new British Prime Minister, Boris Johnson? Is the Prime Minister aware of the council's existence and its potential value as an institution that could do so much good in terms of climate change?

The Taoiseach touched briefly on the issue of Rockall, which flared up recently out of nowhere. Can the Taoiseach guarantee that that will not happen again and that he and the Scottish First Minister, Nicola Sturgeon, have set up a mechanism to ensure that any such disagreement will not flare up in the fashion which it did earlier this year?

The Taoiseach: In the context of Rockall, First Minister Sturgeon and I and our respective

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Governments are very keen to de-escalate the issue. Neither Scotland nor Ireland has an interest in coming into conflict over fishing rights around Rockall, particularly given that Ireland and Scotland are currently so aligned on some bigger-picture questions. However, it is the case that in the event of no deal, there will be difficulties around fisheries as EU vessels, including Irish vessels, will lose access to UK waters and UK vessels will lose access to our waters, which could be very disruptive. The European Commission has proposed that the *status quo* should continue until the end of the year at least, even in the event of no deal. However, the UK Government has not yet reciprocated in that regard.

The imposition of direct rule by Westminster on Northern Ireland is not something that the Government can support. We believe it would be contrary to the spirit of the Good Friday Agreement and, in particular, the St. Andrews Agreement. However, if the sovereign British Government were to impose it, we would seek a consultative role under the auspices of the British-Irish Intergovernmental Conference, as envisaged by the Good Friday Agreement. I imparted that view to Prime Minister Johnson when he was in Dublin recently.

As the House is aware, the British-Irish Council is an institution of the Good Friday Agreement. It and the British-Irish Intergovernmental Conference are the two east-west institutions that form part of the agreement. Post Brexit, both of those institutions have the potential to be strengthened and deepened. All seven jurisdictions covered by the British-Irish Council are part of the common travel area. As all Members are aware, the term “common travel area” is a misnomer because what is involved relates to far more than travel. We are talking about what is almost a form of common citizenship that exists across the seven jurisdictions. The British-Irish Council could become the body to take that forward and the British-Irish Intergovernmental Conference could be deepened to ensure that the Irish sovereign Government and the UK sovereign Government are in contact in a structured way with the secretariat. We currently meet our counterparts three or four times a year in Brussels, but that will come to an end and we should have mechanisms to continue to have a close relationship.

The Government is deepening the State’s presence in the UK, having re-established the consulate in Cardiff and beefed up the embassy in London. There are plans to establish a new consulate in the north of England.

The next summit of the British-Irish Council will be held in Dublin in November. Prime Minister Johnson raised the issue of the summit with me and expressed an interest in attending. I expressed the view that it would be a positive statement on his part if he were to do so because it has not been the practice of British Prime Ministers generally to attend; they have usually been represented by the deputy Prime Minister. It would be a positive statement if the Prime Minister were to attend if he is able to do so.

Taoiseach’s Meetings and Engagements

5. **Deputy Brendan Howlin** asked the Taoiseach if he has met the leader of the DUP, Mrs. Arlene Foster, or the vice president of Sinn Féin, Ms Michelle O’Neill, recently. [29749/19]

6. **Deputy Micheál Martin** asked the Taoiseach if he has spoken to or met the leader of the DUP, Mrs. Arlene Foster, recently; and if not, his plans to do so. [37408/19]

7. **Deputy Micheál Martin** asked the Taoiseach if he has spoken to or met Mrs. Arlene

Foster since she met Prime Minister Johnson on 10 September 2019. [37687/19]

Deputy Joan Burton: The media will be delighted to hear that Prime Minister Johnson may make a reappearance in Dublin.

Deputy Dara Calleary: He might be busy in November.

Deputy Joan Burton: People will be fascinated with what he will wear on the day and the hairstyle to go with it.

An Ceann Comhairle: We will allow the Taoiseach to provide his answer before the Deputies ask supplementary questions.

Deputy Joan Burton: On a related matter, the Secretary of State for Northern Ireland, Mr. Julian Smith, this week stated that a revived Stormont Assembly-----

An Ceann Comhairle: The Taoiseach normally answers before the Deputies ask supplementary questions.

The Taoiseach: I propose to take Questions Nos. 5 to 7, inclusive, together.

The Tánaiste and I met the leader of Sinn Féin, Deputy McDonald, and Ms Michelle O'Neill in Dublin on 18 June. We discussed Brexit developments, the political situation in Northern Ireland at the time and what could be done to get the institutions in Northern Ireland up and running again. I emphasised the Government's full commitment to all aspects of the Good Friday Agreement and our continuing determination to secure the effective operation of all of its institutions. The Government wants to see an agreement in place to secure the operation of the devolved institutions and will continue to engage with the British Government and the political parties in Northern Ireland to seek urgent progress in the period immediately ahead. I organised a briefing for party leaders last Monday. Although Deputy McDonald was unable to attend, we spoke at length that day by phone.

I met the leader of the DUP, Mrs. Arlene Foster, at the funeral of Ms Lyra McKee in Belfast in April. I also met her in Washington in March during my visit there for St. Patrick's Day. We have spoken by phone in the interim and arrangements are being made for me to meet her soon.

The Government is in ongoing contact with the Northern Ireland parties at official level and through the work undertaken by the Tánaiste to progress the restoration of the Northern Ireland institutions.

Deputy Joan Burton: The Secretary of State for Northern Ireland, Mr. Julian Smith, stated that a revived Stormont Assembly could be part of the solution to the Brexit impasse. However, he stated that efforts aimed at securing an agreement to revive power-sharing have been very difficult because there are issues, including the Irish language and culture, that need to be resolved. It seems that neither Sinn Féin nor the DUP, at a time of grave political crisis for the North and for the whole island, has shown its ability to put the common good above party politics and devise a compromise that will honour the Good Friday Agreement and allow for Northern Ireland's voice to be heard in the Brexit discussions. The situation does not appear to be sustainable. The people of Northern Ireland deserve an end to the impasse and to have a real say in any Brexit decision that undoubtedly will affect their future, given that they voted against leaving the European Union.

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Last April, the Labour Party called for a Northern Ireland citizens' assembly to address the issues that are still causing trouble between the two parties. We found that useful for resolving deeply conflicted issues here in the Republic. I believe that could be useful and would allow citizens' voices to break the deadlock in Stormont. I know the Taoiseach is committed to exploring every avenue to stop a no-deal outcome but will he commit to proposing the idea of having a Northern Ireland citizens' assembly to the Northern parties and to the Northern Ireland Secretary of State? It has proven tremendously useful in resolving many difficult issues here and, similarly, it could be of great value in resolving the Brexit impasse in the North.

Deputy Dara Calleary: The Taoiseach mentioned that one of his meetings with Ms Foster was at the funeral of Lyra McKee. The celebrant of that funeral, Fr. McGill, set a challenge for all politicians to act. That was in April. It is now September. Are we any further on in that regard? We do not have the institutions up and running and I fear the vacuum that existed in April still exists coming towards the end of September. What we have seen in recent weeks is an increase in activity and community-related violence that seems to be trying to fill that vacuum, and we cannot allow that to happen. We cannot have another tragedy like that involving Lyra McKee while this vacuum still exists. What is the Taoiseach's sense now, at the end of September, of a restoration of the institutions this year on the basis of his conversations with Ms Foster? I am intrigued that she is coming to Dublin this weekend and that there will be no meeting at Government level. She is coming to speak to the business community. I know that has been a regular and welcome move over the years but given the vacuum the Government should be engaging with her at every opportunity to try to move this on.

Deputy John Brady: The Fianna Fáil Party and the Labour Party leaders' interest in these meetings has to be welcomed but when was the last time they were in the North and engaged in discussions with party leaders and representatives across the political spectrum? I suspect it was quite some time ago. The Deputies should be in no doubt that people in the North, regardless of their political view, recognise self-interest when they see it. Both parties would be better served if they took part in the political system in the North as opposed to being hurlers on the ditch-----

Deputy Dara Calleary: You could do the same yourselves. Take part in what you were elected to.

Deputy John Brady: -----as their founding fathers and mothers would have expected them to do. To describe the issues in the North as party politics is unhelpful given the well-recognised and debated issues of fundamental rights. Playing party politics with those issues is certainly not helpful.

Deputy Joan Burton: The development of a Citizens' Assembly here solved the problem.

Deputy John Brady: The British-Irish Intergovernmental Conference, BIIGC, is the forum set out in the Good Friday Agreement for both Governments to exercise their responsibilities towards equality of treatment and removing the obstacles at the heart of the political crisis in the North. It provides political parties with the opportunity to hold the Taoiseach and his British counterparts to account in honouring their shared responsibilities to past agreements and to the rights of the people in the North on behalf of those same citizens. As we approach the likelihood of a no-deal Brexit, with all the implications that scenario has for the Good Friday Agreement, when will the next British-Irish summit be held to discuss these matters?

The Taoiseach: I thank the Deputies. In respect of the Secretary of State for Northern Ireland, Julian Smith, I had the opportunity to meet him with the Tánaiste on Monday evening, and I am very much aware of the content of his Cambridge speech. Work is ongoing on restoring the Assembly and the Executive. There is deep engagement between the Tánaiste and the Secretary of State at the moment. It is fair to say that they have already developed a very close working relationship.

In terms of a citizens' assembly in Northern Ireland, it is a new idea. It is one that has some merit and I will certainly give it some consideration with my team but it would not be our call to establish it. It would have to have the support of the parties in Northern Ireland and also the Northern Ireland Office. The Good Friday Agreement already provides for a civic forum so perhaps that mechanism could be used too.

In terms of the prospects for restoring the Executive and the Assembly, much of that hangs on Brexit. If we are able to secure a deal we would be in a good position to do so. If we are not, I believe it will be very difficult to do so for many reasons that are obvious to every Member in the House.

The next British Irish Council will be held in Dublin in November. We do not have a date for a summit of the BIIGC. However, both Prime Minister Johnson and I will be in New York next week and we are trying to find a time where we are both in the same building in order to have a follow-up meeting.

Written answers are published on the Oireachtas website.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Bernard J. Durkan - to discuss Garda resources in north Kildare towns; (2) Deputy Timmy Dooley - to discuss the threatened redundancies at Avara pharmaceuticals in Shannon, County Clare; (3) Deputy John Curran - to discuss access to primary school places for families in Rathcoole; (4) Deputy Catherine Murphy - to discuss the lack of school transport places and the associated qualifying criteria; (5) Deputy Mary Butler - to discuss the impact of Garda divisional changes in Waterford; (6) Deputy Michael Moynihan - to discuss the allocation of CLÁR funding to County Cork; (7) Deputy Eugene Murphy - to discuss delays in payments under the turf cutting compensation scheme; (8) Deputy Fiona O'Loughlin - to discuss respite and residential care supports in Kildare and nationwide; (9) Deputy Dessie Ellis - to discuss the development of the Ballymun shopping centre site; (10) Deputy John Brady - to discuss the Data Protection Commissioner's report into the public services card; (11) Deputy Thomas Byrne - to discuss the recheck of leaving certificate results and places at third level institutions; (12) Deputy Mattie McGrath - to discuss the emergence of rabbit haemorrhagic disease, RHD, in the hare population; (13) Deputy Pat The Cope Gallagher - to discuss the number of HSE vacant posts within County Donegal that require the sanction of the National Director of Operations; and (14) Deputy Pat Buckley - to discuss funding for Cobh Community Hospital in east Cork.

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The matters raised by Deputies Bernard J. Durkan, Timmy Dooley, Catherine Murphy and Dessie Ellis have been selected for discussion.

Sitting suspended at 1.50 p.m. and resumed at 2.50 p.m.

Saincheisteanna Tráthúla - Topical Issue Debate

Garda Resources

Deputy Bernard J. Durkan: I thank the Leas-Cheann Comhairle and the staff of the Ceann Comhairle's office for affording me the opportunity to raise this issue which is of importance to the people of north Kildare, to wit, the urgent need for the augmentation of Garda strength in the constituency for which I speak. The constituency includes four large towns, each with a population approaching or in excess of 20,000, namely, Naas, Celbridge, Leixlip and Maynooth. A number of other towns in the constituency are growing rapidly as part of the effort to accommodate the need for housing. With this comes the necessity to augment Garda strength in all of the towns concerned for a great number of reasons. The first of these is the proposed new policing regime, which is the subject of some discussion and which we should welcome as it proposes deployments of a modern nature.

We must also accept that, as the population grows, petty and more serious crime can increase, as we know from other areas of the country. Recognising that fact, we have suffered a reduction in Garda strength throughout County Kildare in recent years. As with every other part of the country, we could do nothing about it and had to accept what was being applied everywhere else. However, the population in County Kildare is growing much more rapidly than most other parts of the country. In view of that, it is now important to prioritise the extent to which Garda strength can be augmented.

I should mention that I live in Maynooth, a university town, which has an additional 16,000 to 17,000 people during the academic year. That is not to suggest for one moment that the students are unruly or need extra policing. The fact, however, is that they add to the existing population, which creates a greater need for security to protect the increasing population. I do not wish to labour the subject other than to say that this is an urgent matter and I hope the Minister of State, whom I am glad to welcome to the House, can address the issue in the short term.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): On behalf of the Minister for Justice and Equality, Deputy Flanagan, who sends his apologies, I thank the Deputy for raising this important matter. I remind the House that, by law, the deployment of Garda resources is solely the responsibility of the Garda Commissioner and his management team. The Minister is assured, however, that the distribution of Garda resources is constantly monitored, taking into account all relevant factors, including population, as the Deputy outlined, and new and emerging crime trends.

The Minister emphasises that working with communities to tackle public disorder and reduce anti-social behaviour remains a key priority for the Garda. The Garda Commissioner has publicly spoken about the protection of the most vulnerable and has highlighted that his prior-

ity is a policing model that will provide the best outcomes for communities. This approach includes a strong focus on quality of life issues and collaboration with local authorities to help address the causes of anti-social behaviour.

The Deputy specifically mentioned County Kildare. The Minister is informed by the Garda authorities that, as of 31 August 2019, there were 393 gardaí assigned to the Kildare division. This represents a 9.2% increase on Garda resources allocated to this division since the end of 2017. There are also 17 Garda reserves and 35 Garda civilian staff attached to the Kildare division as of 31 August.

An Garda Síochána is a growing organisation. Since the reopening of the Garda College in 2014, approximately 2,800 new gardaí have attested and been assigned to mainstream policing duties around the country. Of these, 118 have been assigned to the Kildare division and 200 more gardaí are due to attest before the end of the year. At the same time, record levels of recruitment of Garda staff is allowing for the redeployment of gardaí to operational policing duties. As a result, there are now more than 14,200 gardaí nationwide, supported by more than 2,600 staff. This level of accelerated recruitment ensures that the Government's plan to achieve an overall Garda workforce of 21,000 personnel by 2021, including 15,000 gardaí, remains on track. Additional recruitment of Garda staff will allow the Garda Commissioner to redeploy a further 500 fully trained gardaí from administrative duties to front-line policing in 2019. The Minister is of the view that the injection of this large number of experienced officers into the field, along with the new recruits, will provide the Commissioner with the resources needed to deploy increasing numbers of gardaí to deliver a visible, effective and responsive policing service to communities across all Garda divisions, including the Kildare division.

The ongoing process of Garda reform will also assist through efficiencies in a range of areas, including ongoing civilianisation, examination of non-core duties and reform of Garda structures. In practical terms, this will mean less duplication and bureaucracy at senior levels, more gardaí on the ground and chief superintendents with greater decision-making power in their divisions. It will also include a strengthened focus on community engagement. These positive developments are underpinned by unprecedented Government investment in An Garda Síochána, amounting to a budget of €1.76 billion for 2019, as well as €92 million capital investment this year. In addition, a total of €10 million has been made available for the purchase and fit-out of Garda vehicles in 2019. The Minister has been informed by the Garda authorities that this allocation will be used for the purchase and fit-out of more than 300 new vehicles for operational use this year. As of 30 August, a total of 56 vehicles were allocated to Kildare, the division about which the Deputy inquired specifically. The Minister hopes that this information is of reassurance to the Deputy.

Deputy Bernard J. Durkan: I thank the Minister of State and his colleague, the Minister for Justice and Equality, for the positive nature of the reply. One of the areas that needs to be emphasised is the need for juvenile liaison officers. Given that we have a large population of young people who are not going anywhere and will remain young for some time, it is necessary to introduce all the aids we can to assist the Garda in interfacing and interacting with young people who may be at risk of falling into crime, even if it is petty crime.

On community policing, there have been some recent additions in this regard in north Kildare, which I welcome. However, more community policing and a community garda is needed in every town and village. Continuity is also required. Special emphasis must be placed on areas where there have been repeated reports of anti-social crime. People in certain housing

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estates complain to us from time to time about this type of crime which, while petty in nature is hugely worrying for the people who live in them. While the crime is not serious, it shows disrespect for other people, many of whom are elderly, and their property. We need to reassure the general public that the establishment and the Garda are on their side and are ready, willing and able, with sufficient numbers and resources to attend to their queries as they arise. I hope it will be possible to augment Garda numbers in the way I have suggested as we proceed.

Deputy David Stanton: I thank the Deputy again on behalf of the Minister for raising this important matter in the House. The Deputy noted the importance of juvenile justice. As I have stated previously in the House, I am responsible for national youth justice and I am developing a new national youth justice strategy. We have pulled together an advisory group, which is doing some very interesting work and examining different approaches and initiatives in this area.

At the heart of the concerns expressed today is the relationship between communities and their local gardaí and the Garda resources required in each division to provide an effective policing service. Clearly, Garda visibility is also very important and the Government remains committed to ensuring a strong and visible police presence throughout the country to maintain and strengthen community engagement, provide reassurance to citizens and deter crime.

Last month, the Minister welcomed the Garda Commissioner's announcement of the new operating model for An Garda Síochána, long-recommended by independent policing specialists, including the Garda Inspectorate and the Commission on the Future of Policing in Ireland. The new model will bring very significant improvements to An Garda Síochána structures, processes and services. This will mean less duplication and bureaucracy at senior levels and chief superintendents will be given more decision-making powers in their divisions.

3 o'clock The shifting of the power of decision-making from Garda headquarters to chief superintendents will bring the latter closer to the communities they serve, ensuring a more localised and responsive police service reflecting local needs. It will increase the number of front-line gardaí and maximise the organisation's operational impact at local level to deliver an improved, more consistent and highly visible policing service in communities. This delivers on some of the key recommendations of the Commission on the Future of Policing in Ireland, namely, that gardaí should be visible on the front line and engaged in community policing, as suggested by the Deputy.

The changes come at a time of record investment in An Garda Síochána: €1.6 billion has been allocated to the Garda Vote for 2019 as well as capital investment amounting to €92 million this year. An Garda Síochána is benefiting from enormous budgets. The purpose of this model is to ensure the best services are provided to communities on the ground. The substantial investment will allow the accelerated recruitment programme to continue in tandem with the deploying of new and leading-edge technology to support our front-line gardaí in carrying out their work to deliver a visible effective and responsive police service to communities across all Garda divisions, including the important Kildare division in 2019 and future years.

Company Liquidations

Deputy Timmy Dooley: I wish to raise the recent liquidation of Avara Shannon Pharmaceutical Services Limited and, in particular, the plight of the 114 workers. As the Minister of State well knows, and this should be well known to many, the company is operating at Shannon since 1976 under various guises and different ownerships. Prior to its takeover in 2016

by Avara, it was owned by the very well-known Belgian based UCB, a highly reputable and well-respected company. However, as of 29 July, the site is in full liquidation. There are joint liquidators on site, which is somewhat unusual and adding somewhat to the concerns. It is in liquidation and efforts are being made to try to find a pathway towards the continuation of the company in some form.

The real concern is that the Shannon facility and its workers have contributed hugely to the local economy since 1976 and it is with disbelief that these workers have been informed, as a result of the liquidation, that the terms and conditions that were available under the transfer of undertaking will not apply and, as such, the terms and conditions, particularly the recognition of their service on having to leave the employment - they would have expected six and a half weeks, together with two weeks statutory redundancy - are such that they will not be paid. After that amount of commitment to the company, they will be left with just the statutory level of redundancy. That is a major blow to these workers and to the efforts they have made to sustain this company through thick and thin.

The concerns I have are rather varied but, in particular, I am concerned that in 2016, when it disposed of its site to Avara, UCB did not do the appropriate level of due diligence. I do not know what the transfer was at the time but I believe it was passed for a relatively small amount of money. While that might have allowed UCB to discharge its responsibility to the site and the environmental management of a very complex site, it takes no regard of the conditions and terms under which the workers are employed. In this liquidation process they are now left with statutory redundancy, which will have an enormous impact on their livelihoods and have wider implications, as the Minister of State will be well aware, for the wider community.

I am of the view that UCB still retains some responsibility, whether it be through its corporate social responsibility or whatever, and there is some basis for my making that claim. A similar situation happened in the UK, where AstraZeneca, another large pharmaceutical company, disposed of a manufacturing site there also to Avara and where the liquidation took place with Avara on that site. AstraZeneca through the efforts of workers was forced to recognise it had not done the appropriate level of due diligence before it passed or transferred the operations to Avara and, in that instance, I understand it kicked in about €12 million to support the workers and give them the full value of their expected terms and conditions, and that is what we want here. We want UCB to step up to the plate and to recognise it passed on a very considerable undertaking for very little and did not give due consideration to the impact that would have if it did not all work out. Clearly, for something to collapse in such a short period highlights to me that Avara was poorly structured, poorly capitalised and was not in a position to take on the burden of responsibility that UCB transferred to it. That is something for which UCB must answer.

I appeal to the Minister of State and the Government to use their best efforts and endeavours to get UCB to accept its corporate responsibility. It is difficult in that it is not located here but there are channels through our partners in Europe and through European legislation that should force UCB to make good on the commitments under which these people worked for such a long period and gave such valued service.

Minister of State at the Department of Employment Affairs and Social Protection (Deputy Pat Breen): I thank the Deputy for raising this very important issue. Both of us are very familiar with what is happening with Avara in Shannon and I am sure both of us have been in contact with the workers.

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First, it is important to point out that our thoughts are with the workers. It is a very difficult period for the employees experiencing this uncertainty, particularly in the liquidation process. That must be noted.

I am taking this matter on behalf of my colleague, the Minister, Deputy Regina Doherty. The Deputy's question in tabling this matter refers to threatened redundancies at Avara pharmaceuticals in Shannon. The Minister, Deputy Doherty, has informed me that, as yet, she has received no official notification from the company of collective redundancies. I am sure the Deputy hopes, as I do, that it does not come to that situation. It is important that every effort be made to save the company, Avara, and these jobs in Shannon. I can assure the Deputy, and I note Deputy Harty is present, that every effort is being made by the liquidator to ensure we can save the jobs in that company at this time. I do not want to say any more about that now. It is important we save those 114 jobs.

I will go through the process with the Deputy in case it comes to that but hopefully it will not. The Protection of Employment Act 1977 imposes a number of obligations on employers who are proposing collective redundancies, including an obligation under sections 9 and 10 to engage in an information and consultation process with employees' representatives and to provide certain information relating to the proposed redundancies. Section 11A of the Act provides that, where an employee believes the employer to be in breach of sections 9 or 10, they may pursue a complaint to the Workplace Relations Commission. It is also an offence under section 11 where an employer fails to comply with sections 9 or 10. There is also an obligation under section 12 which makes it mandatory on employers proposing a collective redundancy to notify the Minister for Employment Affairs and Social Protection of the proposed collective redundancy.

An employer is prohibited from issuing any notice of redundancy during the mandatory employee information and consultation period, required by the 1977 Act, and until 30 days have elapsed from the date on which the Minister has been notified. For the avoidance of doubt, the 30-day mandatory information and consultation process and the aforementioned 30-day period from the date of notification to the Minister may run concurrently. However, since it will not be possible to complete the notification to the Minister until the identity of the employees' representatives for the purpose of the information and consultation process has been established, it is conceivable that both periods may not be entirely concurrent.

In the first instance, it is the responsibility of the employer to pay statutory redundancy and other wage-related entitlements to eligible employees. However, the Social Insurance Fund provides a safety net for employees in situations where the employer has become insolvent and the company is to be liquidated. It is the liquidator's responsibility to seek, on behalf of employees, payment from the redundancy payments scheme in respect of statutory redundancy and from the insolvency payments scheme in respect of wage-related entitlements.

An eligible employee is entitled to two weeks' statutory redundancy payment for every year of service, plus a bonus week. Compensation is based on the worker's length of reckonable service and reckonable weekly remuneration, subject to a ceiling of €600 per week. In order to qualify for a statutory redundancy payment, an employee must have at least two years' continuous service, be in employment which is insurable under the Social Welfare Acts and be over the age of 16.

Entitlements covered under the insolvency payments scheme include arrears of wages, holi-

day pay, sick pay, payment in lieu of minimum notice and certain pension contributions. Payments are calculated by reference to an employee's wages and are subject to a limit of €600 per week; and arrears of wages, sick pay, holiday pay and minimum notice are limited to eight weeks.

To date, the Minister, Deputy Doherty, has not received any applications for statutory redundancy or wage-related entitlements in respect of employees of Avara pharmaceuticals. If this was the case, my Department would ensure that the affected employees receive advice on jobseeker's payments and other income supports that may be available to them and to provide support to them in relation to returning to work, or accessing appropriate education and training and development options.

The Minister's team in the mid-west division already met employees of the company on 12 August 2019 and provided them with information on the Intreo services available locally. All jobseeker's benefit forms were taken on the day from all present, with a view to speedily processing the claims, once the date of closure was confirmed.

Deputy Timmy Dooley: I accept that the Minister, Deputy Regina Doherty, would not yet have been contacted by the liquidator. Even though they have gone through the consultation period with workers, they have still not reached that point because they are trying to work through a possible rescue of the operation.

Even if a new company is established and even if a new buyer can be found - there is good and hard work going on and the employees and the management of the company are doing an excellent job in trying to assist in that process - there will come a position where employees will be made redundant. They will only get two weeks' statutory redundancy, notwithstanding the amount of time they have worked for this particular operation under various ownerships. The concern I have is that, as recently as 2016, UCB discharged its very significant responsibility for very little money on that site and sailed into the wind. A similar situation happened in the UK that I have identified, where a company, AstraZeneca, effectively did the same but it was called out by the workers and was made to pay.

All efforts will be made to assist people under the statutory terms and conditions of the legislation as set out but we need a little thinking outside the box here. We need to find a way for UCB to honour its commitments to the workers who will not be fortunate enough, if any are, to have future employment on this facility. I am aware the Minister of State, with his knowledge, has been in contact with the workers as indeed has Deputy Harty. Deputy Carey has been on the site as well, as I have, and has spoken to many of the workers on an ongoing basis. We want to see a future for that facility. We want to see people employed there. In our absolute desire and our requirement to keep employment there, we cannot allow the terms and conditions to be set aside for the workers who will not have employment in any new operation that might be there. We must be mindful of those and their families. They had their hopes and retirements pinned on such sums in the event of having to lose their job and, unfortunately, it is all for nothing now.

Deputy Pat Breen: The Leas-Cheann Comhairle might ensure that the full reply is written into the record of the Dáil.

An Leas-Cheann Comhairle: That is only done when it is a response to a parliamentary question. If the Minister of State wants, he may use the minute to do so.

Deputy Pat Breen: Much of what is in the reply anyway, as Deputy Dooley will be aware,

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is the process and engagement that has taken place with the Department of Employment Affairs and Social Protection and the employees. As the Deputy will be aware, the Department also attended the Avara premises in June of this year to facilitate the speedy issue of the public service cards etc.

Of course, I share Deputy Dooley's concerns in relation to the employees.

I am not privy to the contacts that the liquidator has had with the original company concerned but I am sure the liquidator has made every effort. As Deputy Dooley will be aware, this is ongoing since August. The liquidator has made many special efforts to ensure that the jobs are being saved at the company itself. If the jobs are saved, it is important for us to ensure that there is continuity of employment for those loyal employees who have given long loyal years of service in that company. The company is potentially viable. The company is only operating at 30% to 40% of capacity. From that point of view, I believe there is a future for this company. I believe that the liquidator is working hard to ensure the viability of the company moving forward. Let us wait and see in relation to, first, the viability of the company.

While I am answering for Deputy Regina Doherty in her capacity as Minister for Employment Affairs and Social Protection, I am not answering it in my capacity as Minister of State at the Department of Business, Enterprise and Innovation. Of course, for me, the priority is to have these jobs saved in Shannon. Only last week in Shannon I announced 25 jobs. We do not want to be losing jobs in the mid-west region.

As I am sure the local Oireachtas Members will be aware, every effort is being made by the liquidator to save these important jobs in Shannon. Deputy Dooley will be aware the company is in liquidation and there is little anyone can do outside of that. The liquidator is the boss here, but we will try to ensure the jobs are saved. I will take on board what Deputy Dooley has said and will pass on that information to those concerned.

School Transport

Deputy Catherine Murphy: I thank the Ceann Comhairle for selecting this topic.

There is much talk about the development of new schools because of demographic pressures. Areas, such as Kildare, where there is continued and sustained growth will be in the forefront, as will places such as Meath and Wicklow, Fingal, places around the suburbs of Cork etc. The intention is to identify those pressures and to provide sites, and ultimately schools, in advance of the need. Obviously, that requires the recruitment of staff and all that goes with a school. While it is not possible to have a secondary school located in every town or village, it will, therefore, be necessary for students to travel.

We have a school transport system and while each child in theory is entitled to a school place on a school bus if the family has a medical card, those who do not have such a card are described as concessionary passengers - the Minister of State, Deputy Halligan, will know that more than any of us - which means they must pay on the bus. The problem is not with the payment; it is with the availability of places.

When places are insufficient, what occurs is Bus Éireann randomly selects who gets a place and who does not. It is a lottery and often people hear the position at a very late stage. I talked

to the Minister of State over the summer about this and there has been some progress. I have talked to several families who had their school transport on a concessionary basis for several years, find themselves now to have that withdrawn for all of their children, paid their fee in April or May, and then get the money returned in late August only days before they have to make arrangements and juggle work etc. New pupils, for example, who are also on it on a concessionary basis, also need school transport places. One can see the kind of resentment in communities that is created. I am sure the Minister of State knows it well. If there is no new funding, for example, then growing areas will always be the ones that are under most pressure. If there is a new school development and there are new teachers, it is self-evident that there needs to be additional funding factored in to account for this.

It is not always true that someone in a family with a medical card is automatically entitled to a place. In my area, it is not unusual to be fighting for school places. Section 29 appeals are par for the course. It is pressure all the way in relation to school places. Essentially, we had 19 youngsters for whom there was no accommodation in one particular area. For example, one family applied for the secondary school in Clane. The school was oversubscribed and there were 20 on the waiting list. Then they applied to Leixlip, Maynooth and Celbridge. When they got a school place in Maynooth, they withdrew the section 29 appeal but, because the child is not going to the school closest to the family, the child is considered a concessionary place on the school bus despite the fact that this family has a medical card. The child would not have got into that school because there were no places available. That seems extremely unfair because they have no choice in the matter. Children are eligible for transport if they reside not less than 4.8 km from the school they are attending, so long as it is the nearest education centre as determined by the Department of Education and Skills. That rule in its own right needs to be dealt with. Of the 19 pupils, ten still do not have school places. It is impossible for parents to juggle if they are trying to work as well. This issue has to be resolved.

Minister of State at the Department of Education and Skills (Deputy John Halligan): I thank the Deputy. I have asked the Department to deal with the query concerning her area. The school transport scheme is a significant operation. It is managed by Bus Éireann on behalf of my Department. We are moving 117,500 children twice a day all over the country, including over 13,000 children with special needs. There are 5,000 vehicles in use per day, for primary and post-primary, covering more than 100 million km. The cost is now in excess of €200 million. The school transport scheme was originally put in place for eligible children and the requisite distance was 3.2 km for children travelling to primary school and, as the Deputy rightly says, 4.8 km for children travelling to post-primary schools and children with special needs. When I took over the system, where there was a space on a bus, for example, if there was a 25-seater bus with 20 eligible children on it, rather than have the bus leave with five empty seats, we put concessionary passengers on it. When that started, there were 300 concessionary tickets. There are now almost 25,000 concessionary tickets, even though the scheme was put in place for eligible and special needs children. There is no eligible child left without transport, as far as I know, with the exception of little hiccups in the system. My staff and I were in the office during the summer until two or three o'clock some mornings trying to get special needs children on buses. We sometimes need carers with Garda clearance for special needs children. It was a horrendous job for the staff to have to do. All children who are eligible for school transport are getting school transport or the rural grant. There is no special needs child as far as I know today who is not getting school transport.

Our problem, as the Deputy rightly says, is with the concessionary children or the second

year of school. We have done two reviews of the scheme. A value for money review was undertaken a number of years ago independently, which showed that the cost was €100 for a primary school child, €220 for post-primary and a maximum of €650 for a family. That distance in a car would cost well in excess of €1,500 per year. Since I became Minister of State, we have not increased the cost to families; although the families pay €14 million, the State carries the rest. The problem we face is that this comes out of the education budget. There is not a separate budget for school transport. The budget has dramatically increased every year. We are facing into next year with a budget of between €210 million and €212 million just to keep the scheme afloat. This year alone, we have extra concessionary passengers, special needs passengers and eligible children. We will have the same next year.

We also did a review of concessionary passengers. The Department of Public Expenditure and Reform insisted that buses be taken off the route or the price be increased. I prevented that from happening two years in a row but we are now facing into a crisis. Every year, we require more money from the education budget. We put an extra €1 million from the Department of Education and Skills into the scheme this year. It requires another €4 million to take all concessionary passengers which, if I had my way, I would do from within the scheme and everybody would be cleared. However, we would be facing a crisis again next year with more concessionary passengers, more eligible children and more special needs children because of extra schools and extra pupils going to school.

We are doing our utmost in a situation where we are carrying nearly 28,000 concessionary children on a scheme that was originally set up for eligible and special needs children. We are reviewing it and looking for extra money. The extra money would cover all the concessionary tickets and also deal with the second year of school. We are in negotiations on the next budget to see if we can get the extra €4 million needed. We are dealing with the particular case raised by the Deputy in her constituency and should have an answer for her next week.

Deputy Catherine Murphy: I thank the Minister of State. I know some parents will not thank me for saying this, but I have certainly had parents say they would be willing to pay more. Some people are in a position to pay more while others are not as they may be only above the limit for the medical card. If it is a question of having to leave work for people to get their children safely to school, there is no choice in the matter. I am hearing about parents who are driving behind a bus to bring their children to school and they can see spaces on it. It may well be that there is not a full uptake on the particular day but it may be worth doing a review of that. If there is spare capacity, it would be unconscionable. If we are going to have very large schools in a regional context as opposed to village settings, we have to factor in the need to travel to school. If two adults in a family have to go out to work to pay the mortgage, the State has an obligation to provide a school transport service. I can understand an odd person falling through the cracks but when groups of people are affected, it is very difficult for people to take.

I would like the Minister of State to deal with the case of a child who was turned down for a particular school because it was oversubscribed. I will send him on the details. I do not know why the child would then be counted as a concessionary passenger if the family has a medical card. The child should be entitled to a seat on the school bus without it being concessionary. There were no places in the nearest school, which is typical in my area. I know the same thing is replicated in other areas but Kildare is under particular development pressure which will create new needs because we are not in a static environment.

Deputy John Halligan: On the issue of seeing spaces on buses, about 9% or 10% of people

who pay for school transport do not take it up. It is very difficult to deal with that. If people pay for it, they may feel they will take a chance on driving their kids to school anyway. We have taken legal views on that and it is not within our remit to return the money to these families and request that they give us back the seat. That cannot be done. It is a legally binding agreement so we have some difficulties. The difficulties we have at present are with concessionary tickets. The scheme was put in place for eligible and special needs children. In the three years that I have been dealing with it, I know of no special needs child who did not get school transport. I know of no eligible child who did not get the rural grant or school transport. We are reviewing the scheme regarding concessionary tickets but that means providing extra money. In the case of a 25-seater bus with 20 eligible children and five children with concessionary seats, if an eligible or special needs child makes themselves available from a village, town or city, we are legally obliged to put that child on the bus and remove a child with a concessionary ticket. I do not like doing that. Often that is very painful and difficult but we are obliged under legislation to put the eligible or special needs child on the bus. I have never turned down a meeting with any Deputy, mayor, councillor or family. I have done my best to facilitate as many people as I can. The system is coming apart at the seams. We are now spending €209 million and some people are still not getting school transport because of concessionary passengers. All special needs children and all eligible children are getting transport. We are looking again at extra finance in the budget. I cannot say we will get it but I have appealed for it, as has the Minister, Deputy McHugh. We sought an extra €4 million, which would address the matter raised by Deputy Catherine Murphy. If she is re-elected, which I am sure will be the case, the Deputy will face the same problem in that the school transport problem will be cleared this year but she will be looking for another €4 million or €5 million again next year, in particular for concessionary tickets.

Regeneration Projects

Deputy Dessie Ellis: When the Ballymun shopping centre was built it became the social and economic heart of the area. In more recent years, its derelict, vacant units and outward appearance disheartened locals and was an unwelcome sight for visitors to Ballymun and those who drove through it. Ballymun shopping centre became a stark reminder of the failure of the costly regeneration project which cost more than €1 billion. The community in Ballymun deserves better. The derelict site does not reflect the spirit of the closely knit community of the area. The regeneration project was supposed to be about improving people's lives and their environment as well as providing proper housing. It was also about enhancing the quality of life of people and their environs.

The redevelopment of the shopping centre was central to the 1997 Ballymun regeneration plan. Treasury Holdings presented a plan for the shopping centre. The new complex, which was to be the main shopping facility for the suburb's 18,000 residents, was due to be built in 2005. In 2009, Treasury Holdings secured planning permission for Springcross, which was the old shopping centre site. The plans were to deliver an €800 million development. This development was to include an 11-screen cinema, a bowling alley, a public library, a crèche, restaurants and public houses as well as more than 70 shops, offices and apartments. Construction was to begin in 2010. However, as a result of the economic crash, the town centre lands became part of NAMA's portfolio of loans before any development began.

Many retailers in the centre closed in 2014 and the shopping centre suffered a major blow

when it lost Tesco, its most important tenant. Dublin City Council, which is now the major stakeholder, has at last begun the process of demolishing the 50-year old shopping centre. If matters are handled correctly, we will be in a position to revitalise the centre of Ballymun and make it once more the heartbeat of the community. The new development could once again become a central hub linking the communities of Ballymun. Sinn Féin will not support any development on this site that does not have at its core the idea and philosophy that this site is crucial to making this area once again the heart of the community of Ballymun. Dublin City Council should deliver on the promises and aspirations of the regeneration project. Central to that is making this site once more the centre of a vibrant and growing community.

Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan): Over the lifetime of Rebuilding Ireland - Action Plan for Housing and Homelessness, some €211 million is being made available under the national regeneration programme to support the delivery of more than 1,000 new social housing homes. Together with providing a significant number of new homes, the projects seek to address the causes of disadvantage in these communities through a holistic programme of physical, social and economic regeneration.

The Ballymun regeneration programme, which predates Rebuilding Ireland, spanned many years, with departmental funding first arising in 1999 from the 1997 plan to which the Deputy referred. This substantial programme, which comprised 24 projects, is now complete. The overall programme is estimated to have cost approximately €972 million. Funding of €775.3 million was provided via the then Department of the Environment and Local Government. Largely completed by the end of 2013, the Ballymun programme represents the largest regeneration initiative undertaken in the State. The State's investment resulted in almost 2,000 new replacement homes being constructed for the former residents of the original blocks of flats. An additional 1,350 homes were provided via private sector investment. In addition, the programme provided state-of-the-art community facilities, such as the Axis Theatre, along with neighbourhood centres to improve services. In recent years, the regeneration activity has focused on improving the area's environmental performance with various green initiatives, new parks and playing pitches. Enterprise and employment generation has focused on the main street and retail parks, with many new employment opportunities created for residents of the area.

I fully concur with Deputy's Ellis's point on the central role of the shopping centre in completing the regeneration of Ballymun. The redevelopment of the shopping centre is considered to be the key remaining element in the regeneration of the Ballymun area. This significant main street site comprising 3.2 ha is zoned for district centre mixed use in both the city development plan and the Ballymun area plan. Dublin City Council wishes to have sustainable mixed-use viable development that will maximise the site, use its full potential and complement the extensive State and local authority investment in Ballymun's regeneration to date. Following a competitive procurement process earlier this year, a demolition contractor was selected and the contractor commenced work on the site on 9 September 2019. The site is being secured in advance of commencing the demolition works, which will take approximately six months to complete. Future use of the site will involve a public consultation process.

A regeneration project moves through a number of phases throughout its life. The initial master planning stage is followed by demolition works, enabling works, refurbishment and consolidation works in some cases and then construction. A regeneration project must extend beyond physical redevelopment alone. In order to be successful and sustainable over the long

term, a regeneration project requires the rebuilding of a community and the strengthening of community bonds. Taken together, the provision of state-of-the-art community facilities, large-scale housing regeneration and new development and support for local enterprise and employment through various social regeneration initiatives ensured the success so far of the Ballymun regeneration programme. The redevelopment of the shopping centre site will complete the regeneration of this area. It is expected, following the completion of the demolition works, which are expected to take six months, that the city council will engage in extensive consultation with stakeholders and the wider public to ensure that the objectives the Deputy outlined are met for the community of Ballymun and those areas around Ballymun that will benefit from the regeneration of the shopping centre site.

Deputy Dessie Ellis: I thank the Minister of State for his reply. The reality is that the regeneration programme has not been completed and shopping facilities for the people of Ballymun are virtually non-existent. That is a tragedy for the people of the area and all those who have to travel to the Blanchardstown shopping centre, the Omni Park shopping centre and the Charlestown shopping centre. They should be able to shop in their own community where they meet their neighbours, have a coffee or drop into the public house to have a drink - all the normal things people expect to do in a place with such a large population. The population of Ballymun will exceed 20,000 in the coming years. I am hopeful metro north will go through Ballymun. We have been given a commitment in that regard and I hope it is not reneged on because it would be a lifeline not just for the area but also for people accessing the airport and travelling across the city. There are considerable environmental issues attached to that project.

I do not know any other area that has been as badly treated as Ballymun. I accept that some matters were beyond the control of Dublin City Council but the situation is not good enough. The shopping centre comes up at every meeting I attend in Ballymun, including forum meetings with residents. People want to know where they can meet their neighbours, as they did previously, so as to recreate their community spirit. In the context of the proposed consultation, there is much evidence from many meetings to show us what the people of Ballymun want. I urge Dublin City Council to address this issue. We accept we have to build houses and we have to do all of these things because the situation is urgent. However, we cannot do it at the expense of leaving a community like Ballymun without the facilities they should have and that they had in the past. It is imperative that we do this.

Deputy John Paul Phelan: I agree with virtually everything Deputy Ellis has said. I am not in a position to direct local authorities as to what they should do with sites like this or, indeed, with issues like this in their own functional areas. However, it would not be unreasonable to hope that Dublin City Council could begin the consultation process when the demolition works are actually happening, so that what Deputy Ellis speaks about in terms of the completion of the regeneration of Ballymun can happen as soon as possible. He is right to point out that a lot of the factors which delayed work commencing on this project were not the city council's fault and not the fault of many other people. Nonetheless, we are in a position now where we can complete the rehabilitation of Ballymun and ensure an adequate community centre and mixed-use shopping facility is provided in the Ballymun area, an area that is going to expand, as the Deputy pointed out.

This public consultation process will hopefully lead to a sustainable shopping offering. Deputy Ellis eloquently made the point that shopping is about more than just physical buildings. It is about having a place where people can meet their neighbours and interact socially with the people they have known for many years. That is why this phase is crucial. The Deputy

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should to be talking to his own councillors in Dublin City Council to get that consultation under way as soon as possible so the work can be done as soon as possible.

Agriculture: Motion [Private Members]

Deputy Charlie McConalogue: I move:

“That Dáil Éireann:

notes:

— that beef and suckler farmers are at their wits’ end, experiencing a severe income crisis, under significant financial stress, and struggling to maintain their livelihoods;

— how utter despair has forced individual farmers to resume protest at factories;

— the determined action by beef farmers in support of the Beef Plan Movement protests over a number of weeks which forced processors to the negotiating table last month;

— how beef prices have slumped downward even further to €3.45 - €3.55 per kilogram, significantly below the cost of production;

— the thousands of staff that have been laid off from meat processing plants;

— farmers’ dependency on direct payments under the Common Agricultural Policy (CAP) for their livelihoods, with average suckler incomes in the region of €8,000 according to Teagasc;

— the low farmer uptake in the Beef Exceptional Aid Measure (BEAM) scheme;

— how half of all Irish beef exports go to the United Kingdom (UK) market, and that a no-deal Brexit represents an existential threat to the viability of beef farming with fully tariffed trade adding up to €800 million in costs, while prices would fall to €2.50 per kilogram;

— that the Government has failed to adequately promote and incentivise the uptake of Producer Organisations (POs) in the beef sector with just one registration greenlight-ed to date, despite a legal basis for POs established in 2016;

— the Taoiseach’s comments regarding meat consumption have infuriated suckler farmers and undermined State policy to promote Irish beef product in overseas markets;

— the Government did not build sufficient support with European counterparts at European Union (EU) level to prevent increased access of 99,000 tonnes of beef from Mercosur countries in the draft trade agreement; and

— the severe financial difficulties being experienced by knackeries, and the onerous provisions under the fallen animal scheme; and

calls on the Government to:

— ensure meat processors return to talks and remove legal threats, while retailers must also attend stakeholder discussions;

— resolve the outstanding issues (fair prices, 30 month age restriction, four movement rule and 70 days residency requirement) with meat processors, retailers and farming organisations;

— work with the European Commission to immediately deliver an emergency crisis fund for beef farmers by using CAP market disturbance aid for price losses suffered since May, and to mitigate a doomsday no-deal Brexit for the sector;

— avail of all avenues to increase live export trade, and the Minister for Agriculture, Food and the Marine and Bord Bia must actively seek out new live export markets for cattle, which acts as a key safety value for the sector;

— ensure complete transparency with respect to market prices in the supply chain and establish a commission of investigation into the beef sector to examine retailer and processor margins;

— introduce a beef market index and require processors to publish weekly price reports;

— immediately commence the process of working towards the introduction of a €200 suckler cow payment;

— strengthen the position of the primary producer in the food supply chain and transpose the EU Directive on Unfair Trading Practices into Irish law swiftly, which should be enforced by an independent national food ombudsman;

— ensure all 2019 CAP payments issue swiftly, including:

— Basic Payment Scheme;

— Green Low-Carbon Agri-Environment Scheme (GLAS);

— Areas of Natural Constraint payment (ANC);

— Targeted Agricultural Modernisation Schemes (TAMS);

— Beef Data and Genomics Programme (BDGP);

— Sheep Welfare System;

— Knowledge Transfer Programme; and

— Hen Harrier Programme;

— extend the deadline for applications to the BEAM scheme, while making immediate changes to the conditions attached to the scheme, which are overly restrictive and preventing farmers from applying;

— give adequate financial support to establish POs in the beef sector;

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— reject any final Mercosur deal, which would undermine EU climate change policy, increase the deforestation of the Amazon and depress prices in Europe;

— examine introducing a farmer’s charter, which processors and retailers would have to obey if they wish to avail of Bord Bia’s Quality Assurance logo;

— commission a full review of the Quality Pricing System (QPS) grid, while working with stakeholders to ensure all animals which come from a quality assured farm receive some level of bonus payment;

— market Irish grass-fed beef as a premium brand to extract an increased return to farmers, while secure Protected Geographical Indication (PGI) status for our suckler beef at EU level in order to increase its promotional value; and

— provide additional funding to ensure the viability of the knackery industry, while reviewing the fallen animal scheme.”

I wish to share time with Deputies Cahill, Smyth, Troy, Butler and Scanlon.

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

Deputy Charlie McConalogue: Unfortunately, we have a very difficult situation in our beef sector. The motion addresses many of the key difficulties facing the sector. It was put down before the talks took place last weekend and I know those talks addressed some of the issues that the motion raises. However, it is not the first time Fianna Fáil has come before the Dáil with Private Members’ motions. Indeed, last March, we had a very similar motion once again drawing attention to the massive crisis in our beef sector. This is a crisis that has been brewing for many years and one the Government has continued to ignore and not address. If we had seen more proactive engagement by the Government in regard to many of the issues that are at play, we might not have got to the crisis stage we are currently in, which has led farmers onto the protest line and resulted in the protracted situation which has been continuing since 28 July.

Underlying the current problem is the issue of price and the need for an income for farmers but, alongside that, there is a total lack of transparency in our beef sector which has not been addressed for many years. Farmers feel the Government has simply not been listening to them. Various representations have been made, either by ourselves in Dáil motions or by farming organisations and farmers, with regard to, for example, the lack of transparency around the 30-month rule, the four-movement rule or the seven-day residency, or around the need for a review of the QPS grid, but these have continuously fallen on deaf Government ears. Likewise, when farmers got into trouble during last year’s fodder crisis, the Government did not respond or react promptly to assist farmers, as it had failed to respond to the previous grain crisis. They listened to the Taoiseach, one of whose main contributions to the beef debate was to suggest people should eat less beef in order to improve their carbon footprint. Just a couple of months ago, to put the icing on the cake, we saw the Government not hold the line at European level in regard to allowing a Mercosur deal to be proposed which would see beef coming into an already oversupplied European market from South America.

I acknowledge the work of the Minister of State, Deputy Doyle, the Minister, Deputy Creed, and all of the farming organisations last weekend in the marathon talks and the effort that was put into that. I outlined last night in the Dáil how the Government could and should have been much more hands-on at various times during the crisis to get people into talks. Nonetheless, we

now have a situation where the seven farm organisations have signed up and agreed, along with the meat processing sector, to the agreement made at the weekend. I know everybody is giving time and space to the farm organisations to have the necessary conversations with farmers across the country, and to explain the merits of that agreement and how it can be a starting point and key pillar to build upon in order to bring about transparency in the sector.

Everyone is agreed that the continuation of the current situation is undoubtedly impacting on and hurting the sector as a whole and is now affecting markets internationally. We see today the comments on the domestic situation affecting supermarket shelves and restaurants. Coming out of this, the factories have to understand that they must repair their relationship with farmers. There must be transparency and farmers must get a fair price. There is currently engagement across the country in regard to factories planning to reopen but they need to offer fair base prices to farmers with a view to restarting the kill. However, we all acknowledge it is essential that the protests finish and that everyone comes together in order to resolve the situation and avoid further damage over the coming period.

The motion calls for the Minister and the Government to go to Europe to get further funding to help compensate for the losses that have been experienced over the last weeks and months. We had the BEAM scheme, which was fed to farmers before the local elections as being a panacea in terms of the losses they had experienced but which has since then turned out to be a very different kettle of fish. The 5% stock reduction requirement has certainly seen a situation where many farmers feel it is not suitable to their needs, is simply making the wrong asks of them and is not dealing with the key issue of addressing the losses they have experienced up to this point. We have seen no sign from the Minister or the Taoiseach in terms of getting additional funding from Europe to cover the period from May up to now, a period in which farmers have lost more money and prices were poorer than previously.

We also have not seen any initiative from the Minister in regard to trying to improve the situation with regard to live exports. Only a small number of weanlings are currently going to the live export trade to Libya; more need to go and more initiatives from the Government are needed. We also saw the Government failure earlier this year in regard to maximising preparations for the live cattle trade through Cherbourg and the lack of facilities in place around that.

The message from Fianna Fáil is that it is time the Government woke up and started listening to farmers and started addressing these issues. Our motion outlines some key further policies and measures the Government needs to take to assist with the situation. We are asking that, once and for all, the Government listens and takes this on board and once this motion is passed tonight, actually follows through and implements it to bring about the necessary improvement to the lot of farmers to ensure they get fair play.

Deputy Jackie Cahill: It is historic that this is the second day in a row that beef farmers' plight has been top of the agenda in the Dáil. I had a number of calls this morning from farmers who are part of these new producer groups that have been established to try to negotiate with factories. They tell me that factories are refusing to negotiate with them on price. If we are to get our industry back on any kind of level playing field, processors need to wake up and realise that they must respect farmers and commit to what they agree to. If it is the case that these newly-formed producer groups are not being recognised by the processors, we have a serious problem. As Deputy McConalogue stated, the lack of live exports is a key issue and one that I lay squarely at the doors of the Minister and Bord Bia. Live exports have always been the safety valve to put competition into the trade. With the abolition of quotas, we knew that there

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would be a lot of extra stock. We had the farce last spring of there not being enough space in Cherbourg for calves leaving this country. Again, only two entities can be held responsible for that, namely, the Department and Bord Bia. It will soon be October but I have not yet seen evidence of that shambles being rectified in time for next spring. That must be done immediately. We have no older cattle leaving the country alive. We have had numerous announcements of market after market being opened for Irish stock but, unfortunately, no cattle are leaving.

There is also a great deal of talk about the grid being reformed. I did not agree with the grid when it was introduced and I still do not agree with it. It needs to be reformed, and the O= grade needs to be used to set the base price rather than having a grid that allows processors to exploit farmers and pay the lowest possible price. As Deputy McConalogue indicated, we need a crisis fund. We need a fund that will be fair to farmers rather than something similar to the one introduced prior to the local elections. That fund was discriminatory and excluded some finishers from claiming compensation. We should also recognise that producers of stores and weanlings are also losing significant money. The crisis fund must address losses borne by all beef farmers and there must be a fair fund in place. Unfortunately, since 12 May, cattle prices have dropped by 30 cent to 40 cent per kilogram, so losses are probably even greater now than they were when this fund was introduced before the local elections.

One of the greatest sources of regret on foot of last week's talks is the fact that the price differential for cattle over 30 months of age remains the same. Attempts were made to camouflage this by increasing the bonus for cattle under 30 months of age. The reality, however, is that when cattle change from being 29 months and 29 days old to 30 months and a day old there is a price differential of 12 cent per kilogram. Farmers just do not accept that there is any basis for this differential.

It is now a generation since we had BSE in this country. Using that weapon to pay a lower price to farmers is just not acceptable. The Competition and Consumer Protection Commission has clearly failed farmers. Whether it is in rendering or processing, farmers feel that a monopoly exists. We saw that when Slaney Meats was purchased by Larry Goodman, it was investigated but was said to be okay. This further eroded competition in the trade. Farmers need to get a viable price. If that does not happen very quickly, our industry will disappear.

An Leas-Cheann Comhairle: I remind the four remaining speakers in this slot that they have a total of nine minutes between them.

Deputy Niamh Smyth: Like my colleagues, I have met the farmers, male and female, across Cavan and Monaghan who have stood on the picket lines in recent weeks. It was heart-breaking to stand there and have conversations with them. There were women on the picket lines as well as the male farmers and they were there with their very small children out of love, passion and concern not just for their livelihoods but also for the land and where we are going when it comes to agriculture. The farmers in Cavan and Monaghan feel very passionately about this because they feel they are not getting a fair slice of the cake. Who could argue with that when we see some of the statistics that have been put out in recent weeks for the proportion they were getting as opposed to the meat processors and retailers.

My colleague, Deputy McConalogue, and with our agriculture team brought forward a motion to the Minister of State last March. They saw this coming years ago. I speak on behalf of the farmers in Cavan and Monaghan. They feel that the Minister has sat on his hands when it comes to the base price they have been offered, the 30-month age restrictions, the four-move-

ment rule, the weight restrictions on cattle and so on. Above all this is transparency. Transparency is key, as is the ability to listen. While the Minister has left it to the very last hour to get people around the table, there is huge work to be done to restore farmers' confidence that there is a future in farming.

Deputy Robert Troy: The numbers participating in last night's debate and the numbers seeking to contribute today clearly demonstrate that this is a huge issue in rural Ireland. Rural Ireland and its farmers feel totally abandoned by the Government. For months the Government has been put on notice that urgent intervention was needed, yet it failed to intervene until the 11th hour and only did so after farmers had endured thousands of lost man hours at factory gates and thousands of factory workers, who bear no responsibility whatsoever in the setting of beef prices, had been temporarily laid off. Some of those workers will not even be entitled to any social welfare.

I compliment the farming representative bodies that have come to the talks and achieved concessions, but it must be noted that these concessions are only the start. What the Beef Plan Movement has achieved in its establishment as a PO must be noted. There is, however, huge mistrust out there - of the Department, Meat Industry Ireland, MII and Bord Bia. What MII now needs to do is show its goodwill and confirm that there will be no erosion of the base price. There are two concrete areas where the Government can show its willingness to help the sector. The first is offal. I understand that Ireland is the only EU member state that has a distance limit for offal. That can be changed by the Minister of State and his colleagues. By doing so they would open up competition and remove the dominance of one player. The second area, which has been mentioned already, is export of live cattle. Much more needs to be done to ensure adequate facilities to keep this competitive option open.

The time for action is now. We have had inaction from the Government for far too long.

Deputy Mary Butler: Utter despair has forced individual farmers to resume protests at factories. Beef and suckler farmers are at their wits' end. They are experiencing a severe income crisis and struggling to maintain their livelihoods, educate their children and keep their heads above water coming off the back of a tough time last year between the fodder crisis and a drought. Outside the factory gates the farmers are losing their livelihoods, are entrenched and cannot break even for every animal reared and sold. Stepping inside the factory gates, 6,000 workers have been temporarily laid off and many of them have no access to social welfare payments as they are employed on permits from outside the EU. Over the past seven weeks, a large number of them have exhausted any savings or back-up they may have had as a result of the uncertainty of work since the pickets began on a day-to-day basis. More job losses will follow if the pickets are not lifted. The situation inside the gates is job losses and despair for workers, who want to work but cannot get the animals through the gates. Livelihoods are lost outside the factory gates and jobs are lost inside, and it goes on and on every day. There was hope last weekend, with long hours spent taking and each side giving a little, but if one talks to any farmer, it is on the base price that they want and need movement.

The crisis is damaging our beef industry. It has gone on for far too long. Markets will be lost. Already meat is scarce in shops and restaurants are adjusting menus to exclude beef. Every single available mechanism to facilitate negotiations with meat processors, retailers and farming organisations must be put in place again in order to resolve the outstanding issues. In view of the threat of Brexit and the uncertainty ahead, a solution to the crisis must be found.

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Deputy Eamon Scanlon: Yesterday, the Taoiseach said in the Dáil that farmers in Ireland are being offered the average European prices for beef. That is true. Unfortunately, our problem did not start yesterday but a number of years ago. Farmers in Europe were being paid 40 or 50 cent more than Irish farmers. I can fully understand the difficulties and the feelings of the farming community at the moment. It is very easy to look back but we have to look forward. The time has hopefully come for somebody to negotiate for the people at the gates. There are people facing financial ruin. We are 44 days away from Brexit. If we have a no-deal Brexit, beef going to England, where most of our beef goes, will face a tariff of 50%. What will that do to cattle prices in this country? Today we are talking about €3.40. We could be talking about €2.40 in a month. That is the sad reality.

At present, we should be killing approximately 35,000 cattle per week. For the last two or three weeks, that kill has not happened at all. If we have another two weeks of that, we will have more than 100,000 cattle that have to be slaughtered. That will depress the market. If it is absolutely imperative, however the Minister does it, that this blockade is stopped straight away. I believe that farmers should be paid a premium for the cow to help the rural family to stay alive. I believe that we should have a rural environment protection, REP, scheme. Get rid of those Mickey Mouse schemes of putting up bird boxes and such, wasting people's time where people have to pay half what they get to get a payment. Issue a good REP scheme, even if it has to be attached to climate change measures. The REP scheme was very beneficial to farmers and kept them on the land. That money went straight into farmers' pockets and not to somebody else. That is what is needed for the future.

Many statements have been made about the price of beef and who is getting what. It is very simple. Going into a meat plant, we know what the animal is costing the factory. We know what the factory is charging and we know what the supermarkets are charging too. There should be a full assessment on a carcass to see who exactly is getting what because at the moment nobody knows. I have experience of this as a butcher. It can be done. I spoke to a sheep agent yesterday. He has more than 1,000 sheep ready to go to a factory. It is another delay for another two or three weeks. It will depress the price and there is no question of that. In the end, the farmers will suffer more. I believe that the Government should declare this a national crisis because that is what we are facing at the moment and that is what the farming community is facing. Whatever has to be done should be done.

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Andrew Doyle): Before I start, I put on the record the Minister's regret that he cannot be here due to a family bereavement. I think everybody is aware of it.

Deputy Eamon Scanlon: We are.

Deputy Eugene Murphy: Yes.

Deputy Andrew Doyle: I move amendment No. 2:

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

"notes:

— that the beef sector has experienced a sustained period of depressed prices and farmers are experiencing very challenging conditions, and prices are now 9 per cent below the same period last year, and have been consistently depressed since autumn 2018, for a variety

of reasons, including sterling weakness and the uncertainty surrounding Brexit, with the United Kingdom accounting for 50 per cent of Irish beef exports;

— that the overwhelming consensus among farm representatives and other stakeholders is that the current impasse in the sector needs to be resolved to permit farmers with finished stock to have them processed, to protect blue chip markets, especially in advance of Brexit, and to avoid any long-term damage to the sector;

— that with that in mind, an agreement was reached between the processing sector and seven farming organisations/representatives in recent days to resolve the current difficulties;

— that this agreement includes a range of immediate benefits for farmers in terms of bonus payments and also includes a commitment to develop a beef market price index model and a review of the Quality Pricing System (QPS) grid;

— the importance of upholding this agreement in the broader interests of the beef sector as a whole, from the perspective of suppliers, processors and those employed by the processing sector;

— that up to 10,000 jobs in the processing sector are threatened by the continuation of the dispute and the livelihoods of 80,000 farm families are at stake; and

— while the Government cannot legally intervene on setting beef prices in the sector, every effort is being made to bring about a resolution to the current situation and to fully support the future development of the beef sector;

further notes that:

— the Government has negotiated a €100 million Beef Exceptional Aid Measure (BEAM), co-funded by the European Union (EU) and the Exchequer, in recognition of market difficulties in the beef sector;

— the BEAM deadline is currently open for applications and has been extended for another week for new applications, to be facilitated at the Ploughing Championships this week;

— this funding is in addition to a new €20 million Beef Environmental Efficiency Pilot, launched in January 2019;

— the first ever legal framework for setting up producer organisations was introduced by Government and extensively promoted, and this has led to the approval of the first beef Producer Organisation last week, which will provide farmers with a legal basis for negotiating a better deal in the marketplace; and

— the Government has actively advocated to safeguard the Irish beef sector in the context of the Mercosur Agreement and will continue to do so as the Agreement is further deliberated at an EU level; and

recognises that:

— a Beef Market Taskforce is being established to develop a sustainable pathway for the future of the beef sector and to provide a platform for engagement with retailers and other key stakeholders in the sector;

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- this Taskforce will provide for a robust implementation structure for the commitments entered into in the Beef Sector Agreement of 15th September;
- an independent examination on price composition on the supply chain in the sector is being undertaken;
- an analysis of competition issues is being drawn up;
- there continues to be active engagement on the development of Protected Geographical Indication for Irish beef and on promotional activity for Irish beef in key target markets;
- a public consultation process on the transposition of the Unfair Trading Practices Directive and the establishment of a regulator for the sector will shortly commence; and
- Area of Natural Constraint scheme payments are being commenced this week and all other payments are being made without delay in order to support farmers in difficult economic circumstances.”

I thank Deputy McConalogue and others, and those who have yet to contribute. I share the serious concerns about the ongoing difficulties facing the beef sector and I certainly understand the frustration which has driven some farmers to engage in prolonged picketing. Last weekend, the Minister, Deputy Creed, facilitated lengthy negotiations involving all the stakeholders to try to find a resolution to the current dispute. These were just the most recent talks in a series of formal discussions between beef stakeholders which have been facilitated by the Department of Agriculture, Food and the Marine, both in Backweston and Agriculture House. These commenced with a meeting on 12 August and continued through last weekend. The Minister, Deputy Creed, and I have had ongoing bilateral discussions and meetings with organisations, representatives and individual farmers.

The common thread in discussions is that all parties agree that it is critical to find a means of getting the sector fully operational again to protect the livelihoods involved, including both the farmers and factory workers whose jobs are at risk and all players in the sector. The talks last weekend culminated in an agreement between the meat industry and seven farm organisations and representatives, all of whom undertook to support the agreement on the ground and recommend that those protesting should step back their protests in response to this negotiated agreement. The agreement is a two-strand approach aimed at providing immediate financial benefits directly to beef farmers as well as addressing longer term structural issues which are in many ways the core of the problem. A means to implement and measure progress on these measures was also set out and agreed.

In summary, as part of the deal, there is an increase of 66% to the current in-spec bonus for steers and heifers from 12 to 20 cent per kilogram and introduction of a new 8 cent bonus for steers and heifers aged between 30 and 36 months which meet all non-age related existing in-spec criteria which up to now have not received any bonus. There will be an introduction of a new in-spec bonus of 12 cent per kilogram for steers and heifers under 30 months in the categories of O- and fat score 4+ which currently do not qualify. The in-spec 70 day residency requirement will be reduced to 60 days on the last farm. These measures offer an immediate financial benefit to beef farmers. They both increase the level of bonus being paid and significantly increase the number of animals that are eligible for a bonus. The cumulative effect is that more than 70% of all steers and heifers slaughtered will now be eligible for a bonus payment on top of the base price.

The establishment of a beef market task force is part of the agreement, to provide leadership to develop a sustainable pathway for the future of the beef sector in economic, environmental and social sustainability. The Minister, Deputy Creed, will appoint an independent chair to lead the task force. Its membership will comprise the Department of Agriculture, Food and the Marine, relevant State agencies and nominees from farm organisations and the meat industry. This task force will provide for a robust implementation structure for commitments entered into in the arena with timelines and stakeholder engagement. Further, it will offer a suitable platform for strategic engagement with key stakeholders, including retailers and the regulatory authorities. Other key immediate actions include the development by Bord Bia of a beef market price index model and a scientific review of the quality payment grid by Teagasc.

The second strand of the agreement sets out the strategic measures which seek to address structural imbalances in the sector. These measures will provide clear information and greater transparency to the sector with a view to ensuring the sustainability of this sector in the future. A number of actions in the area of market transparency, beef promotion and strengthening the position of the farmer in the food chain were agreed upon.

The agreed measures set a course towards greater clarity for all stakeholders involved in the beef supply chain, primarily farmers, and the agreement includes commitments on an independent review of market and customer requirements, specifically relating to the four in-spec bonus criteria currently in operation in the beef sector. Another measure is an independent examination of the price composition of the total value of the animal, including the fifth quarter along the supply chain. The results will inform future actions as necessary. The beef industry will co-operate in providing the data. There will be initiatives on improving information on carcass classification.

I know that many of the criteria for the in-spec bonus have been much discussed over the long days and nights of the discussions. It is imperative that we have the hard facts about third country and consumer requirements to inform discussions. The independent review will provide clarity about these requirements. A country exporting the majority of its products is dependent on a range of market requirements. There are also commitments to more detailed price reporting, more reporting on carcass classifications and the transposition of the EU directive on unfair trading practices. Full details are available on the website so, conscious of the time, I will not go into them in full. I am convinced that this contains the best balance between immediate financial benefits for beef farmers and a series of more long-term strategic actions that are absolutely necessary. Other initiatives, such as BEAM, have been mentioned. For the benefit of Deputy Cahill, I can clarify that the only finishers excluded are those from factories' dealer herd numbers.

Deputy Jackie Cahill: That is not correct.

Deputy Andrew Doyle: It is my information.

Deputy Jackie Cahill: What about dairy farmers?

Deputy Andrew Doyle: The 5% reduction is similar to the actions and requirements taken in the market supply chain reduction a couple of years ago, when the dairy support scheme was provided. I am aware that this motion is a couple of weeks old. I understand that the take-up has been around 80%. It was slow but I encourage all those who are eligible to apply. Assistance is being provided at the ploughing championships and in the Department, which informs

people how to qualify and how to apply, and this has been well subscribed to.

The announcement earlier this year by the European Commissioner, Phil Hogan, of an exceptional aid measure was very welcome. We had made the case for some time at Council of Ministers' meetings, and in direct consultation with the Commission, for an exceptional aid package from the European Commission for beef farmers. The available aid was specifically targeted at the farmers who were most impacted by market disturbances. It is a substantial package of €100 million, with conditionality as per the requirement of the EU. It is timebound for a relatively short period but there are more ways than one of meeting the conditions.

Live exports were up by 30% in 2017-18 and this trend has continued to date. Last night, Deputy Penrose outlined some of the realities of what has happened at Cherbourg this year. I would contend that this is not the responsibility of the Department and I would take issue with anyone who would challenge me about that.

A point was made about producer organisations. We need producer organisations to work. We need to step back to enable them to work because they are the one entity around the country that can give farmers a more equal position at the negotiating table as they can negotiate prices. The dialogue we have had so far has achieved a lot. I urge people to stand back and assess what has been achieved as things have changed and will never go back to where they were. Now is the time to make the most of this but the meat industry has to take a step back from legal threats and the protestors have to take a step back from the factory gates. I speak passionately about this as a beef farmer. I want to see the industry survive. It has a crucial role to play in the rural economy in many ways and it is worth preserving.

Deputy Martin Ferris: I acknowledge the commitment and bravery of all the independent beef farmers, and the movement which is currently protesting, as well as those who stand with them to highlight the conditions they are compelled to live under because of the lack of a decent price for their cattle. I have been on the pickets with these farmers in Rathkeale and Bandon and I am certain that they have been left with no choice. I am quite certain that they are doing this in desperation, in order to get an adequate, liveable income from their products. They felt they had no other choice but to protest and that this was their last opportunity to save their livelihoods. I do not believe that one farmer who is currently picketing the factories wants to be there.

The ground for farmers in rural Ireland is in a particularly bad position, particularly west of the Shannon, and beef farmers can no longer support their families on the income they receive. Families are facing the prospect of losing their home; they face a fight to pay their mortgage and they have debts and loans from last year's fodder crisis which they cannot pay. They are unable to pay co-operatives from which they have purchased manure and feed for their cattle.

How has it come to this? It has not just happened in the last couple of months but has been building on the ground for a number of years. For decades now, we have allowed the Irish beef sector to be run in a cartel-like manner, with its power being left unchecked for so long. This cartel-like group can decide, whenever it wishes, to manipulate the price of beef and to use its power for its own selfish reasons. If we go below the optimal kill of 30,000 per week, this group has at its disposal feedlots to enable it to feed cattle into the market to manipulate the price and ensure it is kept at the minimum required for its selfish needs. One of them, ABP, made a profit of €170 million in 2018 and has assets worth €3.45 billion. The bulk of its profits were booked in Luxembourg and were largely untaxed. That has been allowed to happen and we have to ask

ourselves how the cartels have been allowed to come together to get to where they are now. By the manipulation of the market for their own selfish needs they have managed to eliminate any small or independent operators around the country. We are left with a small number of factories with great power, which includes political power as we have seen in the past, with access to political organisations for their own benefit. We cannot say the market decides this on its own; the groups to which I refer determine the market by fixing prices. I have said time and again in this House that they have access to the database so that they know exactly how many cattle are coming on stream on a weekly and monthly basis and nobody has challenged me on it. Is it legal if a major cartel has feedlots under its control with people feeding cattle into the factories at the optimal time on its behalf? Is it legal for these big companies to take cattle from feedlots and put them into the factory process in order to manipulate the price? I do not think that is legal and it is certainly morally wrong.

Sinn Féin will be supporting the Fianna Fáil motion tomorrow, which we believe is a fair attempt to outline the threats beef farmers face and to articulate the demands that are necessary to resolve the situation. We have submitted three amendments to the motion and I hope Fianna Fáil considers accepting them. The first seeks to establish a beef market observatory which would require processors to publish daily price reports. This is in operation in the United States of America. It is not a silver bullet and certainly does not meet all farmers' demands but it will go some way to ending the manipulation of prices by processors. It would also go some way towards ending the high level of mistrust between farmers and factories, which is the key reason talks continue to stall. Only once greater transparency has been delivered will we be able to see the huge gap between what the consumer pays and what the farmers gets. We will then be able to see who is being ripped off. I hope other parties support this amendment as it will give transparency as well as confidence to farmers and processors.

Our third amendment calls for the study to be carried out and alludes to how the farming family model can be preserved in the face of the increased prevalence of feedlots. I am sure we all know too well the role feedlots have played in the beef sector. I hope we can all agree this is the right time to investigate the matter. We also called for the farmers' charter of rights to be adequately upheld. All these measures are in the interests of all of us, including the consumer and producer. I do not see why the processors or big retail units should have any difficulty outlining what the processors get from the retailers and what the retailers pay the processors. This would result in transparency right across the board. That would be of great benefit in restoring confidence in the sector.

I cannot disagree with the independent farmers and their supporters outside the factories. I fully support them. I support them because they are carrying out an act of last resort to try to protect their livelihoods. I fully support them because I come from their type of background and live in rural Ireland. My neighbours are among the protesters. Protestors feel, with great reason, that they have been badly neglected by large farming organisations, which they believe have never acted in their interest. The major farming organisations are currently trying to find a resolution because there is a total disconnect between them and their members. This is because the latter have been betrayed and let down. That is the reality. The big farming organisations have looked after the big farmers and have done nothing for the small beef farmers across rural Ireland. I support the motion of Fianna Fáil and hope it will take our amendments on board.

Deputy Martin Kenny: We had statements yesterday evening on this. Clearly, the anger at the picket lines at the factory gates has not abated. Many have spoken about the issue, at the core of which is the price. The base price is what they are talking about. While I accept the

notion that the producer organisations comprise a route to deal with this, it will be difficult for every farmer to have that route. It is untested and untried. The producer organisations have been in existence in the country for many years. During all these years, the entire emphasis has been on cutting input costs, with a view to coming together to buy diesel, fertiliser and grain more cheaply, not to increase the price for their end product. That has been the experience. I hope that this experience will change under the new model.

As Deputy Ferris said, the general view of many of the farmers is that the farm organisations have let them down, that they have not been active enough on this, and that they have allowed this problem to grow for the past 20 years or more. Many years ago, when there were small abattoirs and factories around the country, farmers were in a much stronger position. There has been consolidation into the hands of a small few. It appears, and there is great evidence to suggest, that the small few work together to manipulate the price to their own advantage and to the disadvantage of the primary producer, the farmer.

The motion is dealing with many of these issues. I commend Deputy McConalogue and Fianna Fáil on bringing forward this motion. It is really about getting to grips with the problem and highlighting the true need to resolve it. The resolution will come with the recognition that the system is broken. The current model does not work. It only works for the small handful in control of the situation. They have engaged in manipulation over many years to bring it to this. If we recognise that the system does not work and is broken, and while this has probably been more recognised than resolved in negotiations, we now have to reach a position in which we can ask what the new system will be like. What new procedures can be put in place for the Irish farm family? Many such families around where I live have 15 or 20 suckler cows. They need to see a future. They depend on the farmer who will fatten the calves and sell them to the factory in order to get a decent price. If this does not happen, they will also go out of business. There is a knock-on effect. I do not need to tell that to the Minister of State, Deputy Doyle; he is aware of it.

One cannot sort this out unless one accounts for the price and how it is given. At present, we are told it is based on the open market. The flaw of the open market is that it is very often manipulated. A principle of free market economics is that, all things equal and everything fair, the system works very well. Unfortunately, all things are not equal and things are very seldom fair. They are certainly not fair in this situation because it is being manipulated. We are told we are getting the average price like the rest of Europe. Given the quality of the product Irish farmers produce, they do not deserve that price; they deserve at least 20% above it because they are producing a premium product. Irish farmers are producing a gold-standard product and getting a bog-standard price. The price is the key. Some will of course say we are over-producing beef and that there are too many cattle. There may be some legitimacy to this argument, and it needs to be examined, but it does nothing for the farmer who has 20 or 30 bullocks to sell and who cannot make a living. Telling him he is going to make less in the future is not an answer. If we are to say it is about producing less, the price will have to go up even more. That is the challenge we have set ourselves.

I accept the Minister was at the talks and worked very hard on the days he was present but at the end of it all he should not be the ringmaster trying to sort this out. The Minister has to play a role and step in. The Government has to be seen to be exercising the firm hand of regulation to ensure fair play. In this case, the Government has to be standing clearly on the side of the farmer. If one is to stand on the side of the farmer, one has to stand up for finding a way to deliver a proper price. If this is to happen, the Government needs to find an appropriate mecha-

nism. Everyone will say it is illegal and that it cannot be done but we have heard that before about many things. A bit of inventiveness got around it. If a bit of inventiveness were applied in this case, we could get around the problem also. A means would be found to get a proper price for the farmer, ensuring that as we move into the future, the small family farm and beef sector can survive. The processors are needed by the farming community. We all need each other in this. This ought to be recognised.

Brexit is coming at us like a steam train. We do not know what will happen because we export such a large proportion of our beef to Britain. We do not know what the position will be in two months so it is crucial that this issue be sorted not in the coming weeks but the in coming days. This is why I suggest that the Government needs to go back in and work out a solution. Farmers have said that if they can get a base price, of up to €3.80 per kilogramme, they are prepared to come off the picket. If that happened now, we could see some progress. We need to see the Government stepping in and working on behalf of the farmer. The farmer is the one with his back to the wall in this situation. The big processors are very powerful and have very deep pockets. They can withstand this; the farmers cannot.

I know many farmers around the country who have cattle ready to go but who cannot get them into the factory. They are very worried. They do not want to be seen to be going against those at the factory gate. They truly stand with them but, at the same time, they have cattle ready to go. Some of the cattle are over 30 months. The farmers have to keep feeding them and they are losing money doing so. Right now, the Government needs to employ a firm hand with the processors and deliver the base price for the farmers.

Deputy Willie Penrose: The Labour Party will support the Fianna Fáil motion. I thank Fianna Fáil for introducing it. We acknowledge the frustration of farmers and workers in meat processing plants. We are particularly concerned about the 6,000 workers laid off to date. Many are on employer-specific work permits so they do not have access to social welfare payments. They have no time to lose in getting the factories back to full operation.

Livestock farmers are facing an unprecedented crisis. The crisis will not end any time soon. Global trade is becoming more protectionist. That means difficulties for Ireland as an island nation. Brexit, if it happens without a deal, will lead to tariffs and non-EU competition in the British beef market. We will be significantly exposed because more than 50% of our beef is sold in that lucrative market. The EU beef market is already highly competitive. Market prices are low, so Deputies should not try to deceive people by telling them that they will see a massive increase in the market price. The position is the same for market prices across Europe. Let us be clear. I have been studying this in recent months. Prices could be driven lower if the Mercosur agreement allows extra beef into the Single Market. If one tries to sell into a market that produces 102% of what it needs, and which is therefore beyond self-sufficiency, one is in trouble. It is a buyer's market.

Climate change and health concerns are leading some consumers to change their preferences. This is a long-term issue for the wider agricultural industry as well as for the meat industry. Possible changes to the CAP represent another risk for farmers. The UK's contribution of €12 billion will be lost when it falls out of the EU. Chancellor Merkel stated yesterday that she wants the 1.1% of VAT receipts that makes up part of countries' contributions - which is subject to their GDP - to be held at 1%. That will further reduce CAP payments. Although Ireland has committed to an increased contribution, the Dutch and the Belgians are showing significant reluctance. There are many things ahead. We will hopefully get this situation resolved. RTÉ

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news reports indicate that some promising initiatives are coming forward. Things are beginning to happen. I hope they will continue to happen and that matters will be resolved.

I agree that we have to get the base price but to allow people to think it will be up €4 by tomorrow evening is misleading. It is a solution for now, but there are long-term fundamental structural problems in this area. We will stick a plaster on it; we will mend and fill the old boiler. We will get that done today, but in a few weeks the boiler will be splattering water all over the place. There will be several leaks. That is the equivalent of what will happen in this situation.

Let us be very clear, policy decisions made over the years led to the current impasse. Large companies and conglomerates were allowed to gobble up small competitors uninhibited and to remove any semblance of competition, thereby elevating themselves into a dominant market position from which they could unilaterally dictate prices. They were not just satisfied with owning the pitch, they decided to take over the dressing room by introducing the concept of feedlots, which can be used to manipulate the market to their total advantage.

To add insult to injury, as a result of total political cowardice, they are getting CAP payments. I was one of the few to stand in the barn gap, as they say. Those very corporations are some of the biggest recipients of CAP payments. This adds insult to injury. The sooner somebody has the political balls to cap those payments, the better. CAP payments are going to be very important in the future and they have to be allocated to where they were designed to be allocated, rather than giving a bit to everyone in the audience. No farm organisation can do the allocation. It is about time they realised that they cannot represent the multimillionaire farmer and the poor farmer down the west with 25 or 30 acres. It does not work like that. One reaps what one sows and this is what we are reaping now. Let us cap the payments and cut out this nonsense. It is scandalous. I recall some people who do not employ one person on the land getting large payments. When my grandfather was around, some of those same farms were employing three or four people. Let us be clear about a few things. Let us be honest with one another in here. I am inclined to be honest and this is very important.

I have to mention the BEAM. I spoke a great deal about those measures last evening. I am worried about farmers who have established herd numbers in their own right over recent years. They have been building their stock slowly over time and have not reached their potential stocking rates. They need this BEAM compensation. They are only getting their farm businesses up and running. If they choose to avail of this compensation, however, they have to commit concomitantly to reduce their stock by 5%. That is a nonsense. They are only getting off the ground and the Minister is asking them to reduce their stock by 5%. These people are under 35 and have all kinds of agricultural qualifications. The Minister should go back to the genius who devised the schemes. He or she may never have been out on the ground. The Minister should get him or her to look for a special case or some measure that could be implemented to review the 5% reduction in these cases. It is based on the reference period from July 2018 to June 2019. Their farms are already overstocked. These individuals are only slowly building up so the impact on them is much greater. Will the Minister listen to me please? I am trying to get through to people who have no interest in listening. This has to be examined.

Last evening I referred to the average cattle-rearing farmer earning approximately €8,301. Two thirds of beef farmers earned less than €10,000 last year. The problem with the latter is that the average EU subsidy payment is approximately €13,000. If they were clever, most beef farmers would be better off collecting their subsidy and then mowing their grass and selling it

as hay or silage. Some 40 years ago, I worked as an adviser or a consultant and that is what I would have told them to do. They would then make a decent income. They would at least get something out of it. At the moment, the subsidy is just going towards paying the bills and the farmers have absolutely nothing left. They would have more money if they did this, so they would be far better off. I know one has to have a certain number of grazing stock, but rather than seeking to have greater and greater numbers, farmers would be better off trying to deal with things in this way. That is the way it is going because farmers are getting a notorious fleecing. They are producing a product and are not getting compensated for it. This problem is not unique to Ireland. Beef farmers across Europe are either losing money or making only tiny margins.

I again have to exhort people. There are beef markets out there that were very hard-won. Deputy Cahill criticised Bord Bia but I take a different view. That is the essence of democracy; we hold different views. Ms Tara McCarthy stated earlier today that hard-won markets will be lost if this situation persists and that it will be very hard to win them back. Let sense prevail. Beside where I live, where a lot of beef fattening takes place, there are fields full of cattle ready to go. They have now gone over the 30 months and all that nonsense. I was here at the time of the BSE problem. Many of these measures, such as the four-movement rule and the 70-days residency requirement, were brought in at that time, 2001-2002. It is time to alleviate the situation and to move on from some of those measures. I know we have to keep up standards but it could be another contribution towards progress in this regard. I am particularly worried that farmers at home will not be able to move any cattle and that the cattle will build up. Deputy Scanlon was right that only 10,000 or 11,000 cattle were killed last week. There may be none at all this week, or very few. The problem is that there will be a queue of 150,000 or 160,000 animals built up and farmers will get nothing at all for them. The whole thing will become circular and we will be back to where we started, with no resolution. That is the big issue.

The Minister knows how people are feeling. Government cannot resolve this issue on its own. If Deputy McConalogue was sitting in the Minister's seat, I would be saying the same thing. This cannot be solved by the Government alone; everybody has a say. The European Commission will also have to step in to help with the subsidy fund about which the Minister is talking.

Deputy Richard Boyd Barrett: I will start by paying tribute to the independent beef farmers and the Beef Plan Movement for their magnificent campaign over recent weeks and over the course of the summer. They have highlighted the absolutely intolerable and unacceptable levels of income which they are expected to endure despite producing a beef product of extremely high quality. I am shocked by these income levels. Until I met representatives of the Beef Plan Movement before the summer, I did not know that anybody working to produce such a product could be expected to survive on such a level of income. It is absolutely shocking. Average incomes are €12,000 and many are on €10,000 or €8,000 a year. It is a scandal.

From what I can see having heard from them, their scepticism and mistrust regarding the good faith of the beef barons, processors and retailers and some of the governmental agencies and bodies that are supposed to be trying to address this issue are perfectly understandable.

I am not saying that any of the Fianna Fáil Deputies present is saying it, but there is a narrative floating around to the effect that all this would be sorted if farmers just pulled back from the gate. From what I understand, they do not want to be there. They have been forced to the gate, and they are staying there because they do not trust the processors, retailers and various

agencies of Government to ensure their interests.

The key is the base price, which has decreased. One of the farmers I spoke to just before entering the Chamber told me of losses of between €200 to €250 per animal over the past couple of years. Contrary to what has been suggested in some of the discourse, retail beef prices have actually increased in some parts of Europe during the period in question. Farmers are asking a simple question - if what they are getting is going down while retail beef prices are increasing, where is the money going? They conclude that it is going into the hands of the beef processors, who control the price and the market, and the retailers, all of whom are making large profits. One does not have to be a rocket scientist to see that. Goodman's various companies have seen €175 million in profits. Frankly, I am amazed. One of the first issues that I ever got involved in was protesting around the issues that led to the beef tribunal - export credit insurance, rotten beef to Iraq and so on. It is amazing that some of those involved are still around, controlling the beef sector, making massive profits and, as we recently discovered, routing quite an amount of those profits through Luxembourg, a tax haven. In effect, they are a cartel controlling the industry and the prices while beef farmers are on an abysmal income. Look at the large retailers in this country. We do not even know how much profit Tesco makes, as it does not declare its Irish profits, but it is making lots of money. Aldi, McDonald's and so on are making a great deal of money. The answer to the question about where the money is going is that it is going to them.

One of the questions I was requested to ask concerned the exceptional aid scheme. Will the Minister of State assure us that it is not benefitting these companies? Is it going to the farmers who are struggling? They want to know because they are suspicious. Just like CAP, it is shocking that these companies, which are making that level of profit and funnelling profits through tax havens and so on, are getting CAP payments when the small producer is struggling to survive. There is a suspicion among beef farmers that this entire situation has been engineered and the companies want to shut down many of the small beef producers and move things elsewhere. Hence the kerfuffle about the talk of Bord Bia giving quality assurance to plants in the North and, apparently, the rest of the UK for slaughtering Irish cattle, since doing so might work better for the beef processors if there is a no-deal Brexit because tariffs on live cattle exports are much less than on the manufactured product. If cattle are sent over the Border to be slaughtered in the North, lower tariffs will be applied and Irish products will be sold into Britain, where 50% of our market lies.

Is this all being engineered by our friends in the cartel to drive the small producer out of business completely? Historically, the trajectory of farming, rural economies and so on has been one of centralisation, the creation of monopolies and the destruction of the small producer. We used to call this "enclosures". That is what happens. Will serious action be taken to protect the small producer? Will supports, subsidies, exceptional aid schemes and so on be directed so as to ensure incomes, fairness and transparency around prices, where the money is going, who is making the profit and so on? The meat industry cartel people do not want to own up to that, but the facts seem to speak for themselves.

As others have alluded to, beef farmers just want to be told by the producer organisations or the processors that there will be a minimum price of €3.80 per kilo. There would be nothing illegal if the processors said it. They set the price anyway - let us be honest. If the processors said that they would give farmers a minimum of €3.80 per kilo, this situation could be resolved. Look at the profits that Larry Goodman is making. He can afford it. In terms of the narrative around this situation, that is where the Government's pressure should be directed. These farmers do not want to be out on the picket line, but they do not trust the big players, the people

who control the market or the agencies. I understand that there was a kerfuffle at the ploughing championships because people felt that Bord Bia giving quality assurance to plants in the North and so on was part of a stitch-up of producers in response to the protests of recent weeks.

I stand with the farmers. The onus is on the large processors and retailers that are making lots of money and on the Government to ensure that farmers get a fair price and fair incomes for the work they do and the incredible and important role they play in holding rural Ireland together and maintaining the Irish rural economy. Let us show them some respect.

Deputy Denis Naughten: I wish to discuss amendment No. 3 in my name. The fact is that farmers have no control over the price for beef that they get from the market. That is the fundamental issue that led to the beef price crisis during the summer. It must change if we are to have movement and are to address the pickets outside meat plants across the country.

As I stated last night, we need movement on the base price that is paid for cattle. A realistic offer must be made by individual plants. A producer organisation has been established through the Beef Plan Movement. It must now be used as a vehicle for engaging with individual meat plants across the country and agreeing a base price. Even if a base price is agreed, though, farmers are concerned about what there is to prevent movement in that price next week, next month or next year. A minimum base price must be established and then tied into the variation in the European average price for beef. As the House knows, the European Commission publishes a list of the average price paid across Europe for beef and a carcass every week. As with tracker mortgages, there should be a tracker base price for beef. Farmers could then work to get a higher price through bonuses and meeting various criteria. Unless a baseline is put in place, however, we will not have movement on the issues.

In tandem with that, we need to examine some of the fundamental problems in the beef sector. We must establish a distinct brand for certified grass-fed, extensively reared Irish suckler beef. There is an application with the European Commission for EU protected geographical indication status for that very product. The Government must redouble its efforts to establish that status and, in tandem, establish an individual brand similar to Kerrygold to market that product across Europe and the rest of the world. The big difficulty is that Irish suckler beef is competing with manufacturing beef from the dairy herd. There is domestic price competition in that regard, aside from being able to sell Irish suckler beef as a unique product on international markets. Instead, Irish suckler beef is being used to sell manufacturing beef into international markets. That must change immediately.

Last May, the Competition and Consumer Protection Commission recommended to the Committee on Agriculture, Food and the Marine that a dedicated sectoral regulator be established to deal with the unfair trading practices directive coming from Europe and to improve the welfare of farmers. We need to establish an independent regulator for this sector forthwith to protect small Irish family farms. There can be no dithering in this regard.

As I stated in the House last night, there are issues regarding threats issued by the Competition and Consumer Protection Commission. However, there are tools available to the Government though the commission to look at the beef sector in this country and who is controlling the levers of the sector. Under section 10(4) of the Competition and Consumer Protection Act 2014, the Minister for Business, Enterprise and Innovation, Deputy Humphreys, may ask the commission to carry out an analysis of the beef market and make recommendations in that regard. That needs to be done immediately.

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We will be back here dealing with this issue in the coming years and we will state that the fundamental mistake made in 2019 was the failure to establish a State owned and controlled block chain supply chain for the beef sector. This is new technology which is being employed across the pharmaceutical sector. Someone in Ireland will establish that block chain. If it is not State owned and controlled, it will be used to further abuse the existing significant market share and compound the problem facing Irish farmers. There is a responsibility on the Department of Agriculture, Food and the Marine to bring all of the players together to establish a publicly owned and controlled national beef supply block chain which will increase the value of beef and, more importantly, increase the return available to Irish farmers.

The steps I have outlined will not improve the price of beef tomorrow morning or next week; only movement on the base price will do that. However, if these measures are not taken now, we will regret it. If the measures had been taken in the past, we would not be in the situation we are in today. It is fundamentally important that we address the current crisis and ensure there is a base price and a future for Irish suckler beef.

It is disingenuous to state that we should be reducing the Irish suckler beef herd. I acknowledge that there is an issue in respect of cattle numbers in this country but, as all Members know, those numbers are going askew in the dairy sector, not the suckler beef sector. We need to protect the latter sector. Unless we do, green fields across the country will turn into yellow fields of ragwort and furze. Farmers will, hand over fist, abandon land west of the River Shannon which is not suitable for tillage or dairy production but is providing a sustainable livelihood for many elements of the economy. Unless we are prepared to put gates on the bridges over the River Shannon, we must acknowledge the fundamental importance of the suckler herd and the suckler beef industry. We need to roll up our sleeves and support it for tomorrow, next week and the years to come.

Deputy Mattie McGrath: The fundamental priority must be to re-engage with all of the major stakeholders such that we can bring this crisis to a conclusion. It is clear that unless a mechanism can be found which permits the raising of the base price for beef, this issue will be prolonged with devastating consequences. To date, the consequences have been worsening. There is too much on the line and too many jobs, families' income and lives at stake for rural Ireland to allow this issue to drag on. Now that the Beef Plan Movement has been approved as a producer organisation, there is no reason a commitment could not be given.

There must be an immediate end to the threats of legal action by Meat Industry Ireland, MII, which have begun to re-emerge. Another day has been wasted. There were developments on Sunday evening. Today is Wednesday and the Government is out the gap again. It is making no move to re-engage with independent farmers and various other groups to try to get a base price somewhere along the line. Given that the Beef Plan Movement has been approved as a producer organisation, one can no longer say that the base price cannot be discussed.

I support the motion tabled by Fianna Fáil. The Government is dragging its feet. It stayed away from the table for too long. Now that it has been to the table, it should engage and try to get the people who have lost their jobs and been displaced by the reckless meat industry back into work and production to ensure that no further damage is done to the products on shop shelves here or our exports.

This is a crisis. Where are the Fine Gael backbenchers for the debate of this motion? They are not here. They must not be interested. It does not bother them. By hell, it will bother them

at election time because they will get it in the neck. Fine Gael is supposed to be looking after the big farmers, but is not looking after any farmers. It has lost its way and has a Dublin-centric Cabinet which does not care about rural Ireland. The Taoiseach stated that he would eat less beef because it is carcinogenic and because of climate change. What else could we expect from the Government while he is its leader? It was a disgraceful thing for him to say and it shows the inertia at Cabinet level in regard to doing anything about this crisis or for the farmers on the picket line. There is no semblance of movement by the Government. The Ministers need to get off their you-know-whats, talk to the people and get this crisis sorted out because it is drifting on and on. We might as well have no Government as the likes of this one.

Deputy Michael Healy-Rae: There is deep concern in spite of the hard-fought agreement reached over many weeks of discussion. The Government dropped the ball on this issue. The Minister, Deputy Creed, was brought to the table kicking and screaming. When farmers were protesting in Bandon, a couple of miles from his door, was he there to stand with them or listen to their concerns? I was there, as were Deputies Danny Healy-Rae and Michael Collins on an almost nightly basis. Why did some politicians see fit to listen to the concerns of farmers while others, some of them very senior politicians, did not? Being a Minister does not mean one does not have to listen to the people whom one is supposed to represent. When one becomes a Minister, one should not forget the people who put one there. I am sure there are many farmers who voted for the Minister, Deputy Creed. The least they expected was for him to listen to them when they needed him. It is awful that a person in Government would not listen to them. That was wrong.

5 o'clock

It is wrong that the base price could not be discussed during the talks. That should not have been tolerated. Mechanisms must be put in place so that farmers know that if they produce beef, they will cover their costs and have a modest profit margin.

For God's sake, they do not want much.

I neglected to thank Deputy McConalogue, his colleagues and the other Deputies for bringing this important motion before the House. It is vital that we stand behind them and support it. Shame on Fine Gael and those Members who support that party if they object to it and do not support it belatedly, having been brought kicking and screaming to the table again, because that is what has happened. Fair dues to the people who protested at the factory gates for so long and gave so much of their time and energy and who, in many cases, are still protesting.

Deputy Michael Harty: The main issue in this crisis is that farmers are not getting a price that comes near to covering their production costs. They are making substantial losses. That is recognised by all, including the meat factories. Meat processors are making a substantial profit. They have been allowed to gain a monopoly, which allows them to control and dictate prices without any reference to the producer. They can manipulate the price by using their feedlots. There is a need to have a recalibration of the financial imbalance that exists in the market. That recalibration needs to bring a sustainable price to the producer and both sides should be allowed to make a reasonable profit.

The existing model is not sustainable. There is fair trade in many parts of the world. There is fair trade in coffee and in the production of fruit in countries that are much poorer than ours yet we do not have a fair trade policy in respect of beef production. Last night, I spoke about meat producers operating a financial blockade at their factory gates. That is an invisible blockade. It is just as damaging as the visible blockade by the farmers protesting outside the gates

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but that financial blockade is just as damaging to the meat industry as the farmers' blockade at the gates.

The price for cattle needs to match the cost of production. Bonus payments will not solve the problem. They are variable. They can be changed at a whim. Many farmers do not qualify for them. They do not ensure the cost of meat production and many of the criteria used are meaningless. Blaming the weakest link in this chain, which is the farmer, for this crisis is wrong.

Deputy Michael Collins: I am glad to have the opportunity to speak on this motion in light of the ongoing crisis in the beef sector. As it is the week of the National Ploughing Championships, issues in our agriculture sector are all people are talking about.

I raised the many issues that family farms are currently facing as a result of poor treatment and the delayed intervention in the crisis on the part our Government. Other members of the Rural Independent Group and I called for the Dáil to be reconvened in early August when the farmers first started staging protests outside the gates of meat processing factories. The Government did not listen and we are still in the same mess. In fact, we are in a worse situation, particularly in view of the job losses at factories across the country.

The farmers' message is simple. All they want is a fair price for their hard work and their produce. These are decent, hard-working people, many of whom have never been on a picket line in their lives. They do not want to be on the picket line but they believe they have no other choice. Many of them are going out of existence, and they know it.

I call on the Government to act urgently and reconvene talks with all farming groups in order that we can resolve the outstanding issues around a fair base price, the 30-month age restrictions, the four-movement rule and the 70-day residency requirement with meat processors, retailers and farming organisations. Earlier, I asked the Taoiseach to personally intervene in this dispute. I put a question to him and he failed to answer it. He passed the mantle to the Minister of State in terms of having to answer the question. Why will the Taoiseach not intervene? Why has he not spoken out strongly in favour of the ordinary men and women who have gone out day and night to fight for their survival? It is not good enough. When it comes to this issue, our Taoiseach has stood idly by. I do not know if he clearly understands the crisis in the beef sector. I ask him again this evening to come out and fight for the ordinary man and woman who is fighting for their survival.

I am happy to support this motion. I support also any aspect of it that calls on the Government to ensure that all 2019 CAP payments issue swiftly. Those payments are needed urgently by these farmers to allow them pay their bills.

An Ceann Comhairle: I understand Deputy Eamon Ryan is giving two minutes of his time-----

Deputy Eamon Ryan: It will be something of a crossbred speech if I cannot give two minutes to Deputy Danny Healy-Rae and two minutes to Deputy Fitzmaurice.

An Ceann Comhairle: It will be a very unusual union.

Deputy Eamon Ryan: A very unusual creature.

Deputy Dara Calleary: That is some rainbow coalition.

Deputy Eamon Ryan: I am happy to do that.

A Deputy: A green alliance.

Deputy Eamon Ryan: In the brief few minutes I have, to follow the debate we had last night and the debate we are all having because this is critical for the entire country, urban and rural, I argued last night that we need a national land use plan. The Minister came back and stated that he cannot tell farmers what to do. I do not want to tell farmers what to do. We need farmers who are innovative and good business people. Farmers know best how to manage the land. They know their farms better than anyone else. Far be it from me to tell them exactly what to do, but we need to pay them properly to deliver services we want. We have this opportunity coming up in the CAP reform to pay farmers properly for the key front-line task they have in managing climate, restoring nature, providing high-quality food and protecting water quality. We should pay them properly for doing that.

We need to opt for a truly origin green approach in everything we do. We need to get an origin green premium and pay farmers properly for the services they provide. We do not need to do what they did in New Zealand, which was to have industrial dairy everywhere, trash the land and pollute the waters. New Zealand is now retreating from that strategy, one which, I believe, Fine Gael is leading us towards.

We should learn from what has gone on up North where they have gone down the way of bringing the cattle back into lots. However, low cost, high debt, high capital, not quality and not origin green is not the way we should go. We should opt for high animal welfare, which is what we are close to doing. We have good farmers who manage our cattle. We have traceability and proper measures in that regard. We do not do it by relying on selling cattle who go off on a ship to Libya every time we have a market problem. We do the exact opposite. We make our product something special that meets the highest environmental and welfare standards and gets the higher price.

When I suggested to the Minister last night that organic farming was more profitable he slightly pooh-pooed it and stated that it accounted for only 1% or 2%. I cited Austria, for example, where the figure is 40%. I ask the Minister of State to answer a question. If I am selling organic beef on the market, what is my base price? Is it €4.30 or €4.20 per kilogram? What is wrong with that as a base price? What is wrong with lower input costs and smaller breeds that will mean the farmer will not be up at 5 a.m. pulling a continental bull calf out of a cow with which one can have all sorts of difficulties. There are smaller cattle that might fit on our land without churning it up every time it rains.

This green approach makes sense. It is the best secured model for Irish farming. It belongs to every party in this House. It does not belong to anyone but if we are going out on a brand of Origin Green, let us be really green about how we do it. I am interested to hear what Deputy Healy-Rae and Deputy Fitzmaurice have to say so I will yield to them.

Deputy Michael Fitzmaurice: I thank Deputy Eamon Ryan for sharing time. I want to clarify that there are systems in place whereby farmers have gone the natural way and they can raise their cattle to 36 months. Currently, in the commercial sector, it is 30 months. There is a lot to be said for bringing cattle up on grass in the normal way they have always been reared.

I was present for the debate last night. On yesterday's edition of "Today with Sean O'Rourke", Cormac Healy of MII stated clearly that €3.60 is the base price. I asked if he would

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come out and clarify if that was the position because a price of €3.45 is being quoted in parts of the country. However, as per usual, the MII did not come out and clarify the position. The Minister needs to find out what base price is being given because depending on the part of the country one is in, there is a variance in the price.

The Minister gave the go-ahead in respect of the POs. He hailed it as a great step forward but, unfortunately, the factories are stonewalling. The Minister needs to put pressure on the processors and tell them that they have to engage.

An agreement was reached last weekend. I stated on Sunday - I say it again now - that there are many good parts to that agreement. The current situation needs to be resolved. Farmers are very unclear on the base price. That is what is causing the problem. There are cattle and sheep waiting to be slaughtered. We have to be mindful that there is a backlog and that these animals have to be killed shortly. To put it very simply, are we going to keep going down the road where we raise cattle under protected geographical indication, PGI, status, in feedlots, where they never see daylight and look out through a barrier or are we going to raise them, as we were brought up to do in natural farming, where they had grass for most of their lives? Are we coddling people in other countries by putting this green Bord Bia symbol on cattle that for six, nine or ten months are looking out through barriers?

We have the finest product in Europe, if not in the world, and we have the stock to prove it. We have the grass to grow it and we are still not giving the farmers the premium price. If we want to tackle this whole problem, we must put a maximum stocking limit. I would always suggest two units per hectare to give everybody a fair chance. We cannot continue giving derogations to feedlots and to industrialised dairy outfits, letting them export the slurry out of their farms under the nitrates. This arose during the year where it was suggested that by spreading a little bit of lime, it would be all right. If we continue to do that, it is like voting for the same people where we will continue to get the same result.

There was warning today from Teagasc about dairy calves next year. There is a problem brewing. If we tackle this head-on, do these things and farm naturally, there will be a price for our product.

Deputy Danny Healy-Rae: I thank Deputy Eamon Ryan for sharing time and Fianna Fáil for bringing this motion forward, which I am supporting. The Ministers did not listen to us in the spring when we were highlighting the plight of the farmers and I do not know if they really care. I am very disappointed with the Tánaiste, who was only 20 minutes away from the gates in Bandon but he never arrived to listen to the farmers. The same applies to the Minister of State, Deputy Daly, and the Minister for Agriculture, Food and the Marine, each of whom were no more than 20 minutes away from the gates in Bandon. We, and the people there, are very disappointed with that.

Farmers rang me last night. There is no mention of €3.60. The figure of €3.40 is the going rate. What farmers really need and want is €4 but they would accept and could live with €3.80. A fortnight ago, they were offered €3.20. I could get the man who told me that on the phone this minute. That is not fair or right.

Why can the factories not accept a little less profit? It was in the newspaper that one processing plant made €190 million last year in profits. Why could it not accept half of that and give something to the farmers to allow them to continue working the land they love and on

which generations before them prided themselves and on which they survived? Why could it not take a bit less? One individual is worth €480 million. The west of Ireland and every farmer there could not make up €480 million even if they all joined together with whatever small bank accounts they have. The whole thing is wrong and unfair and is the height of blackguarding.

Something better than this deal will have to be put in place to sort this out. I realise people owe money. They want to give money to their children who are going to college but they have bills to pay and need to get money somewhere. The situation is desperate.

The Ministers and their Government have let the farmers in the west of Ireland down, including in the county of Kerry.

Deputy Bobby Aylward: I am sharing with four colleagues. I have met many farmers on the picket lines and at meat processing factories around south east over the summer. Farmers are fighting for the livelihoods as the beef industry is being brought to its knees. These farms are producing the best grass-fed product in the world but the processors and supermarkets are being allowed to skim off the lion's share of the profits. Our farmers have been consistently being obliged to put up with a situation where they have been the price-takers while others along the way can see their own margins and ensure massive profits. The fact that there is no clarity as to what margins farmers get for the work they carry out in producing beef illustrates the lack of transparency in the sector.

The so-called protesters are honest hard-working people who would much rather be at home with their families, on their land and with their stock. However, they have come to the realisation that unless drastic action is taken, their homes, land, families and stock are in serious jeopardy. We have been banging the drum on this side of the House in respect of the beef crisis for years.

In March last, my colleagues and I brought forward a motion that included much of what has been agreed in talks over the weekend. However our motion, like many others before and after it, fell on deaf ears in this House. As a colleague stated yesterday, this is a reactive and not a proactive Government where the head stays buried in the sand until it is embarrassed or forced into action by an "RTÉ Investigates" programme or the mobilisation of people taking drastic action. This is the reason farmers are being forced from their land to take such drastic action at factory gates because the Government simply does not listen. If we lost 6,000 jobs in a Dublin-based industry, it would be solved overnight and Ministers would be falling over themselves to get a resolution but because it is rural Ireland, they do not think the same way.

I, as did all of us, asked the Minister to ensure that the task force that has been established will follow through and that the base price issue will be addressed and that other issues, including the 30-month rule, the four-month movement and lairage, will all be addressed conclusively and properly, so that the farming families in Carlow and Kilkenny and beyond will have a future in this country. I could say a lot more but I do not have the time.

Deputy Pat Casey: I fully welcome and support our motion which asks for specific measures to ensure our Wicklow farm families survive this unprecedented crisis in their ability to keep their heads above water. I visited the protest at Slaney Meats in Bunclody recently and discussed with Wicklow beef farmers the completely unfair trading position that the current meat industry places on the work they do.

Let us be clear about where we are today. There has always been farm protests about vari-

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ous failings in the agribusiness. The demonstrations that have taken place over the past four weeks, however, are unique in the history of modern Irish agriculture and reflect the total failure of the meat industry in Ireland to provide a fair price for one of our most valuable and quality products: top quality Irish beef. I was taken aback to hear from seasoned and very hard-working farmers that they are on the brink of collapse, both physically and mentally, from the strain that they are under.

Let us also be clear that these farm families are trying to cope with the 24-7 challenges of farming, where many have a second job, along with many other difficulties faced by people in rural Ireland such as transport, insurance costs and an increase in bureaucracy and red tape.

These four weeks have been very difficult for the staff of the meat factories and the farmers on the pickets acknowledge that. For these farmers to turn up, day after day, night after night, for at least four hour stints on pickets, while trying to cope with all these other issues in their lives, is having a serious impact on the physical and mental health of many Wicklow farmers.

Rural Wicklow is completely in support of our farming sector. It is not only an irreplaceable economic pillar of Wicklow but the very fabric of rural living is dependent on our farm families.

It is in this context that the deal at the weekend must be the start of a new beginning for Wicklow farmers, not a cynical deal to suit politician agendas or to get farmers off national media headlines at factory gates.

Deputy Anne Rabbitte: I thank the Ceann Comhairle for giving me the opportunity to speak on this motion. Respect and trust have been lost among the farming community, particularly in the beef sector, over the past number of months and years. In the past number of weeks, that loss of respect and trust has been borne out by the protests that are taking place. Agreement was reached at the weekend and all the farm organisations agreed to go back to the picket line but we can see how difficult it is for them to help stand down this protest. They are finding it an incredibly hard sell. There is a caveat in all this which is the beef producers organisation. That can be the conduit for delivery but it is being stonewalled by the factories. They are not returning its calls, they are not engaging with it and are not giving it the opportunity to help stand down this protest. It can be done if the factories engage with the organisation. That is the space in which the price can be negotiated and delivered. In discussing matters this evening, however, it does not appear that we have reached that point. We need the Minister's assistance. He must intervene and somebody needs to talk to the factories. I do not refer to the price in this regard. That should be decided upon by the factories and the representative organisation. It needs to happen.

Last night, the Minister for Agriculture, Food and the Marine commended the beef producing organisation on coming forward and setting this up. It is innovative and progressive. Let us support those involved and assist them by engaging.

Deputy Dara Calleary: I thank Deputies McConalogue and Cahill for bringing forward this motion. This is a wage negotiation for farmers. Can the Minister of State imagine if workers involved in negotiations with their employers could not discuss their remuneration and a deal was done that did not address the wage issue? That highlights the frustration felt by farmers. Successive Deputies have spoken about the inconsistencies in base pricing throughout the country. That matter must be resolved. It goes to the heart of the lack of confidence and transparency. One of the most important elements of the deal agreed at the weekend involves the

setting up of a task force to address the beef industry. The Minister needs to get that established immediately and to appoint somebody of credibility, whose stature is respected on all sides, to be the lead person in dealing with that task force and setting its work. That could engender the confidence that is needed. Transparency in respect of the base price extends to so many parts of the industry, not only to processing but also to the rendering and other areas.

Other issues also arise. When I was at the National Ploughing Championships yesterday, I was struck by the very up-to-date marketing in which the National Dairy Council is involved whereby it engages on Instagram and other social media platforms. If we consider the range of dairy products that have become available in recent years and how they have evolved to suit demand, we would note that beef products have not evolved to suit demand. In terms of beef marketing, we tell ourselves we have the best product in the world and we keep shouting about that but we must market it in a manner that is relevant to the 21st century. If we do that, we will increase the base line.

The Tánaiste was in this Department. He knows of the lack of trust that exists. How can this deal be sold at the factory gates when people who are trying to sell the deal have been threatened with legal action for being at those gates selling the deal? That is what has happened today, four days after the deal was done. That is wrong. It will not create the atmosphere we need to get this deal through. MII has to be called out and asked to allow a little space for this deal to grow and for people to reflect and see what it involves. That will build a type of confidence. The Minister cannot any longer continue to stick his head in the sand and hope this will go away. We are here now because he has had six months' warning about this issue. Deputy McConalogue has been raising it for a very long time but the Minister ignored it. We cannot do that any longer. We must move quickly and in a way that builds confidence and shines a light on the practices in the industry.

Deputy Fiona O'Loughlin: Sometimes the term "crisis" can be bandied around but that is not the position in this instance. The beef sector in Ireland, one of the largest and best in Europe and in the world, is not only in crisis and under threat but in danger of disappearing if positive action is not taken soon. The downward spiral in beef prices, despite being very well flagged to the Government - which ignored it, unfortunately - has resulted in protests by farmers, factories being closed, workers being laid off, other business interests, such as hauliers, being affected, etc.

There was general relief last Wednesday when it was felt that a deal which could be implemented had been reached but that relief soon turned to despair. This was compounded earlier today when it was reported on the radio that there is a very strong possibility beef will soon disappear from restaurant menus and that international contracts could be lost. If that happens, there will be no coming back.

I come from a farming background. I have stood with the farmers in Kildare and listened to their stories, anger, frustration, despair, mistrust and sadness about being placed in such a situation. Only this morning, I spoke to a farmer who was in tears not only because of his inability to pay his upcoming bills and to deal with the meat processors but also as a result of a level of intimidation that is happening at the protests at some of the factory gates. That is wrong and it must be called out. There needs to be a rebalancing in the beef supply in order to ensure fair play and transparency for farmers. Those are the three most important terms we can use in this context. That is what this is about, namely, the primary producer, fair play and transparency.

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Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney): I am pleased to have the opportunity to speak in this important debate and I thank Fianna Fáil for bringing forward the motion.

The Government will continue to be deeply committed to supporting and developing Ireland's beef sector. I am keenly aware that the past few months have been very challenging for beef farmers and their families following a difficult year for farm incomes in 2018 due to very bad 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.

Over the weekend, significant efforts were made to reach a resolution to the current dispute after lengthy and very tough negotiations. Leaders of all of the main farming organisations and representatives of farmers who were still protesting agreed to recommend an agreement to their members and those at factory gates. The agreement is a compromise. Nobody got everything they wanted. As Members opposite will be aware, it was not legally possible to discuss base price but the agreement contains a number of commitments relating to new and increased bonus payments that will have an immediate impact for farmers and, more importantly, a detailed package that also includes a number of commitments around transparency and fairness in the supply chain which in time will deliver greater certainty and clarity for farmers, which is what is needed. In truth, we need to restructure the beef sector in a way that is farmer friendly, supports family farms for the future and empowers farmers to be able to negotiate with a lot more power and weight with the factories to which they are selling.

As the Minister for Agriculture, Food and the Marine stated, we are at a critical tipping point in this dispute, and I do not say that lightly, as somebody who is passionate about the agrifood sector and about farming. A significant number of employees have been temporarily laid off and more are on the protective notice. Farmers with finished stock have no outlet for their produce and the continued premium position of Irish beef on supermarket shelves both at home and abroad is under threat if this dispute continues. I said today to many farmers to whom I spoke at the National Ploughing Championships that I believe we are very close to a point where we may do damage that is irreversible to this sector if we are not careful. I urge all the farmers continuing to protest and to mount blockades to consider the agreement that was negotiated on their behalf in detail. It will not deliver everything they want overnight but it is a basis for a way forward and it puts farmers in a stronger position in the supply chain.

I was at the National Ploughing Championships for a number of hours today and even though it was a beautiful day, the sun was shining and it was probably the best organised ploughing match that I have ever been at in terms of getting in and getting out, there was tension in the air. There was anger among many farmers. There was a sense that there was a real absence of trust between farmers and factories. That tension clearly is what we are seeing at the gates of many factories still. People are desperate. They are producing cattle, and have been doing so now for many months, for a price that is below the cost of production and we know that is not sustainable. Given the other challenges that are also on the horizon for the beef sector, particularly around Brexit, for which I have a specific responsibility in the context of protecting the agrifood sector and farming during these negotiations, we need to be really careful we do not do significant damage here that makes the other challenges we may face in six weeks' time even more difficult to face. I would ask farmers to think about that. That is not saying we do not feel their anger, pain and utter frustration in many cases. We do. The farm leaders who have negotiated on their behalf understand that too but they are willing to recommend this

deal because it is a basis for a way forward. It is not an end in itself. It is a means to deliver a better beef sector that can, as I stated earlier, empower farmers to be able to demand not only better prices by negotiating collectively through producer organisations, but also better conditions around the timing of delivery, etc., as opposed to simply being price takers at a time when factories want their product. The whole point of producer organisations is to try to equalise that relationship in terms of how and when supply happens, at what cost and under what conditions. That is essentially what we need to try to create in this sector.

The Government is trying to provide three key pillars for beef and the beef sector in the future to ensure that family farming remains a key feature, and in many ways the heartbeat, of rural Ireland into the future. The first is there needs to be decent financial support coming from Government and from the EU. This is a deal, essentially, between food consumers and food producers, where taxpayers need to pay farmers to ensure that the standards of environmental protection and food safety, and animal husbandry considerations, etc., are part of the food chain. I have always argued that the CAP is a great deal for taxpayers and consumers given the quality of the food that they get in return for it. The second area is about producer organisations, which I am a big believer in, and the third is to ensure that we continue to diversify and develop new markets internationally.

Looking at financial supports, I do not have time to talk about all the different schemes that are in place now but they are significant. They range from the beef data and genomics programmes to a €4 billion rural development programme, direct payments under CAP and GLAS, areas of natural constraints, ANCs, etc. When there are specific challenges to the sector, as we have seen from the impact of Brexit even though it has not yet happened, that has driven prices down. We have seen an exceptional aid measure come forward from the European Commission - a fund, of course, that was matched by the Irish taxpayer also.

As we negotiate a future CAP, we need to ensure that we protect the budget as best we can. The proposed 5% cut in the budget is something that we, along with many other EU countries, are anxious and determined to try to reverse to ensure that we still have a CAP package for the next period of CAP of approximately €12 billion to support rural economies, farmers and farm families as we have done in the past.

Producer organisations are something that, when I was Minister for Agriculture, Food and the Marine, we were talking about and trying to generate. We had a beef forum then too where we looked at all the issues that were discussed and debated, and in some cases agreed in terms of new thinking, on Sunday last. At that time, we were talking about the need to empower farmers as a collective. There is not much point in having 70,000 beef farmers, and another 30,000 who have some beef as part of their farm operations, if they are all individual price-takers selling animals, one by one, into the factories when the factories want them, when there is not an oversupply, etc. Farmers have the power in their hands if they organise in a way that creates a collective strength. One cannot have one producer organisation - that would be anti-competitive - but one can certainly have five or six where there are large numbers of farmers with a professional management team managing the sale of their produce, negotiating directly with factories around conditions and price. That can empower the producer in a way that we have never seen previously. That is something that we have to make work, in particular, with farming organisations, but also individual farmers. We know that works. If one looks at the impact on the dairy side of co-operatives in how they work, lobby and guarantee certain price floors, etc., for their members, we can do the same with producer organisations in beef, and the facilities are there to do that, and the next round of the Common Agricultural Policy can finan-

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cially support that too in terms of the cost of setting them up. I would encourage enthusiasm, but also making it a priority for Government to deliver on the potential of producer organisations, and we already have one fully recognised.

The other point I would make is in terms of market development. I compliment the Minister, Deputy Creed, and, indeed, the Minister of State, Deputy Andrew Doyle, on this. Since April 2017, we have seen beef access into China. We have seen beef, as well as pork, access into the Ukraine. We have seen beef and sheepmeat, and poultry, access into Qatar and Kuwait and we have seen significant steps forward in terms of Japan, Israel, Singapore, Saudi Arabia and South Africa. The work continues but we face an immediate crisis.

The question is, can we collectively solve it in the interests of farmers and their future so that we can look ahead to the next challenge on the horizon that we face linked to Brexit? Believe me, it is a big challenge. In my view, together we can overcome that too, but we need to get over the immediate challenges we face today that seriously threaten the viability of this sector.

An Ceann Comhairle: To conclude, I understand we have Deputies Eugene Murphy, O’Keeffe, Brassil, Lisa Chambers and McConalogue. Who is first?

Deputy Eugene Murphy: I got two minutes yesterday evening and I appreciate my colleagues giving me-----

An Ceann Comhairle: The Deputy will probably get less today.

Deputy Eugene Murphy: I know that. The Ceann Comhairle may cut me off when he has to.

We have heard the debate and the discussion. We have heard that, despite what Fianna Fáil brought before this House in the spring, no action was taken. I fear we are on the verge of losing major markets. We are on the verge of several farm families’ health being seriously damaged. We are on the verge of people, with considerable borrowings taken out for lorries to draw meat, collapsing. We are on the verge of a significant crisis in this area.

We need to get the producer group in there with the producers. It will have power. The producers need to give a little bit. I plead here this evening to the producer group, and to those on the gates, to stand back. There is a narrow window of opportunity. We can get over the line but it will take understanding. It will take sincerity. It will take a big step by both sides to be men and women up to doing the right thing. That is my plea this evening. There is a lot to be discussed and there is a lot at stake.

Deputy Lisa Chambers: The beef crisis that we have seen in this country in recent weeks is unprecedented. Farming is in an extremely difficult place. The price of beef is unsustainable. Farmers are operating at below cost. One can buy a steak in supermarkets for €3. There is something wrong there. It is a cheap food policy and farmers are suffering as a result. With Brexit coming down the tracks and the Mercosur deal that the Government signed our country up to, farmers will be under increasing pressure for years to come.

We need to look at the policy at an EU level as well. If we want sustainable food produced within the European Union to feed EU citizens that is of good quality under good regulations, we need to pay for it. We cannot pursue a cheap-food policy and look to import beef from other countries that we do not need and can produce here. That is a job for this country to fight for

at an EU level.

As for the thousands of farmers we have seen protesting in recent weeks at factory gates, we have never seen the likes of it. There are farmers at those gates who felt they had nothing to lose. They were at a point where they were not making money. Their farms were not viable and they felt they had no option but to take to the picket line.

We heard reports from the Central Bank that if Brexit goes badly - that is a distinct possibility now - one third of farms in this country could go under. Many of those farms are sustaining rural communities right across the country. Many are in my constituency of County Mayo. If we want to sustain rural Ireland and our way of life and if we want money in local economies and farm families protected, the Government needs to act now.

Deputy John Brassil: Much has been talked about in the past two days. The Minister of State, Deputy Doyle, sat through the whole lot of it. The Minister, Deputy Creed, was here all day yesterday. Everybody is aware of the issues. What we want now is a final solution. We are 90% of the way there. A lot of good work has been done. In order to finalise it and get the industry open again, what is needed, as has been alluded to by Deputies Eugene Murphy and Rabbitte, is a phone call from Meat Industry Ireland to the producer organisations set up by the Beef Plan Movement. This would show good faith that they are willing to negotiate and talk about price, which is what it is all about. If that happens, I believe all pickets will be lifted and the industry will get back to some sort of normality. The Tánaiste pointed out the very important issues coming down the road. We need this issue out of the way before Brexit negotiations and Mercosur kick into action. The Minister of State, Deputy Doyle, is a practical man and I know he entered into this in good faith. I am asking him and the Minister, Deputy Creed, to use their good offices to impress on Meat Industry Ireland that one phone call is all that is needed, for one single person to make a call in good faith to the producer organisation that is set up, to solve the issue for now and get the industry back moving again. I plead with the Minister and Minister of State to use their offices to make this happen.

Deputy Kevin O’Keeffe: The motion today is similar in content to previous ones introduced by Fianna Fáil. I thank Deputies McConalogue and Cahill. The issue is being introduced again now, when the beef industry is in total turmoil. It should not have come to this. Government intervention was late coming. I acknowledge the recent work undertaken by the Minister, Deputy Creed, assisted by the Minister of State, Deputy Doyle. Late intervention has led to the demand for a more specific detailed document. That is why we still have beef producers at the factory gates. Without even referring to price, we see how the credibility of Bord Bia has been undermined and that is a real worry in itself. Deputy Penrose has often referred to the issue of supply and demand and whether the markets exist, yet Phil Hogan allows the Mercosur deal, which gives access to European markets for Brazilian beef, and gets rewarded with a promotion. Also, there is no mention of the effect of climate change in South America, while Government-sponsored agencies are advocating a reduced suckler cow beef regime in this island. It is the Government that is causing a divide in the farming community. We have a Tánaiste in the House who, not so long ago, as Minister for Agriculture, Food and the Marine, was telling the tillage farmers to get out of that business and go milking cows.

Deputy Simon Coveney: I was not.

Deputy Kevin O’Keeffe: To get farmers to change their practices creates fierce capital costs. We do not want a scene with no beef producers because we want to make sure there are

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dealers still around the mart rings to buy the cows from the farmers. If we lose them, this country is in big trouble. It is not so many years ago that some well-known beef processors were in financial difficulties and the word was that a cheque from Anglo-Irish Beef Processors, AIBP, would definitely not bounce. Beef processors have come a long way since, and maybe the competition authority should have been more proactive in ensuring that a cartel situation was not in the making. One has to ask if there is a cartel there. I see hauliers today taking loads of livestock - beef, cattle - from Cork all the way to Donegal for a better price. The haulage costs are covered. However, the big processors in the south of Ireland do not seem to be able to buy these cattle. I ask the Minister of State to go back to Meat Industry Ireland to see if something can be done to get protestors off the picket lines. Many livelihoods are at stake. I must mention the factory workers who also provide an invaluable contribution to local economies.

Deputy Charlie McConalogue: I thank everyone who contributed to the debate. I thank Sinn Féin and Deputy Naughten for their amendments, which we will be accepting. As everyone has outlined, the debates today and yesterday take place at a time of grave uncertainty for our beef sector and great difficulty for the farming community. What we have seen over the past weeks needs to lead to a total change in the relationships within the beef supply chain. There is a need to ensure that farmers become respected, that they actually get full information and are a key partner in how beef is priced and in respect of the margin they get in it, that they are no longer trampled upon as has been their feeling and experience for many years now. There is a clear understanding that the agreement from the weekend offers a basis to move forward. However, in terms of the prices factories are offering to farmers, we also need to see the factories ensuring that the base price is the best possible price that can be offered, given the market circumstances and the background. They need to understand that farmers must be given fair play.

We also need to see the Government do its part and start listening to the farming community. That certainly has not been the case up until now. Many debates and motions have been put forward by ourselves and other parties to which the Government has not responded. In tonight's motion, we also call for more action from the Government on live exports and a commitment on gaining additional funds from Europe to help support the losses farmers have experienced in recent months. The Tánaiste is here tonight. He is in Europe very regularly and, while there has not been any commitment from him tonight in this regard, I emphasise that we need to hear him say he will go to the European Commission and seek to deliver further funding. The beef exceptional aid measure, BEAM, fund that was in place covers a reference period of September to May. Prices have been worse since then. The Government needs to make a contribution to support the income of farmers for the losses they have already experienced in the past few months. We have not heard that tonight. Overall, the lesson has to be that everyone must work together. Farmers, who are the foundation of our food industry, must be respected for being just that. They must not be treated as cannon fodder or expected to carry a loss while everybody else and the national Exchequer benefit from the hard work they carry out.

Amendment put.

An Ceann Comhairle: In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 26 September 2019.

Investment Limited Partnerships (Amendment) Bill 2019: Order for Second Stage

Bill entitled an Act to amend and extend the Investment Limited Partnerships Act 1994 and the Irish Collective Asset-management Vehicles Act 2015 and to provide for related matters.

Minister of State at the Department of Finance (Deputy Michael D’Arcy): I move: “That Second Stage be taken now.”

Question put and agreed to.

Investment Limited Partnerships (Amendment) Bill 2019: Second Stage

Minister of State at the Department of Finance (Deputy Michael D’Arcy): I move: “That the Bill be now read a Second Time.”

I welcome the opportunity to address Dáil Éireann today on the Investment Limited Partnerships (Amendment) Bill 2019, which was published on 18 June 2019. The Bill seeks to update the operation of the Investment Limited Partnerships Act to implement changes which were put forward in the IFS 2020 action plan and more recently the Ireland for Finance strategy. The amendments proposed in the Bill will modernise the operation of investment limited partnerships, ILPs, in Ireland. These amendments will support the further development of the funds industry in Ireland. As part of these amendments to the ILP framework, the Bill is also making a number of technical amendments to the Irish Collective Asset Management Vehicles Act of 2015.

The Minister for Finance, Deputy Donohoe, and I launched the Ireland for Finance strategy earlier this year. It is a multi-annual plan setting out the Government’s commitment to further develop the successful international financial services industry. The strategy makes clear that Ireland’s success in attracting top tier global financial services is set against an increasingly dynamic and competitive backdrop. The changes I put forward today to amend the Investment Limited Partnerships Act 1994 and the Irish Collective Asset-management Vehicles Act 2015, known as the ICAV Act, form part of that strategy. They aim to enhance Ireland’s offering for investment funds and improve our robust and transparent regulatory environment for investment funds.

The Irish funds industry is a key part of the internationally traded financial services sector, also referred to as the IFS. In June 2019, there were 7,531 investment funds authorised and regulated by the Central Bank of Ireland. Some 16,000 people are employed directly and indirectly in the industry and the industry generates substantial direct and indirect Exchequer receipts. The funds industry in Ireland is not just based in Dublin but provides high quality jobs across the country. Ireland’s offering in alternative investment fund domiciliation is already strong due to a highly educated and motivated staff and a pro-business environment that is overseen by a regulatory regime, which is responsive to the needs of industry while all the time ensuring the protection of the interests of investors. The intention of this Bill is to ensure our corporate structures for investment funds remain fit for purpose and maintain our strong global reputation as a jurisdiction to domicile investment funds.

An investment limited partnership, ILP, is a regulated partnership structure that does not

have a separate legal personality. ILPs are tailored specifically for investment in a collective investment fund. An ILP is formed under the Investment Limited Partnerships Act 1994 and is established once it is authorised by the Central Bank of Ireland. It is constituted according to the partnership agreement entered into by one or more general partners, who manage the business of the partnership, and any number of limited partners. The general partner has unlimited liability in this structure, while limited partners can, at a maximum, only lose their investment in the ILP.

When compared with our other investment funds vehicles ILPs have particular advantages for specialised investment schemes such as private equity or venture capital funds which have smaller numbers of professional investors and also have more bespoke investment structures, such as investments made by partners at predetermined points in time and different ways of splitting the gains and losses from the partnership. In an ILP, the general partner is responsible for managing the business of the ILP and is ultimately liable for the debts and obligations of the ILP to the extent that the ILP does not have sufficient assets. An ILP is subject to oversight by the Central Bank of Ireland and will be subject to its rules regarding Irish domiciled alternative investment funds.

The ILP Act has been in use since 1994. It is widely acknowledged that it needs to be updated to fit the environment at which it is aimed and to take account of the changes that have been introduced in Europe via the alternative investment fund managers directive, AIFMD. This revision is aimed at modernising the legislation by making changes such as allowing an advisory role in the management of the fund for limited partners without putting their limited liability at risk. The changes proposed in this Bill will enable Irish industry to compete for some of the global private equity market that to date has chosen other European or global locations to base such investment funds.

The Bill also makes minor changes to the ICAV Act 2015, including correcting typographical errors and aligning the Act with other company legislation. The ICAV is a legal structure for the holding of investment schemes established in accordance with the ICAV Act 2015. The ICAV structure was specifically designed to be distinguishable from a trading company. A number of Irish company law provisions are often irrelevant or inappropriate to investment funds and can create unintended consequences where applied in the funds context. I will set out later the changes being made to the ICAV legislation in this Bill which are technical in nature.

I will now outline the key features of the Bill. The Bill contains three Parts. Part 1 is the preliminary and general section, Part 2 relates to ILPs and Part 3 to the ICAV Act. The first Part of the Bill consists of three sections. It deals with preliminary matters and contains definitions used in the Bill. Section 1 provides in standard form for the Short Title and commencement. Section 2 provides in a standard form the collective citation. Section 3 is a standard form for clarifying the Acts referred to in the Bill which are the Investment Limited Partnerships Act 1994 and the Irish Collective Asset-management Act 2015.

A number of changes to ILPs relate to alignment with EU and domestic funds legislation, for example, changing the term “custodian” to “depository”. There are also some typographical corrections, correction of cross-references and replacement of the term “Companies Act 1963” with “Companies Act 2014”. Section 4 adds definitions for new terms relating to “alternative foreign name”, “depository”, and “limited partner”. The section also transfers responsibility for the Act from the Minister for Business, Enterprise and Innovation to the Minister for Finance.

Section 5 replaces the word “custodian” with “depository” throughout the Act of 1994 to align it with other funds legislation. Sections 6 and 35 insert text to permit the establishment of umbrella funds. These sub-funds permit the establishment of a fund with several distinct sub-funds that are traded as individual investment funds but are not liable for the debts of the other sub-funds under the umbrella. These funds will share a general partner but are ring-fenced from each other in the event of insolvency. This “umbrella” framework also exists in other investment fund vehicles, including ICAVs and common contractual funds.

Section 7 amends section 6(4) of the Act of 1994 to permit a limited partner to participate on boards and committees related to an investment limited partnership. This adds board participation to the “White List”, a list of activities which, if undertaken by a limited partner, will be deemed not to be taking part in the conduct of the business and so does not result in loss of liability for a limited partner. The white list concept is common to limited partnership regimes in other jurisdictions such as in the Legislative Reform (Private Fund Limited Partnerships) Order 2017 in the United Kingdom, which clearly sets out the actions that are not regarded as taking part in the management of the partnership business for the limited partner.

Section 8 amends section 8(4) of the Act of 1994 to correct the reference to the fee prescribed under the Central Bank Act 1942. This is to correct a typographical error. Section 9 amends section 8(4A) of the Act of 1994 correcting a cross-reference, adding reference to the “alternative foreign name”, changing the “Companies Act 1963” reference to the “Companies Act 2014” and deleting the reference to “and address”.

Section 10 adds a new section 8(4B) to the Act of 1994 to allow the use of an alternative foreign name in the case of foreign investment limited partnerships. Section 11 amends section 8 of the Act of 1994 by adding a new section 8A to give the Central Bank the power to refuse to authorise an investment limited partnership where the name, or alternative foreign name, of the ILP is deemed undesirable.

Section 12 substitutes section 10 of the Act of 1994 with new requirements for the Central Bank of Ireland to maintain records of all investment limited partnerships authorised. That is to align the requirements with records maintained with other funds legislation. Section 13 amends section 11(1) of the Act of 1994. Section 11(1A) of the 1994 Act sets out the requirements for amending a partnership agreement, requiring all partners to be notified prior to an alteration and provides for alterations in writing via the agreement of the majority of partners, provided the existing partnership agreement allows for changes via majority.

Section 11(1B) of the 1994 Act allows for alterations to the partnership agreement to be implemented if the depository certifies in writing that the alteration does not prejudice the interests of the limited partnerships, provided that the alteration is not one which the Central Bank of Ireland stipulates must be made via section 11(1), and that the partnership agreement provides that the depository has the power to certify that the alteration does not prejudice the interests.

Section 14 adds two new subsections to section 11 of the Act of 1994. Section 11(5) creates a statutory transfer of assets and liabilities on the admission or replacement of a general partner, so that all rights or property of the investment limited partnership shall vest in the incoming partner or existing general partners. Section 11(6) sets out a similar provision on the withdrawal of a general partner, wherein all rights or property of the investment limited partnership shall vest in the remaining partner or existing partners.

Section 15 amends section 12(2) of the Act of 1994 to stipulate that the words “investment limited partnership” or “comhpháirtíocht theoranta infheistíochta”, or “CTI”, which is the Irish acronym for ILP, must be used at the end of the name of every investment limited partnership. It also states that where an investment limited partnership is permitted to use an alternative foreign name, it must use the words “investment limited partnership” at the end of the name in the same language as the alternative foreign name.

Sections 16 and 17 are technical amendments relating to the maintenance of the register of the ILP. Section 18 deletes section 14(3) of the Act of 1994. Section 19 inserts a new subsection 19A to the Act of 1994 setting out the meaning of “majority of limited partners” for different purposes, for example, in regard to rights or interests of a majority of the limited partners, and in regard to its use of simple majority.

Section 20 replaces section 20 of the Act of 1994 and sets out how capital contributions by limited partners and liability of limited partners for partnership debts operates. Section 21 rewords and expands section 22(2) of the Act of 1994 for greater clarification. Section 22 clarifies that section 30 of the Bankruptcy Act 1988 only applies where the general partner adjudicated bankrupt is the sole general partner. Section 23 amends section 24(4) of the Act of 1994 by inserting two subsections to permit the investment limited partnership to purchase insurance for a general partner or auditor, or former general partner or former auditor, to indemnify him against any liability in the event of a case of negligence or default where the general partner or auditor is found not to be negligent or in default.

Section 24 amends section 24, subsections (5) and (6), of the Act of 1994 to ensure that if the partnership agreement provides that where a partner fails to perform any of its obligations under, or otherwise breaches, the partnership agreement, the sanctions applicable for the failure of performance or breach will not be unenforceable solely because they are penal in nature. This is necessary because courts in Ireland and other common law jurisdictions have previously determined that provisions in an agreement which impose additional obligations on a party in the event of a breach or a default may be unenforceable if they are subsequently adjudicated to be penal in nature.

Section 25 amends section 25, subsections (1) and (4), of the Act of 1994, substituting “a general partner” for “every general partner” in subsection (1) and “subsidiary” for “associated undertaking” in subsection (4). Section 26 amends section 27 of the Act of 1994 to provide greater clarification of the subsection being referenced and rewording of text. Section 27 amends section 29 of the Act of 1994 by deleting subsection (3) to remove the requirement for the bank to publish notice of revocation of authorisation in *Iris Oifigiúil*. Section 28 amends section 31(1) of the Act of 1994 by inserting the words “or depositary” after “proposed new general partner”.

Section 29 amends section 33(3) of the Act of 1994. It is a technical amendment to require the general partner to notify the limited partners of a direction from the bank immediately upon receipt.

Section 30 amends section 35 of the Act of 1994 to correct a typographical error: section 35, subsections (7) and (8), are updated to refer to “officer of such a general partner” rather than “officer of the investment limited partnership.”

Section 31 amends section 37 of the Act of 1994. Section 37, subsection (1), is amended

to clarify that there must be at least one general partner so as to avoid conflict with section 5(1)(b) of the Act of 1994. Section 37, subsections (2) and (3), are amended so that the partnership is not immediately dissolved in the case of death, but within a time period as specified by the Central Bank of Ireland.

Section 32 clarifies that the limited partner does not have unlimited liability for the debts of the partnership once the partnership is dissolved unless the limited partner purports to carry on the business of the partnership after dissolution. Section 33 amends section 39 of the Act of 1994 to ensure that limited partners who do not take any part in the conduct of the business of the partnership cannot be prosecuted for any offences committed in the management of the partnership.

Section 34 amends the Act of 1994 by adding section 42A after section 42. Section 42A seeks to align the ability of an investment limited partnership to indemnify against liability with the ICAV Act 2015 and the Companies Act 2014. This reflects the changes that were introduced under the EU AIFMD, which provides for a liability regime for depositories set out under European legislation.

Section 37 adds a new section 2A to the ICAV Act 2015, providing supplemental interpretation provisions regarding ordinary and special resolutions. Section 38 amends sections 5 and 6 of the Act of 2015 to provide that the sole object in an ICAV constitutional document reflects Regulation 4(3)(a) of the UCITS Regulations (European Communities (Undertakings for Collective Investment in Transferable Securities) Regulations 2011 (S.I. No. 352 of 2011)). Section 39 adds a new section 8A to the Act of 2015 to ensure that the validity of an act done by an ICAV shall not be called into question on the ground of lack of capacity by reason of anything contained in the ICAV's instrument of incorporation, without affecting the duty of the directors of an ICAV to observe any limitation on their powers.

Section 40 adds a new section 8B to the Act of 2015 after section 8A to provide that a contract entered into outside the *vires* of an ICAV is nevertheless enforceable. The Company Law Review Group recommended in its First Report 2000-2001 that the *ultra vires* doctrine be abolished for companies limited by shares. The omission of such a provision in the ICAV Act was not intentional and this amendment is to bring the Act in line with this recommendation.

Section 41 amends section 14(2) of the Act of 2015 to require the Central Bank of Ireland to update the register following the change of name of an ICAV. Section 42 amends section 30 of the Act of 2015 to require the Central Bank of Ireland to alter the copy of the registration order and notify the ICAV of the same following the change of name of an ICAV. Section 43 amends section 32 of the Act of 2015 by deleting subsection (7), removing the requirement for the director of an ICAV acting on behalf of various ICAVs to sign an agreement multiple times in respect of the various ICAVs to which that agreement relates.

Section 44 amends section 33 of the Act of 2015 by inserting a new subsection (4) after subsection (3), clarifying the requirements for affixing or attesting to the affixing of the seal in circumstances where an ICAV has a seal. This aligns with similar provisions in the Companies Act 2014. Section 45 adds a new section 85A to the Act of 2015 to allow an officer of an ICAV to make an application to the court in anticipation of apprehended proceedings.

Section 46 adds Part 5A after Part 5 of the Act of 2015 containing three new sections - sections 91A, 91B, and 91C - regarding written resolutions. This is to align the Act with the similar

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provisions in sections 193 to 195, inclusive, of the Companies Act 2014. This change will provide for written resolutions by members of an ICAV in regard to the ICAV itself or a sub-fund, as well as the existing ordinary and special resolutions at a general meeting. This amendment also requires two additional amendments: sections 36 and 51. Section 36 amends section 2 of the Act of 2015 by adding a new definition of “Category 4 offence” to the definitions. Section 51 amends section 186 of the Act of 2015 by inserting a new subsection after subsection (3) stating that a person guilty of a category 4 offence under the Act shall be liable to a class A fine.

Section 47 amends section 96 of the 2015 Act by substituting a new subsection (8) clarifying that where an investment company converts to an ICAV, the priority of pre-existing charges should remain unchanged.

I have a couple of pages left. It is important to put this on the record.

An Leas-Cheann Comhairle: The Minister may do so if we get agreement.

Deputy Michael McGrath: I am happy for the Minister of State to continue.

Deputy Michael D’Arcy: Section 48 amends section 140 of the 2015 Act to correct a typographical error by substituting “waived” for “varied” to reflect the language used in section 1490 of the Companies Act 2014.

Section 49 amends section 141(1) of the 2015 Act by inserting “being the debts identified for the purposes of subsection (2)(b)” after “debts”. This is to bring the Act into line with section 1415(1) of the Companies Act 2014, which requires that directors making a declaration of solvency and declare that they have formed an opinion that the applicant company is able to pay its debts as they fall due.

Section 50 amends section 154(2) of the 2015 Act by the substitution in paragraph (h) of “sections 599 and 609” for “sections 600 and 609”. This is to correct a typographical error.

I wish to inform the House that the Government intends to table a number of amendments on Committee Stage of the Bill. I intend to bring forward a number of technical changes to provide some additional clarity to the operation of the Bill following ongoing consultation with industry. In addition, there will be a substantive amendment related to the introduction of a beneficial ownership register for ILPs. This is to ensure any investors in an ILP structure will be treated the same as one in our other investment funds vehicles with separate legal personality or structured as a trust. The requirements of a beneficial ownership register on those other vehicles have been introduced via provisions in the Fifth Anti-Money Laundering Directive, which do not apply to ILPs due to its partnership structure. Therefore, this important amendment will ensure a level playing field in the area of transparency for Ireland’s corporate vehicles for investment funds and ensure that such entities meet the best international anti-money laundering standards. My officials are continuing to consider another potential amendment to provide for the redomiciliation of ILPs. These are complex amendments and are still being worked on by officials, who are engaging with the relevant State bodies and industry. If work is completed satisfactorily on these additional amendments, I will move them on Committee Stage. I wish to signal my intention to do so at this stage.

I hope the outline I have given will help Deputies understand the background and context underlining the benefits which will arise from the Bill. The Irish funds industry is, as I highlighted earlier, an important part of our international financial services sector based in Ireland.

It is a significant employer and a sector we hope to see grow and deepen its links into the Irish economy throughout the country. Given its importance, it is now timely to make some legislative amendments to the framework, and I believe that this Bill will do just that. I look forward to hearing Members' contributions and assure them that I will be happy to provide any further clarifications they may need.

I will make just one final point, and I appreciate the Leas-Cheann Comhairle's indulgence. The industry tells me that with the passing of this legislation an additional 1,500 people will be employed directly because of the extent to which private equity will be based in Ireland. We currently have no such jobs. That is where we find ourselves. This Bill addresses that.

Deputy Michael McGrath: I am pleased to have an opportunity to contribute to the Second Stage debate on the Bill. It is appropriate to recognise the great success we have had in the area of international financial services. Successive Governments have worked on the sector. We as a party are very proud of the role we played in the 1980s in the establishment of the IFSC here in Dublin. Since then, international financial services have developed right throughout the country, and that is important to recognise.

Even in the Minister of State's plan for the next five years or so he has acknowledged some remarkable statistics, with 44,000 people now employed in international financial services. Fourteen of the top 15 global aircraft lessors are now based in Ireland. Ireland is home to 20 of the world's top 25 financial services companies. With more than €4 trillion in fund assets under administration, Ireland is the third largest global investment funds domicile, the largest European domicile for exchange-traded funds, ETFs, and a leading location worldwide for hedge fund administration. Seventeen of the top 20 global banks and 11 of the world's top 15 insurance companies have a presence in Ireland, and the Irish cross-Border insurance sector, the report points out, writes business into more than 100 countries with more than 25 million customers. By any yardstick, this is a very impressive record that Ireland has accrued over time in international financial services. This success cannot be taken for granted because this is a very dynamic industry in which the pace of change is rapid and the nature of the investment is highly mobile. We are increasingly facing a very competitive international environment, and this must be acknowledged and at the fore of the debate on the Bill.

Within the overall figure of 44,000 people, as the Minister of State said, more than 16,000 people are directly employed in the Irish funds industry, which is part of the wider international financial services industry. In that regard, Indecon, which carried out an independent impact assessment for Irish Funds, the industry body, of the industry's contribution to the Exchequer, put the figure at €837 million per annum. I saw this in real terms only last week in Cork, where the Tánaiste officiated at the official opening of the new Clearstream offices in Cork city, part of the Deutsche Börse Group, which operates within the funds industry in the depository space, providing post-trade infrastructure and security services. It now directly employs close to 500 people in the heart of Cork city, having moved in from Cork Airport Business Park. That is a phenomenal success story and we want to see much more of it. The Minister of State has had success in Wexford as well in bringing aspects of the fund industry there - or encouraging it, I should say.

Deputy Michael D'Arcy: Enticing it.

Deputy Michael McGrath: We want to see more of that spread around the country in line with that trend because it is important.

All that is on the positive side. I do have to make a criticism of the delay in getting the Bill to the floor of the House. I have been asking questions for probably two years at this stage about the investment limited partnerships legislation. It has been pointed out to me, and no doubt to the Minister of State, on many occasions that the delay in bringing forward this legislation and in modernising the framework for ILPs in Ireland has cost us investment, particularly in the context of Brexit. Many decisions relating to ILPs have been already made, from which Ireland has not benefited. I think we have missed out on some benefits, but it is important we now move as quickly as we can while at the same time getting the legislation right. By the Minister of State's own acknowledgement, the legislative architecture has not kept pace with market or regulatory developments, so it is past time we focus on this legislation. I hope we can get it enacted in a reasonably short timeframe.

The Minister of State took us through the detail of the Bill in his opening speech and indicated that he intends to bring forward a number of amendments relating to the introduction of a beneficial ownership register for ILPs. He acknowledges that this is a complex area. I hope the work on those amendments will not delay us significantly and that we can move quickly because quite some time ago the members of the Oireachtas finance committee, on my suggestion, agreed to waive the right to pre-legislative scrutiny in order to try to get this legislation through the system. The goodwill is there on our part to facilitate the passage of this Bill while also subjecting it to detailed examination on Committee and Report Stages in the normal fashion.

As the Minister of State outlined, an ILP is essentially a regulated partnership structure that does not have a separate legal personality. It is important to acknowledge that for a quarter of a century, Ireland has been a leading domicile for internationally distributed investment funds. Over that time, we have built a solid reputation as a well-regulated EU location for investment funds and a centre of excellence for services provided to investment funds, whether oversight, fund administration or depository legal compliance and audit. While we have had much success in the so-called open-ended fund structures, we have had much less success in the closed-ended space in which this ILP structure sits. That type of structure lends itself more as the vehicle of choice for investment in the real economy because it meets the requirements of long-term professional investors in ways that are hard to achieve in other fund structures. It is important to make that point and make the connection between the ILP structure and potential benefits it can bring for the real economy by way of actual investments that can deliver significant benefits to the country.

I understand that of more than 7,000 regulated investment funds in Ireland, only six or seven are ILPs, as the Minister of State mentioned. A limited partnership fund is a form of business partnership which is common globally in many of the key jurisdictions with which we compete. It is a common fund structure which is used as a vehicle for investment in the real economy. Given that the ILP legislation is 23 years old, it has been acknowledged already that it has not kept pace with developments in this area, including the most important regulatory development in the alternative investment fund space, the 2013 alternative investment fund managers directive or AIFMD.

I have been engaging, as I know the Minister of State has, with the sector for some time now to try to get a handle on what this legislation means from its perspective. We must have our own independent examination of that. I know the Central Bank was heavily involved in drafting the legislation. It is important to note that this is very much a regulated sector and ILPs are a regulated fund structure. The Central Bank will have the full suite of regulatory and enforcement powers at its disposal in respect of these fund structures under the Central Bank (Supervision

and Enforcement) Act 2013. It is important to make clear that we are not talking about the wild west. These are highly regulated, sophisticated fund structures which will be monitored closely by the Central Bank. The Minister of State will need to reassure us that the Central Bank will be adequately resourced to meet the extra regulatory burden that will inevitably follow if there is major growth in the ILP space. As many as 1,500 jobs could be created in the coming years, which would mean considerable activity relating to ILP fund structures. The Central Bank will need to be resourced and have adequate expertise to ensure the area is properly regulated. That is a key point. The Central Bank carries out extensive reporting, including monthly and quarterly statistical reporting which is done on an aggregated basis, on all Irish regulated investment funds. As I understand, however, this reporting is not done specifically for any type of fund legal structure such as ILPs.

It is important that we examine in detail the nature of these fund structures and the impact they will have on tax, which will no doubt feature in the Committee Stage debate. Unlike corporate entities, partnerships are treated as transparent for tax purposes. Partnership funds, including ILPs, follow the same treatment. In essence, it means that investors or limited partners are treated as directly holding the underlying assets in the ILP and are taxed accordingly. Similar to other funds, when an ILP makes distributions to the limited partners, the limited partner will be taxed in its home jurisdiction according to the tax treatment applicable to it. As limited partners directly own a portion of the underlying assets, the investors can be subject to tax on capital gains or income even where they have not received the relevant cash proceeds. This is the case under the Irish tax system where investors, both resident and non-resident, will be individually liable to pay any taxes as they fall due in respect of Irish assets that they hold. An investor will have the same tax liabilities whether it purchases the asset itself or, alternatively, invests in an ILP which purchases the asset through that structure. We will tease out in greater detail on Committee Stage the taxation issues involved here. From my examination, I do not see any basis for an argument that the introduction of this legislation will facilitate tax avoidance because the investors are directly accountable and liable for their own tax liabilities on the basis that they are holding the assets directly as opposed to as a collective. It does not seem at this point to be a tax-driven structure. We will examine that matter on Committee Stage.

ILPs can be a very important vehicle for real investments. They typically invest in a very broad range of assets, ranging from equities and bonds to investments in non-listed companies, infrastructure, renewable energy and real estate. It is expected that the most significant proportion of the investment will be private equity in the area of non-listed companies, including venture capital in small and medium enterprises, SMEs, and start-ups, growth investing in established companies, and buy-outs. It is important to point out who the end investors are likely to be. They are professional investors and typically institutional investors. Investment in such funds comes predominantly from public pension funds, sovereign wealth funds, private sector pension funds and insurance companies. These institutional investors account for about three quarters of all investment in ILPs.

The Fianna Fáil Party is supportive of the Bill. We would like to see it progress to the next Stage as quickly as possible. We will engage collaboratively on Committee Stage and closely examine the Bill and any amendments the Minister of State proposes. It is important that the ILP legislation is updated. This will bring benefits for Ireland. It will facilitate further expansion of international financial services here and that is to be welcomed.

Deputy David Cullinane: Deputy Pearse Doherty, who is at the National Ploughing Championships, sends his apologies. He asked me if I would contribute on this Bill and said it was

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a great opportunity as I might make the 9 o'clock news. I walked in and unfortunately Deputy Michael McGrath was on his own, so I think I have been sold a pig in a poke. As I am sure the Minister of State will agree, this is a highly technical Bill which is pitched towards one industry with its own needs and interests. I am sure he would also agree that for the vast majority of people, certainly those who I represent and, I would argue, those who the Minister of State represents, it is not the most pressing issue. The people we represent would benefit more from the fast-tracking of many of the Opposition Bills on a wide range of issues, including my party's Consumer Insurance Contracts Bill 2017, than from legislation that will only delight private equity asset managers. There are an awful lot of Bills that are being held up through money messages and there are Opposition Bills dealing with a lot of the pressing issues that are bearing down on many families but the Government finds the time to bring forward this technical legislation which is aimed at a tiny number of people who live here.

The Irish investment limited partnership product was established under the 1994 Act. It was thought then that the ILP would become a popular investment vehicle for real estate investments and private equity. We know that the Bill before us is intended to update the existing ILP regime and make Ireland an attractive place for international investors. The ILP is a partnership whose primary business is investment in property of all kinds. It consists of one general partner who assumes unlimited liability and limited partners who assume assets and liabilities in proportion only to the capital they each contribute. The partnership does not have an independent legal status like a normal company but the profits are owned by the partners with each able to use tax reliefs available to that partnership. Unlike the general partner, the limited partner cannot take part in the management of the firm without taking on full liability for the partnership's debt and liabilities. The ILP is established as an alternative investment fund, AIF, and is regulated by the Central Bank.

An Leas-Cheann Comhairle: We will return to Second Stage of the Bill after the next debate.

Debate adjourned.

Withdrawal of the United Kingdom from the European Union: Statements

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney): I am grateful for the opportunity to again brief the Dáil on developments on Brexit. There have been significant shifts in British politics over the summer impacting on Brexit but before focusing on developments, it is worth recalling the priorities which have shaped the Government's approach to Brexit negotiations from the outset. These were: the need to protect the Northern Ireland peace process; maintaining the common travel area; minimising the impact on trade and the economy; influencing the future of the European Union and maintaining a strong Ireland-UK relationship. Throughout this process, we have maintained a remarkably consistent approach and have worked with a broad range of stakeholders, at home and across the EU, to minimise the impacts for our citizens and businesses as much as possible. It remains the case that Brexit presents a unique and unprecedented challenge for Ireland. Its impact, particularly in the case of no deal, will be considerable.

Turning now to the state of play in the EU-UK talks, in December 2018 the EU and UK

agreed a withdrawal agreement and a political declaration. As it stands, the best way to ensure an orderly Brexit remains through that withdrawal agreement. The withdrawal agreement is a fair and balanced outcome that addresses the key concerns of both sides. It also allows us to move on to building the strongest possible future relationship with the UK after its departure. Despite what we are hearing from London and elsewhere, the EU has demonstrated a significant degree of flexibility and compromise to date. We also always negotiated in good faith. The Prime Minister, Mr. Johnson, has stated that he is seriously looking for a deal, along with his firm determination to leave the EU on 31 October. His visit to Dublin last week was helpful, as was his meeting earlier this week with President Juncker. We welcome the intensification of discussions between the European Commission and the UK. However, meetings are not enough. The UK must match its stated aspirations with actions. It is now vital that the UK side bring forward proposals for the EU side to consider. The UK has communicated its wish to remove the backstop but has made no concrete proposals on how to replace it in order to achieve the same outcomes, with the same legal certainty.

Ireland and our EU partners stand by the withdrawal agreement. However, we are also committed to finding a way forward. We want to be helpful. We are willing to consider proposals that might break the impasse so long as they provide the same operational and legal protections as the backstop. Ireland cannot move away from an agreed negotiated position to an unknown and untested solution. That is simply a non-starter. This approach is fully supported by our EU partners and it is important to recall that the backstop has had the support of a cross-community majority of the people of Northern Ireland since it was negotiated. The Government continues to maintain close contact with the Commission and other EU partners. I have had the opportunity over the past few weeks to speak with Michel Barnier and to meet with EU colleagues to reflect on where things are going. The unity of the EU 27 remains strong and intact. We continue also to engage with the UK. As well as the Taoiseach meeting the Prime Minister, Boris Johnson, I have, in recent weeks, met the Foreign Secretary, Dominic Raab, Brexit Secretary, Stephen Barclay, and Northern Ireland Secretary, Julian Smith, on many occasions, as well as with Michael Gove. While we have plenty to discuss, we are very clear with our UK counterparts that Brexit negotiations cannot be bilateralised and must be conducted with the Commission.

Much of the focus of the debate, particularly in the House of Commons, has been on the backstop. A key priority for Ireland, which is shared by our EU partners, has been the need to protect the Good Friday Agreement, and to protect the EU's Single Market and Ireland's place in it, now and in the future. In December 2017, the EU and the UK set out their shared understanding of what needed to be addressed regarding the Border, and they made commitments in how to address that. This was the basis for the backstop, contained within the withdrawal agreement, recognising the importance of avoiding a hard Border to the protection of the Good Friday Agreement and the UK's red lines. It followed the intensive mapping of North-South co-operation and months of detailed forensic negotiations on isolating only the elements of the Single Market and customs union necessary to avoid a hard Border. The backstop is the only viable solution on the table that avoids any physical infrastructure and related checks and controls, fully protects the Good Friday Agreement and North-South co-operation and preserves the all-island economy, as well the integrity of the EU Single Market and Ireland's place in it. No one has yet come up with any alternatives aimed at avoiding a hard Border that match what is safeguarded by the backstop.

This is far more than an economic issue. It is a guarantee that there is a clear plan and

commitment to engage temporary, minimal measures to preserve the delicate balance of the Good Friday Agreement and the peace process, if needed. The European Union set stable, predictable foundations for trade in goods and services, freedom of movement, questions of equality and of rights, citizenship and identity, cultural and educational exchanges and cross-Border co-operation on this island. Many areas of North-South co-operation expressly rely on our common EU framework and the avoidance of a hard Border, including related customs or regulatory checks and controls. In areas from agriculture, environment and transport to health, education and tourism, cross-Border co-operation and community ties will be undermined by a no-deal Brexit or by any approach that does not have the level of safeguards and protections provided by the backstop.

The idea of an all-island sanitary and phytosanitary, SPS, area has been floated. The alignment of SPS rules should form part of any solution, but would clearly not be enough by itself. Agreeing to this limited approach would have considerable negative impacts on life on both sides of the Border, without the additional regulatory alignment provided for by the protocol. This is why the backstop remains an absolutely necessary part of the withdrawal agreement and the UK proposal to completely abolish the backstop is totally unacceptable to both Ireland and the EU. We saw this again in the European Parliament today in how they voted on the debate. As Michel Barnier stated in Brussels last week, the EU remains firm on its three core objectives, namely, avoiding a hard Border on the island of Ireland, preserving the integrity of the EU Single Market, and protecting North-South co-operation and the all-island economy. It is deeply disappointing that the British Government has decided now to step back from its commitments of December 2017. Equally, its stance on the future relationship, its wish to diverge from the EU and its rejection of level playing field issues make things more problematic.

We do not want a no-deal outcome – that is clear – but neither can we afford to take the chance of undermining the Good Friday Agreement or of putting ourselves in a position where our place in the Single Market is jeopardised by unproven solutions or, worse still, future promises. As we have said all along, the backstop is an insurance policy, and we have no intention or wish to trap the UK in any arrangement against its will.

As I have made clear on many occasions, in the absence of a withdrawal agreement, there are no easy solutions. Ireland is working closely with the European Commission to address our shared twin objectives of avoiding a hard border on the island of Ireland, and protecting the Single Market and Ireland's place in it. I refer to interim arrangements we would need to put in place in the event of no deal that do not involve physical infrastructure at the Border. These are highly politically sensitive and technically complex issues, and more precise details will not be available until discussions with the Commission reach a conclusion. We are meeting representatives of the Commission again this week to discuss that. The goal is to reach an outcome with the Commission that enables us to provide reassurance to member states that Ireland is taking sufficient steps to protect the integrity of the Single Market, thus protecting our position within it. Any arrangements for the Border in a no-deal scenario will be temporary. They cannot provide the same level of protection as the backstop, and will result in significant disruption for Northern Ireland and the all-island economy. Only the backstop can fully protect the Single Market, avoid a hard border and protect the all-island economy, which is what it sets out to do.

A no-deal Brexit will unavoidably mean far-reaching change on the island of Ireland. North-South trade would no longer be as frictionless as it is today. Tariffs would apply. The impact of customs and SPS requirements and associated checks, necessary to protect Ireland's place in the Single Market, would be significant to the operation of the all-island economy. The need

to protect the Good Friday Agreement and the peace process remains central, deal or no deal. The concerns of everyone in Northern Ireland - of all communities and backgrounds and who are deeply anxious about the impact of Brexit – are a matter of genuine concern to this Government. I am referring to unionists, nationalists and those who identify as neither. As the Taoiseach made clear to Prime Minister Johnson, it remains the position that the issue of protecting the Good Friday Agreement, including the issues relating to the Border, will need to be resolved in advance of opening negotiations on the future EU-UK relationship.

A no-deal outcome will never be Ireland's or the EU's choice. Unfortunately, prudence means this is a scenario we must plan for. We have been clear since the beginning that every form of Brexit has negative consequences, and a no-deal Brexit is the worst-case scenario. The Government has been actively preparing for Brexit for more than two years to make sure that Irish citizens and businesses are as ready as possible for all scenarios. This has the highest priority across government, and involves every Department and key agencies, in tandem with the EU.

Our consistent message has been that a no-deal Brexit will have profound implications for Ireland on all levels. This is why we have published two comprehensive contingency action plans, setting out the impact of a no-deal Brexit and the work being done to mitigate these risks and passed key legislation to protect our citizens and support the economy, enterprise and jobs in key economic sectors. Other parties have played a key role in helping us to do that. We have held over 1,200 events relating to stakeholder preparedness in all key sectors. I will be at another tomorrow night in a Border county. We provided training and financial supports to increase our customs capacity. We included dedicated measures to get Ireland Brexit ready in budgets 2017, 2018 and 2019. We continue to implement the steps laid out in the July contingency action plan update - steps to be taken between now and 31 October. These measures are working, I am glad to say. Take the example of Revenue's trader engagement programme. Since July, Revenue has contacted approximately 92,000 businesses that traded with the UK last year. It wrote to all 92,000 and I understand it had follow-up telephone calls with about 44,000 of them. This has helped to foster significant growth in the number of businesses taking the key step of registering for an EORI number. Businesses registered for EORI numbers now represent 88% of the value of import trade and 96% of the value of export trade with the UK in 2018. This approach underlines why it is so important that exposed businesses, in particular, prepare for no deal. Many have, and we are working with companies, mainly smaller ones, to ensure everyone will be ready on time. To support businesses in this, we recently launched Getting Your Business Brexit Ready - Practical Steps, a campaign that focuses on the nine steps every business, large or small, should take now to help it prepare for Brexit pragmatically.

At this week's National Ploughing Championships, a dedicated Brexit hub has been engaging with business and citizens on steps they can take. I saw it in action earlier today and I was encouraged by the level of activity and people's awareness of the issues they need to prepare for. Funding supports for businesses have been an important pillar of the Government's preparations for Brexit and dedicated measures have been made available over the last three budgets. Budget 2019 included the introduction of the future growth loan scheme, with €300 million to support strategic capital investment for a post-Brexit environment, and over €450 million in supports in previous budgets. Budget 2020, which will be in three weeks, will be based on the assumption of a no-deal Brexit, which is necessary if we are to be prudent. In that context, the Government is considering the provision of timely, targeted, temporary measures for the sectors most exposed. We know what they are. They include the fishing, tourism and hospitality,

farming and agrifood sectors.

The Government is prepared for a no-deal Brexit and stands ready to support the economy in such a scenario. There is clearly no perfect level of preparation. The more time we have, the more we can do, but we have done a considerable amount to prepare the country for the disruption it may have to deal with.

We welcome the publication, at the start of this month, of the Commission's Brexit preparedness communication, including proposals to roll over the timelines for existing contingency measures in certain key areas from an Irish perspective, including on air connectivity and international road haulage. The contingency plans for air connectivity have been rolled forward until the end of October and those for haulage until the middle of July of next year, I believe. Both sets of plans have been pushed back by approximately six months.

The proposal to extend EU-level financial supports in the case of no deal to support member states and affected workers is also welcome. At the same time, our work on securing the land bridge is continuing. There are some things we can influence and some we cannot but certainly in all the areas we can influence, we have been doing that. We have been doing it effectively. The land bridge will remain a strategically important link for Ireland in order to get our products to and from the Single Market, which we value. Brexit unavoidably means, however, that the way operators use the land bridge will have to change. Physical capacity at our ports and airports has been enhanced and additional staff have been recruited. We are working with our European partners to clarify their plans for the operation of the land bridge at their ports. Despite this, as we have said in the action plan, it is likely that there will be initial delays at ports in the early weeks. I thank France, in particular, for the commitment it has made, particularly at Calais and perhaps other ports, to separate Irish and British trucks coming off ships into lanes in order to ensure that ours do not get stuck in the queues in which many from the UK will certainly be stuck, at least initially.

I again state how much we appreciate the support and advice received from people on all sides of the House in respect of these complex issues. We will continue to keep the House fully informed of developments relating to this matter, which has far-reaching implications for all of us. We regret the UK's decision to leave and we believe that both parties will be diminished as a result. The fact remains, however, that the UK is due to leave the European Union and we need to prepare for that. The Government will continue to represent and protect the interests of Ireland. It is for London to decide what it intends to do next. Time is very short. However, there is still time to find sensible solutions. This Government will continue to engage in good faith to find a way forward with all involved and with all who have a stake in the outcome. Regardless of the outcome, Brexit will, come what may, bring real and significant change for us all. We continue to prepare, but we are doing so with confidence as an active and committed member state of the EU. Let us not forget that our biggest contingency in all scenarios remains our ongoing EU membership and all of the support, solidarity, and security which it brings.

Deputy Lisa Chambers: I am sharing time with Deputies Haughey and Troy. With six weeks to go until 31 October, we are facing the very real threat of a no-deal Brexit. We should heed the numerous warnings from many EU leaders, including Jean-Claude Juncker who warned earlier today that there is very little time left and that the risk of a no-deal is very real. Despite the persistent political instability in the United Kingdom, it is important that Ireland keeps its cool during the increasingly tense few weeks ahead. Fianna Fáil will do its part and continue to act responsibly to help provide stability during these turbulent times.

The Government must be honest and transparent regarding its preparations for the worst-case scenario, namely, a potential no-deal outcome. We still have no answer to very obvious and genuine questions and the Government continues to keep citizens and businesses in the dark about what a no-deal Brexit will mean for the Border and for trade on the island. Fianna Fáil believes the backstop to be an integral part of the withdrawal agreement and that it must remain in place. The backstop protects the Good Friday Agreement, North-South co-operation and the all-island economy. It is incumbent upon Prime Minister Johnson and the British Government, as co-guarantor of the Good Friday Agreement, to protect the agreement in full and to honour the commitments given in this regard. Allowing the UK to crash out of the European Union without a deal does not erase those responsibilities and the UK Government will find itself back at the negotiating table still having to solve the Border issue, address citizens' rights, and settle the withdrawal bill.

There is also an onus on the parties in Northern Ireland to restore the institutions, to get back working and to put an end to the political vacuum that has existed for more than two and half years. From an economic, social, and political perspective, a no-deal Brexit would devastate the region. Warnings have issued from many quarters that a recession could be on the cards for Northern Ireland in the event of a no-deal Brexit. Given the make-up of the North's economy, which is structured around small and medium enterprises and the agrifood sector, and the very tight supply chains linking north with south and east with west, the effects of a no-deal Brexit on Northern Ireland would be severe and damaging. It is therefore incumbent upon the parties in Northern Ireland and the British Government to protect the North, the peace process, and all the associated benefits that have flowed from it.

It is clear to all watching and studying Brexit that a solution specific to Northern Ireland is the key to unlocking the impasse that exists. The only way to avoid checks on the island of Ireland is to have regulatory alignment for trade between the North and the South. There is no way around this reality. We have spent the last three years searching for any such alternative. More than two years ago, Fianna Fáil proposed a special economic zone for Northern Ireland as a potential solution to the Brexit difficulty. The North would continue to be part of the UK constitutionally but would also enjoy the benefits of the EU market. This is essentially what is being proposed with a Northern Ireland-specific backstop, which is a bespoke solution for the North that would give it a clear trade advantage over Great Britain and even the Republic. This has, unfortunately, been rejected by the DUP, which is looking a gift horse in the mouth. While I can, to a certain extent, understand from where the DUP is coming and while I respect its right to have its own Brexit policy, I disagree intensely with its approach and believe it is not acting in the interests of the island of Ireland. I sincerely hope that the gap that persists can be bridged in the coming weeks.

There are also significant concerns about the relationships between Ireland and the UK and between the UK and the European Union. These relationships will undoubtedly change significantly as a result of Brexit. For the very first time, the UK and Ireland will go on very different paths. There will be an impact on the geopolitical landscape, as the UK seems to move further towards the United States. That impact will be seen in the coming decades.

There must be a step change in the Government's approach to preparing for Brexit and in how it informs the public about what will happen in the event of a no-deal Brexit. The argument for keeping one's cards close to one's chest, which is that it may undermine the State's negotiating position, is now defunct. With six weeks to go, people need to know. We cannot inform businesses, citizens and farmers as to how the Border may work on 1 November; we

need to get that information today. It is evident that, since March, the Government has taken its foot off the pedal in terms of preparations for Brexit outcomes. We have been playing catch-up. Information received today by way of parliamentary question shows that, with six weeks to go to Brexit, 205 businesses with imports in excess of €1 million and 60 businesses with exports in excess of €1 million still do not have EORI numbers. This needs to be addressed urgently. We also know that the Government still has not tested the robustness of systems in place at ports and airports to see if they will work in the event of a no-deal Brexit. There is now insufficient time to do so and to rectify any potential problems. This oversight is unacceptable and inexcusable.

When we ask about the funding that will be made available to vulnerable sectors such as tourism, agriculture, and haulage - a question I have continuously asked over the past two years - we are told that budget 2020 will be based on a no-deal scenario and that the Government will make provision for timely, targeted, temporary measures for the most exposed sectors. We have absolutely no clarity, however, on how much will be made available, on whether these measures will be loans or grants, and on how soon after 31 October this money will be available. Given that the Minister for Finance, Deputy Donohoe, has stated that he will have to borrow to fund Brexit emergency planning, we have to expect that this funding will not be available immediately in the event of a no-deal Brexit. These are obvious questions that the Minister continues to avoid answering. This lack of information is only compounding the anxiety being experienced by farmers, businesses, and citizens who are looking to the Government for leadership and support.

Reports last week from Ernst & Young suggest that while our cities will continue to grow in the event of a no-deal Brexit, albeit at a slower rate, rural communities could slip into recession. That is deeply worrying. Reports from the Central Bank of Ireland suggest that one third of farms could close down in the event of a no-deal Brexit and that we are looking at potentially losing 10,000 jobs in the tourism sector. In the west, for example, tourism and agriculture are the biggest employers. We cannot sustain job losses of this magnitude. We will need direct supports, not three or six months after the fact, but immediately.

Furthermore, there is still a lack of clarity regarding how the Government plans to ensure there is no hard border on the island while protecting the integrity of the Single Market, which we all accept must be protected. Earlier today, the Garda Commissioner, Drew Harris, stated that the force is ready for Brexit. Have additional resources been provided to An Garda Síochána or will current resources be redirected? Again, this is a reasonable question that has not been answered. This House also requires an update on the preparedness of our Defence Forces, particularly in view of the fact that the Government has cut the Permanent Defence Force to such an extent over the past decade that it is now a skeleton operation.

It is also questionable whether it would be able to respond to emergency Brexit scenarios.

It is essential that the Government is upfront and transparent with the Oireachtas and the public about the full implications of Brexit and its level of preparedness for every sector. We need to hear further details about what the Government plans to do to rebuild the relationship with the UK and to put in place new mechanisms for the continued work, exchange and dialogue between the Prime Minister, the Taoiseach, Secretaries of State and Ministers. Today, the Tánaiste admitted that the mechanisms and forums available through the EU will obviously no longer be available. We need to know the details of what forums will be available to ensure

continued dialogue and engagement with our closest neighbour and nearest market.

There has been a great deal of posturing on all sides in the Brexit process over the past three years, but we all accept that politics will have failed miserably if we allow a no-deal Brexit to happen. We simply cannot wear a no-deal Brexit. It would devastate our country, our economy and the rural communities that rely on the most vulnerable sectors. We must do everything that we can to ensure that a deal is done. I dread to think of the implications for our country if a deal is not reached. Food exports of in excess of 40%, with the beef sector already in considerable difficulty, tourism and the haulage sector will all be severely impacted. I urge all parties to the Brexit process to do everything they can in the coming weeks to ensure that a deal is delivered for all citizens in Ireland, the UK and across the EU.

Deputy Seán Haughey: At the outset, I will draw the House's attention to the political stability that we in this country currently have as we come to terms with the ongoing Brexit crisis. It has to be said that Fianna Fáil has played a major role in ensuring that we have that stability at this crucial time. There are undoubtedly many reasons this country needs a change in Government now. The housing and homelessness crisis and the numerous problems in the health service are just two. The failure to provide school places and to put in place adequate services for children with special needs is another. Until the outcome of Brexit is clear, however, the country will not be served by having a general election.

The position in the Oireachtas is in sharp contrast to what is happening across the water in Westminster. Parliament has been prorogued in unusual and controversial circumstances and it seems that the democratic institutions and political parties in the UK are at breaking point as they endeavour to respond to the Brexit crisis. All we can do is look on in disbelief. We have been aghast at what we have seen in the House of Commons night after night and at what is happening at Government level.

I wish to highlight the solidarity shown to Ireland by our EU partners. From day one, the President-elect of the European Commission, Dr. Ursula von der Leyen, stood with Ireland on the backstop and the reasons for it to remain as part of the withdrawal agreement. I welcome the appointment of Mr. Phil Hogan as the new Commissioner dealing with trade issues. I have no doubt that he will play a crucial role if and when we get to the stage of negotiating a new trade agreement between the UK and the EU. The EU 27 Heads of State and Government have also stood with us. The latest demonstration of this was in the past few days when the Prime Minister of Luxembourg, Mr. Xavier Bettel, outlined the position clearly. He is our new hero, so to speak. The European Parliament has stood with Ireland, and I welcome the motion it passed today.

As Deputy Lisa Chambers stated, Fianna Fáil believes that the backstop is an integral part of the withdrawal agreement and must remain in place. It protects the Good Friday Agreement, North-South co-operation and the all-Ireland economy. Will the Tánaiste update the House on the current state of play regarding the informal discussions taking place with the parties in Northern Ireland, in particular the DUP, with the UK Government, including the Secretary of State for Northern Ireland, Mr. Julian Smith, the Brexit Secretary of State, Mr. Stephen Barclay, the UK Foreign Secretary, Mr. Dominic Raab, and others regarding the possibility of alternatives to the backstop and an amended deal? What exactly is under discussion and what progress has been made in respect of these talks? Is something happening? Will the Tánaiste outline the Government's position regarding the DUP? I note that its leader, Ms Arlene Foster, is in Dublin this evening. Former Taoiseach Bertie Ahern has stated that any Brexit solution must be sup-

ported by unionists. Farming and business interests in Northern Ireland clearly want a deal. In an interview in last weekend's *Sunday Independent*, Mr. Jeffrey Donaldson of the DUP outlined the need to agree alternative arrangements to protect cross-Border trade and co-operation in the form of practical solutions. Are meaningful discussions with the DUP under way?

Like everyone else in the House, I believe that any alternative to the backstop must be realistic, legally binding and workable. Is it the case that a Northern Ireland-only version of the backstop is being discussed? Mr. Nigel Farage informed the European Parliament today that the deal was almost done and that it would be presented at the European Council meeting of 17 October.

Deputy Simon Coveney: Does the Deputy believe him?

Deputy Seán Haughey: Any clarification that the Tánaiste can give on that comment would be greatly appreciated.

Deputy Simon Coveney: That clarifies that, then.

Deputy Seán Haughey: I am sure the Tánaiste saw "Six One News" this evening.

The Oireachtas passed the Brexit omnibus Act earlier this year, but the Taoiseach stated yesterday that further legislation would be required to allow Northern Ireland's citizens to access EU emergency healthcare after the UK leaves the EU. He also made reference yesterday to other areas that needed attention. Will there be other surprises? Is the Tánaiste satisfied that all of the issues that will arise in the event of a no-deal Brexit have been identified and that adequate responses have been initiated? Is other legislation promised in this area? To reiterate Deputy Lisa Chambers's comments on Ireland's preparations for a no-deal Brexit, they are not what they should be.

Deputy Robert Troy: In the midst of the chaos across the water, Ireland must remain calm during the increasingly tense weeks leading up to 31 October. Fianna Fáil has acted, and will continue to act, responsibly, providing stability and space to the Government to negotiate in the best interests of our country. It was positive to see the Taoiseach being so resolute with Prime Minister Johnson on the backstop when he visited Dublin. The backstop is not only important for economic reasons, but for social and historical reasons.

While no one wants to see a crash-out, which would be catastrophic, there is a real possibility that it will happen. Not only that, but all of the uncertainty is eroding confidence. Speak to any car salesperson or auctioneer and he or she will say that no one is buying. People are stalling on making investment decisions and the market is stagnant, which is damaging our SMEs. SMEs are the most important sector of our economy, one that often cannot afford to hedge or put in place risk measures. Small and micro-sized businesses account for 85% of all Irish enterprises exporting to the UK. It is for this reason that the Government needs to be open and honest with our SME sector and give it as much detail as possible about what a no-deal Brexit means and the likely next steps in terms of trading and the knock-on effects of the UK crashing out on 31 October. SMEs are the backbone of our economy and deserve an honest Government that is prepared to tell them the facts.

Estimates of Ireland's national level of Brexit trade-related risk exposure are in the region of 10%. The current advice being provided by the Government is poor, to say the least. Consider two pieces of advice that the Government provides in the Brexit document, Getting Your

Business Brexit Ready - Practical Steps. First, people should be “aware of possible changes to transport & logistics for goods transiting via the UK”. We are an island that relies on a land-bridge, so of course there are going to be changes. What people need to know is what those changes will be and what alternatives will be in place. Second, people should know “more about the impact on your sector”. They are looking to the Government to tell them more about those impacts, but they are not being told.

Deputy Helen McEntee: It is all there.

Deputy Simon Coveney: They are being told.

Deputy Robert Troy: These are the categories in the Government’s own Brexit preparedness document. What people need to know are the exact plans if the UK crashes out or if we have an orderly Brexit. They need to know what delays they are likely to face. Businesses need to know where the checks will be made and what effect they will have on operating margins. How much time will be needed to go through checks? These are the questions that must be answered and this is the level of hand-holding the country needs as we waver through unprecedented times.

I asked the Minister for Transport, Tourism and Sport, Deputy Ross, about the issue of the landbridge and the significant challenges in terms of perishable goods and the effects of delays. He was oblivious to these difficulties. When asked, he claimed that there is sufficient capacity and was confident that, if there is not, the market will respond in a timely fashion. I do not believe that it will.

On energy, although supplies may not be disrupted, a hard Brexit would increase electricity bills for businesses and homes at a time when we already pay one of the highest rates in Europe. What is being done to bring those costs down and provide alternative energy sources?

On State access to finance, there is continuous reference to the €60 million that has been ring-fenced. However, only 11% of that funding has been availed of. Small and medium enterprises are facing many unknowns. Given the many challenges they face, they may not be able to take out a further loan for which they may be personally responsible. Our SMEs need an update on the Government’s discussions with the Commission regarding access to state aid and the relaxation of the rules in that regard. They need to know what EU funding will be injected into the various sectors that would be severely challenged by a crash-out Brexit. The Government was not prepared for a crash-out Brexit on 31 March. It now has a small window of opportunity and it must accelerate its efforts.

Deputy Caoimhghín Ó Caoláin: I will be sharing time with Deputies Munster, Cullinane and Martin Kenny.

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

Deputy Caoimhghín Ó Caoláin: Seo muid ar ais tar éis saoire an tsamhraidh agus níl aon duine cinnte faoin mhéid a tharlóidh amach anseo maidir leis an Bhreathimeacht. Ach caithfidh bheith cinnte faoi seo: níor chóir go mbeadh aon teorainn no córas custaim i bhfeidhm in Éirinn. Returning to the Chamber after the summer recess, we are no wiser as to whether the British Prime Minister, Boris Johnson, will take Britain out of the European Union with or without a deal. In spite of his claims, I fear he is, at best, agnostic on which option he should choose.

We must ensure that there is no form of border or customs checks in Ireland. Many citizens and businesses are frustrated by the ongoing posturing and indecision in London and the consequences this may have for this island. For those who are so frustrated and feel that there is no positive way for them to influence the situation, I wish to commend the approach taken by my party colleagues. I especially endorse the strong comments made earlier today by my colleague, Martina Anderson, MEP, who outlined a pathway for Ireland remaining in the European Union, protecting the Good Friday Agreement and ensuring that all the consequent benefits arising from it in terms of trade and enterprise are not squandered. Of course, that pathway is a referendum on Irish unity. The French President, Emmanuel Macron, recently came out in favour of unity as the way to keep all of Ireland within the European Union. There is a clear commitment from the EU that in the event of a successful unity referendum, Ireland as a whole could remain part of the European Union. We need the Government to join others and begin the preparations for such a scenario. I note that the Tánaiste and Minister for Foreign Affairs, Deputy Coveney, who is present, stated that he would like to see a united Ireland within his political lifetime. I welcome that sentiment; it is the expression and hope of most Deputies in this House. Regardless of one's age, ensuring something occurs within one's political lifetime requires imminent preparation and planning. A debate on Irish unity is needed as a solution to the Brexit chaos. We need it to be respectful of all the opinions on this island. In order for the optimum number of opinions to be heard, we need the debate to occur in advance of any proposed constitutional change.

We need the Government to identify exactly how it intends to deal with the worst-case scenario as outlined in the Operation Yellowhammer report. Recent revelations in the Yellowhammer document regarding health services show that the British Government is unwilling to listen to its own experts. Given the current rancour in the British body politic, it is difficult to have any confidence in assurances from Whitehall, let alone rely on them as part of our preparations for Brexit. That report is now a matter of common knowledge. I do not wish for the Government to take its lead from a report by the British civil service or any section of the British Government, but we need far more detail on the supports and assistance that will be available here. I join other Deputies in making that point strongly this evening.

Border communities want a far more proactive response from the Government to these latest concerns. That is not a criticism of what the Government has been doing with the support of all parties in this House but, rather, a clear expression of exasperation and fear at what may lie ahead. Those communities want their elected Government to be upfront and honest with them. They want to know what the Government is doing in preparation for what appears to be ahead of us. Ringing the warning bells in the final minutes of the countdown will not cut it. Many fear we are heading, Titanic-like, for the Brexit iceberg. That is not good enough. Our people, economy and island deserve better than the daily platitudes from the Taoiseach, the Tánaiste and other Government spokespersons. It is time to spell out in detail the measures that will be introduced to help secure the interests of Irish business and people, especially those in the Border counties.

Deputy Imelda Munster: As representatives of Border areas, my colleague, Deputy Ó Caoláin, and I are acutely aware of the damage that will be caused by a no-deal Brexit. Last year, the Department of Finance published a report which stated that any form of Brexit is likely to cause a structural change in the Irish economy. As such, any response needs to be structural in nature and cannot merely be about managing Brexit. Whatever form Brexit takes, it will affect the dynamics of Irish imports and exports.

In the context of infrastructure, Brexit will accelerate the current over-reliance on Dublin and its catchment area. We need a regional balance. Its lack is evident in County Louth, which I represent. Last week, I spoke to the head of Dundalk Chamber of Commerce, who shared his deep concerns and frustration regarding the Dublin-Belfast and Drogheda-Dundalk-Newry corridors and the lack of information and practical business plans from the Government. We spoke about the Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act. It is a preparatory Act which is now effectively out of date. Its purpose was to advise people on the preparations they needed to take. We are six weeks from a possible no-deal Brexit and we have not seen a practical Government plan for businesses. As all Members know, a no-deal Brexit would have catastrophic consequences for Border communities and counties, not to mention the entire island of Ireland. People in the Six Counties voted to remain. The Border communities and counties, and the people of Ireland, will never accept any attempt to reinstate a hard border on our island.

In my town of Drogheda, people are sick and tired of the lack of effort and commitment the Government, and IDA Ireland, have shown to date to attract new jobs and investment for our town. To give one example, when Coca-Cola announced a review of its operations in January, I contacted the Minister asking her to do what she could to intervene to try to save the jobs but to no avail. Just last week, a US firm, MTI, closed its Irish headquarters in Drogheda after just two years. We need to see and feel the real benefit of both the Government and IDA Ireland's focused attention being put not just on Drogheda but throughout the Border counties.

I am disappointed but not surprised by the lack of progress from IDA Ireland so far. The threat of a no-deal Brexit only heightens the need for investment, not just in Louth but in every other county across the island. Drogheda has lost out on enough over the years and has had massive underinvestment as matters stand. This makes it even more imperative that we retain the jobs we have already. We need to invest to tackle the threat of Brexit but also to allow County Louth in particular to develop as a centre for jobs and education.

Brexit has exposed the incredible laziness of this Government, and previous Governments, in terms of planning in the State. The default position, which has been to simply pile everything within the confines of the M50 corridor and hope for the best, has to change. It is blindingly obvious that any action planned for Brexit must allow for regions to develop as that is the only sustainable project possible. That means investment, jobs and allowing communities to survive and thrive. It means a future for the main streets of regional towns like Dundalk and Drogheda.

We know that Brexit will be used by the Government, and Fianna Fáil, to withhold investment where it is most needed. It will do this because it is not interested in public service but private profit for the well connected. The challenge of Brexit is not only to mitigate its effects but to ensure it is not used as a Trojan horse for the further dismantling of our shared social services and infrastructure.

At a time when corporate tax receipts continue to exceed expectations, the State is in a position to invest in essential non-recurring projects needed across society. In no area is this approach more needed than the severe shortage of housing. The State cannot continue to be a cash cow for corporate landlords and speculators. We need to make rents more affordable and start building houses. Education and research are key to future productivity and growth. We need a jobs and investment plan from IDA Ireland that is more regional in scope than what exists today.

18 September 2019

Deputy David Cullinane: In June 2016, when we woke up one morning and found out that Britain had voted to leave the European Union, I do not believe any of us fully expected what would unfold over the two and a half years that followed. Many of us who watched the referendum campaign in Britain, and some of us who campaigned for the North to stay in the European Union and to keep the entire island in the European Union for all the understandable reasons, including to protect the Good Friday Agreement and to avoid a hard border, knew what the implications would be for Ireland. We knew that the utopian Brexit that was sold to people in Britain was a pack of lies that would come crashing down around the ears of those who had delivered that message.

In many respects it was amazing to see what unfolded. When Project Yellowhammer was published last week, it referred to medicine shortages, food shortages and delays at ports in Britain. It stated that the most vulnerable in society would be the ones who would pay the biggest price. It refers to the consequences for Ireland and a hard border, yet there are still some people who believe that is the best option rather than facing up to the reality that the Brexit utopian dream they were promised would never be a reality.

Collectively, as politicians in this House and in the North where a majority of politicians favour a more sensible approach and argue for the North to stay in the customs union and the Single Market, we have had to deal with the various crises within the British Tory Party. I happen to believe, and I have said it on several occasions, that the Tánaiste has done a very good job negotiating with his European partners in getting the Irish protocol and the backstop. I am very proud that we in this State and certainly the political parties and the vast majority of politicians, although not all of them, did not support Brexit. A small number in this House were comfortable to support Brexit, albeit a different type of Brexit. If we contrast that unity and the approach that was taken here in Ireland with what is happening in Westminster, within both the Tory Party and the Labour Party, we can be proud of what we achieved.

The problem is that we were not always in control. We are veering towards a hard crash, not because of anything we have done or not done but because we have a British Prime Minister who is reckless and always knew that, rather than utopian, the outcome was going to be dystopian. Some are thriving in the chaos because they want people to believe that the people in Ireland, the Irish Government and Europe are at fault. According to them, the reason Brexit is being frustrated is not that the British people were sold a pup but the result of what is happening in Europe or Ireland. All of that is very disingenuous but it is also very harmful.

What we must do at this crucial time is hold our nerve. There is a great deal of pressure on the European Union and Ireland because people do not want to see a hard crash but the alternative is to have some sort of compromise that will not work. I do not believe one can compromise with Boris Johnson or the hard right in the Tory Party. They have to come forward with the solutions but they have not done so, yet we are the ones who are now paying the price.

There have been comments from both Fianna Fáil and from some of my colleagues about Brexit preparedness. The Government will argue its corner, while others will say we should do more. We are at a critical stage in this process. We have watched the drama unfold over two and a half years. We have all gone through this journey collectively and in an honourable way to get to the point we are at now. While we reach this critical stage over the next few weeks, it is very important that we maintain that political consensus while standing up for the interests of the people of Ireland and make sure that we are not the ones who will pay a price because of the foolhardy and selfish politics we have seen from Boris Johnson and his colleagues in the

past number of years.

Deputy Martin Kenny: As the Tánaiste is aware, the Brexit situation is getting worse, not better. That is the general consensus. We saw the British Prime Minister, Boris Johnson, here in Dublin last week. His visit was all bluff and bluster. In the European Parliament today, Nigel Farage engaged in a very similar act, which played out as if his party's MEPs were in a theatre, rather than discussing issues that are affecting the lives of British citizens and citizens across Europe, particularly in Ireland.

The central issue in all of this is that Brexit was conceived and born in the British Parliament, yet the British Parliament has disassociated itself from it. It is everyone's fault except that of its own members. The problems we are most concerned about are cross-Border issues. I was given an example the other day when speaking to somebody in the health service here who was sending a person to Northern Ireland for a particular service that is not available here. One of the issues they have at the moment is that the contracts that are in place are based on overarching EU contracts. For instance, the whole issue around data protection and patient confidentiality is uncertain in this regard in the event of a hard Brexit, which is only a few weeks away. These are real things which affect real people's lives here.

The whole issue of border controls is something that comes up all of the time. Speaking to people in the part of the world where I come from, nobody is prepared to accept border controls returning the way they were before under any circumstances. That is the clear view of people without anyone having any political axe to grind. They simply do not and will not accept it, no matter who or where they are. That is something that needs to be clearly set out.

The backstop is there as simply a minimum level of regulatory alignment which we can put in place in the absence of or until a full or comprehensive agreement is in place. While the British Government, the DUP and others are fighting this big battle about the backstop, the truth is that the backstop will never be necessary if they come to a proper agreement in its aftermath. It is all a false war. It brings us to a situation where we have to ask when we reach October and go into the new year, we may have a crash-out or we may not, but whatever we have we are going to have a Brexit, and it is not going to be good for Ireland.

There are going to be difficulties as we move into the future. As a society we need to be examining the future of Ireland, North and South. In that context, one of the things that the Government clearly needs to do is to set up a cross-party Oireachtas committee to look at what the future of Ireland will be and where we are going. What kind of Ireland would we like to see if and when we have a border poll, because clearly one is going to happen at some point. Everybody is talking about it, even if people in this House do not want to talk about it. It is coming. We need to sit down and work out what sort of transition arrangements we want to put in place. How will that be funded? Where would the European Union come into this? As it assisted with the reunification of Germany, how would it assist with the reunification of Ireland? How would we set out the kinds of principles that would be in place to protect the identity of everyone on the island? These are the kinds of conversations that we need to start having now. It is time this Government put in place an Oireachtas committee to deal with those issues and to start that conversation which everyone else is having. It really has to be had, however, centrally here so that we can put in place something so that the Irish people can see that their future is secure. That security is going to be in a new Ireland in which we can all be part of a European Union.

Deputy Brendan Howlin: Throughout the tortuous Brexit process, I have been heartened

by the solidarity and support shown to Ireland by other members of the European Union. At the beginning, Brexit was potentially a challenge to the stability of the European Union itself. The economic strain of Brexit could have led to a breakdown of co-operation between some member states. It has become clear, however, that European governments and peoples are prioritising the long-term future of our Union over the short-term economic problems that virtually all member states will face in the post-Brexit situation. The EU's negotiator, Michel Barnier, and Heads of Government across Europe, have spoken eloquently and frequently about their awareness of Ireland's concerns about the backstop and the withdrawal agreement. They have insisted that a genuine solution must be at the heart of any settlement in ensuring a border-free island of Ireland.

It is also clear that if a solution to Ireland's concerns cannot be found before the UK leaves the EU, a solution will have to be found before the EU signs any future trade agreement with the British Government. It seems to be an impenetrable fact, the notion that people repeatedly talk in Britain about "getting it over with", "getting it done", as if magically, if they leave the European Union on 31 October, all of the problems vanish, no matter how many times it is pointed out that the issues remain unaddressed the next day and will be there in terms of any future trade agreement. That either has not penetrated or people have simply chosen to ignore it.

The North-South dimension of Ireland's concerns has rightly been prioritised for its impact on the outworking of the Good Friday Agreement and the disruption of people's lives and livelihoods that would be caused by any notion of anything that might approach a hard border again. As 31 October draws near, however, we also must attend to the huge economic problems that will result from the east-west dimensions of Brexit. Many colleagues have spoken about so far in this debate about Border constituencies, which obviously is of prime consideration to us. I live in a border constituency too. The border I talk about is between Ireland and Wales. My home in Wexford is closer to Wales than it is to Dublin. That is an important conduit of trade. East-west is also of great significance.

Yesterday, the Taoiseach was very coy about the level of economic analysis undertaken by the Government. He referenced some publications in response to questions I put to him which estimate that future job growth will slow by 40,000 to 50,000 jobs in future years. That is very different from the recent report by Fáilte Ireland, published earlier in September, that 10,000 existing jobs in tourism could be lost in the event of a no-deal Brexit. The slowdown in potential new jobs is a very different prospect to people in employment right now losing their jobs.

From talking to trade union officials through the summer who are at the coalface of industry, I am aware of manufacturing businesses that have already ceased overtime and have laid off temporary workers or workers on temporary contracts because of Brexit and are fearful about the future. I have said this to the Tánaiste directly before in the last week or so. Brexit is already having a jobs consequence in manufacturing. Repeatedly, even in the debate so far tonight, the obvious sectors of agrifoods and tourism have been focused upon. I am talking, however, about industrial manufacturing that has not been put in the spotlight in a way that it will be if there is a hard Brexit. The Taoiseach said yesterday that the Government does not have the equivalent of Britain's Operation Yellowhammer report analysing the economic consequences of a no-deal Brexit. It is simply not credible that the Government does not have a more detailed economic analysis showing the real potential job losses that would arise in our economy in six weeks' time. Have we not drilled down to know in exactly the same way as the British have, what the consequences would be right across every sector of our economy? This is an example of why the Labour Party believes that the Government and Fine Gael have been

too passive in their impact analysis.

Every quarter, the Central Statistics Office contacts every employer with more than 50 workers, together with a selection of smaller businesses, in order to conduct the Earnings and Labour Costs Quarterly Survey which is tied in to the annual gathering of facts across our economy. A team of civil servants should already have telephoned the same range of businesses - in fact it should cover every business in the country - to ask them about their Brexit-readiness, if it is already impacting, and what they fear. Is it supply lines, export markets or currency fluctuation? We should know, enterprise by enterprise, what the impact will be. It is not too late for the Government to do just that. Is the Tánaiste indicating that the Government has done that already?

Deputy Simon Coveney: Deputy Humphreys's Department has issued a report into Brexit-readiness.

Deputy Brendan Howlin: No, it has not. Writing to businesses-----

Deputy Simon Coveney: Assessing the impact is difficult until we know what type of Brexit we are going to have.

Deputy Brendan Howlin: I welcome the interaction with the Tánaiste. I have talked to trade union officials who have sat down with managers in these companies across the country, manufacturers who have told them that this will be the consequence but nobody has told them how that consequence is to be adverted. Asking people to register, inviting people to seminars and telling people there is information online is all well and good but it is not the same as having the real knowledge of every enterprise and the impact this will have. It is insufficient to expect companies to come to Government in a passive way. The Government needs to reach out actively and know about this on an enterprise by enterprise basis. We need fine-grained information so that we can build robust, bespoke solutions for the jobs that are under threat already and that will be vastly more under threat in the event of a no-deal Brexit. That is simply a reality. If we had that information, we would be better prepared. We would know what we need to deploy and how we need to deploy it.

The Taoiseach has been unforthcoming about the kinds of supports that will be made available. Yesterday, in his answers to question we put in the House, he talked about viable businesses being eligible for support. That is the phrase he used, but he indicated the nature of that support would be either loans to businesses or funding to support businesses to restructure. What does he mean by restructuring in that context? Does he mean reducing the size of workforces? If that is it, that is not an acceptable approach. As for debt and loans, many businesses in trouble cannot take on new debt, which would be attached to business owners on a personal basis in many instances.

We have a different approach to how we should support jobs during this difficult period. First and foremost, we need detailed information and real management information enterprise by enterprise. Second, we need to be clear on our goal, which must be to preserve as many jobs as possible through the inevitable difficulties that will arise in a no-deal Brexit. Third, we need to prepare direct financial supports to businesses that will need to keep their staff in employment. There are EU rules to be respected. I understand that but, equally, there are European precedents about emergency situations. The Tánaiste has repeatedly told us that the EU is in negotiations about these matters. We need to know what exactly will be agreed in regard to state aid rules, what exactly is the quantum of money that will be available and how will it be

deployed.

It was wrong of the Taoiseach to talk about some businesses being viable and others not being so. There will be businesses that will be in trouble for as long as the UK remains outside the Single Market. That is an inescapable fact but that is not a fair measure of their viability or success because we can hope that we will have a new deal ultimately with the United Kingdom in coming months or, if necessary, in coming years. It is highly unlikely the UK will trade with the EU only on the basis of World Trade Organization terms for an extended period. I do not believe that it will sustain that for months, as the economic consequences for it would be very stark. We must assume, in any event, the UK - I hope rationality will ultimately be at play there - will return to the table for some kind of trade deal with the EU. It has to: it is a trading nation like ourselves and it needs to deal on some rational basis with the biggest trading bloc in the world. The Government should therefore be preparing to support jobs during what I would describe as a limited period of difficulty when the UK is outside the Single Market and not yet in a new negotiated trade agreement, assuming that the UK does crash out of the EU as Prime Minister Johnson has threatened again and again. There will be a time limit and a financial cap on the potential cost of the supports I am suggesting.

The Taoiseach said something yesterday with which I agreed, namely, that if we need to borrow money, it would be much better to borrow that money to sustain people in jobs than to pay for people on social welfare. However, there is still a lot of detail to be clarified about the mechanisms we need to deploy to preserve jobs in this period of crisis. The Taoiseach is far from echoing Mario Draghi's very comforting and famous phrase: "we will do whatever it takes". The Tánaiste will remember our time in government when the advent of Mario Draghi was like a breath of fresh air because he was there to sustain our currency and, ultimately, ourselves. We need to be as unambiguous as Mario Draghi was. We should do whatever it takes to preserve jobs and to avoid a nightmare repeat of the job losses that followed the most recent economic collapse here.

Brexit will affect businesses in a number of different ways, each of which will require a different type of support. Most obviously, we export a huge amount of food to Britain, which may become subject to tariffs or even quotas: we do not know. Exports to Britain are also vulnerable to the UK opening up its markets to other non-EU sources such as cheaper meat from South America or elsewhere. The fall in the value of sterling and the risk of currency fluctuations is yet another concern. The tourism and hospitality sectors are obviously affected by the loss of British tourists. That may well become a real issue, particularly if sterling depreciates significantly. Some of our other overseas visitors also transit through Britain to avail of connecting flights.

Some businesses will be more badly affected by the potential for tariffs on imports from Britain. That will not only add to the price of well known brands on the supermarket shelves but many Irish manufacturers are part of international supply chains. They rely on British components as part of goods they process and finish in Ireland, either for domestic sale or onward export from Ireland.

Brexit will not only affect our direct exports to the UK. It will affect the wider economy in any number of other ways. The nature of supports businesses will need will vary accordingly. For example, one possibility would be a short-time working scheme, which we would negotiate with employers and trade unions to reduce hours across particular vulnerable workforces without making anybody redundant. The State's role would be to provide a payment to bridge

the gap between the employer's short-time wages and the people's regular take home pay. That would work for some businesses. It was a model employed in Germany. We did not have the capacity to do it here but we should prepare for that now. Other businesses may need more specific support such as language support to help them access markets in Europe other than the ones they rely upon in the UK, or a scheme to lower the risk from currency fluctuations.

Labour is clear. The Government must do whatever it takes to preserve jobs. There are many regions of Ireland that still have not recovered from the economic collapse. That is quite obvious in some sectors of our economy, namely, the beef sector which is most in focus now and also our sheep sector. Rural areas and small towns are more vulnerable to Brexit related job losses than our cities, a point that was already made by previous speakers. That is why we need to reassure people that as a Parliament and a Government we will do what we can to keep people at work and to avoid any return to the dark days of mass unemployment from which we have just escaped in recent years.

I want to say more about the core issue of jobs because it is something that needs to be said. Contrary to some of the commentary coming from Government and echoed in some elements of the media, we have not reached full employment in this economy. The Irish market is highly precarious. Not everyone who wants a job in Ireland can get a job and not everyone who gets a job can afford to live because the salary scales are so low. Unemployment is over 6% in some regions and over 8% in my own region of the south east. Over 100,000 people are working part-time and would like full-time hours. We also have a significantly lower employment rate than countries such as Denmark and the Netherlands. In particular, there is still a large gap between male and female employment rates, exacerbated by the high cost of childcare in Ireland because parenting duties so often traditionally have fallen on mothers.

Moreover, even in regions where unemployment is lower, not all jobs are good enough to justify any claim of full employment. No fewer than 23% of all workers are designated as "low paid" by the OECD. This is the third highest incidence of low pay in the European Union, and the highest rate of low pay in developed western Europe.

This is the state of our labour market in advance of Brexit. The economy has recovered somewhat from the devastating 2008 collapse, unemployment is no longer at extreme levels but we have not yet arrived at the point where there are sufficient decent jobs for everybody in the State who wishes to work. Brexit risks making the situation much worse. That is why it is so important that the Government gets a better handle on this jobs issue, in a detailed way and, I hope, guided by the way I have set out. The extent of low pay and precariousness in the labour market — regardless of Brexit — is why we need to have a renewed national wages policy and an employment policy. Regardless of Brexit, working people need a pay rise and people in precarious jobs - especially young people — need greater job security. If a hard Brexit occurs in six weeks' time, we must ensure that issue is not used as an excuse to delay making the much-needed improvements to workers' rights, pay and conditions as I fear the Government might well do.

We all hope that the worst will not happen but we need to prepare for it now. The signals coming from Westminster are constantly changing. I will be attending the British Labour Party conference this weekend and I hope to have detailed talks with the key players in that party. They will play their role, but we must do our bit to ensure that whatever outcome emerges from London - the ball, as the Tánaiste has rightly said, is in London's court - we are prepared here.

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Acting Chairman (Deputy Alan Farrell): There are eight Deputies in three political groupings followed by the Minister of State, Deputy McEntee, to conclude over the next hour and 20 minutes. I am conscious that Deputy Durkan is present. Any Member or group wishing to share time with Deputy Durkan might let me know. I call Deputy Bríd Smith.

Deputy Bríd Smith: Deputy Durkan is welcome to any time I have left because I do not believe I will use up the 20 minutes.

Deputy Bernard J. Durkan: I thank the Deputy.

Deputy Bríd Smith: It is probably just me, but I find there is something extraordinarily ironic and surreal about this debate in this House tonight on the impact of Brexit on this country. We are talking about having to cut this and that, about how jobs would be lost and services curtailed and about the need to save funds. It is a bit like a throwback to the dire warnings of the austerity years. If only we had access to some sources of income to help us through this potential danger. If only we could get our hands on, for example, €14.3 billion, which is subject to a court case as we speak in Europe. I refer to money that is ours, that we were awarded, the so-called Apple tax. It has accumulated from €13 billion to €14.3 billion as it sits in the escrow account. We have spent more than €7 million on legal fees to defend this country against taking that money. How ridiculous do we look? In this period, when we are facing into all those dangers of job losses, farmers being hurt and Border communities being affected, we are saying, “No, thanks, we will defend Apple”. We will defend the very wealthy 1% against the ordinary people of this country, North and South.

At the same time, the Government refuses to publish its plans. I do not believe, as other Deputies have said, that the Government does not have plans. I believe the Government has detailed plans and advice on what it envisages will happen in the case of a hard Brexit or crash-out. I believe they exist but that there is a refusal to publish them. For some bizarre communication policy of Fine Gael, just like it refused to publish details on CervicalCheck and other serious issues, it is refusing to publish the Government’s advice and plans around the Brexit deal.

The British Government has published its plans. The British Government was forced to do so, and has published hard scenarios on its own people. The irony though - other Deputies mentioned the Yellowhammer report - is that all of the real hardship being suffered by the British people has completely gone under the radar for the past two years because of Brexit. Nobody ever hears mention of the housing crisis in Britain which, I believe, is deeper and worse, and more systemic, than ours; the health crisis; the crisis in education; the cuts to welfare; and the rise in suicide rates. There are deep issues at the heart of British society that we do not even hear about because of Brexit and I can understand why some sources in Britain want to get it over with so that they can start talking about the real issues that affect them.

What I really want to talk about is the preparation that the Government has for a hard Brexit. We do not know about that but what we are getting drip-fed is the preparation for a hard budget. Perhaps we will not be able to increase the social protection payments that our colleagues in Fianna Fáil say they want to see given. Perhaps we may not be able to give the Christmas bonus. There may be cutbacks in other aspects of public spending. I think that this is a cover for having made a bags of public expenditure, particularly on the overspend on the children’s hospital and the national broadband plan.

It is a shame that the Tánaiste has left the Chamber because I wanted to ask him to explain

the disparity between his take on a hard border and that of the Taoiseach. There are two leaders of the Government not disagreeing with each other publicly, but giving us different stories about what they mean by a hard border being imposed on us by either the EU or the Government, when we sat here in the Chamber, on I do not know how many times, and listened to the Taoiseach telling us explicitly there will be no hard border on the island of Ireland. We heard Michel Barnier and Jean-Claude Juncker tell us explicitly there will be no hard border on the island of Ireland but it looks as though we will be thrown under a bus by both the EU and the Fine Gael-led Government. The question I would have for the Tánaiste is, when is a hard border a hard border? Is it when it is 10 yd., 20 yd., 50 yd. or 100 yd., or maybe 10 m or 100 m away from the border? The Tánaiste says there may be need for temporary and emergency checks. If they are temporary, why do we need them at all? Then the Taoiseach told the British-Irish Chamber that there will be need for some level of checks on the Border. We need clarity on this point but we are not getting it. It is not even opposing parties who are feeding us different stories. It is the leadership of the Government. As was stated earlier on, tolerating a hard border cannot even be countenanced. There should be no return to a threat to our peace, stability and security on this island and any talk of putting border posts or checks along the Border, or even 100 yd. or 100 m away from it, cannot be tolerated.

Most importantly, the Government has to come clean on what advice, plans and impact analysis it has received from professionals, civil servants and legal opinion. The Government must come clean and tell the elected Members of this Parliament what it knows and perceives to be the case. The Government cannot keep it secret. There is a moral obligation on the Government to respect this House and let us know what it plans in the event of a hard Brexit. For example, a simple difficulty, which was pointed out to me by a friend who works in the milling industry in the North, is the question of how to find ways to stop a tariff being placed on flour from industrialised mills. There are three such mills in this country that mill flour on an industrial scale. Two of them are in the North and 60% of the output from the pair of them comes south. If there is a tariff of €172 per tonne to be put on that output, will we see a sharp rise in the price of bread?

What will the impact be for poorer families? The price of bread is notoriously and historically a trigger for all sorts of problems in an economy. Are we going to put that tariff on flour from Northern Ireland which produces our bread or are we going to locate the flour elsewhere and put a whole pile of workers in Northern Ireland out of work as a consequence? There are very detailed implications that we do not know about.

Deputy Helen McEntee: We do. We know there are going to be job losses in the North.

Deputy Bríd Smith: We do not know about them. The Minister of State has not said whether those plans are afoot. It is increasingly obvious that the Government is trying to use a no-deal Brexit as an excuse for punitive measures against ordinary people. It may not be able to increase social welfare, pay the Christmas bonus or honour the promises it has made to public sector workers, yet ironically it may be able to impose an increase in carbon tax and refuse the Apple tax. The Government is showing us that its interests are in stark contrast with what it says they are.

On the question of a border poll, Lord Ashcroft's recent poll in the North was conducted without any clause for "in the event of a no-deal scenario." While I am aware it is just a poll, it showed that 51% of the people across Northern Ireland would favour a border poll and a united Ireland. This is important. I am not trying to scaremonger among the unionist community.

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The terms of the Good Friday Agreement already state that if at any time it appears likely to the Secretary of State that a majority of those voting would express the wish that Northern Ireland should cease to be part of the UK and form part of a united Ireland, then that border poll should be conducted. It is a slim margin. If Brexit turns out to be a disaster for the people of Northern Ireland, who voted against it - and we believe that will happen unless real action is taken - there will be an opportunity for us to do something real. In that event, should we not set out to win the hearts and minds of all people, Protestant, Catholic, those of no religion, all working people, all farmers, all industry across the community? We should say to them that we have common cause in conducting a border poll that may look for a new kind of Ireland, a united Ireland that would not reflect the existing one, set up in the interests of a minority of super rich, of a landlord class, of the elite, but that would function on both parts of the island in the interests of ordinary people, the real people who do all the hard work and who bear the brunt of all the policies of both Governments, North and South. We could show our commitment to that sort of justice and social equality by acting now and withdrawing from the Apple tax case. We should pull out of it before we have to pay any more legal fees, and take €14.3 billion home in our back pockets to help deal with the hardship that is going to be imposed on communities.

We are calling for honesty, full openness and full disclosure of the plans from this Government in the event of a hard Brexit. I believe the plans exist. Everybody is entertained by the carry-on in Westminster these days. We look so boring compared to them, but at least they published their full plans, whereas our Government is holding back up to the point that we are nearly facing a hard Brexit. This is not on. It is not fair to the people of this island, North or South.

Acting Chairman (Deputy Alan Farrell): As Deputy Smith has nine and a half minutes left, Deputy Durkan may come in.

Deputy Bernard J. Durkan: I thank Deputy Smith for offering the opportunity to speak in this very important debate. I do not go along with some of the things said, although I agree with many of them. I particularly want to congratulate the Taoiseach, Tánaiste and Minister of State with responsibility for European affairs on the manner in which they have handled the negotiations to date through the European Union and ultimately with our colleagues across the Irish Sea. I also compliment the parties of this House in general for holding the line of solidarity in such a way as to give a clear indication to anybody looking on from any quarter that there was a certain degree of unity. It might not always happen in this country. There was a certain amount of unity in what the Irish nation was asked and it was clear that the endeavour was to retain the island of Ireland as an economic entity, which it had become over the past 20 years. We have been dealing with a borderless island for the past 20 years. People traded and travelled North and South. There were no checks, borders, hold-ups or anything. Both economies were allowed to flourish at will and they did. There have been tremendous benefits to communities both in the North of Ireland and here as a result of that.

I did an interview some time ago with a UK-based news outlet and the question was raised about the backstop and how it had to go. I questioned why it had to go and the answer I got was because it is undemocratic. It is there to support the Good Friday Agreement, which came after 30 years of appalling strife in this country with appalling atrocities committed by both sides. After all of that, we had the long drawn-out peace agreement that many of us thought would never happen because of the nature of the arrangements. It had broken down several times and there were breaks of confidence and so on but eventually it happened. We were very lucky in this island that it did happen. The backstop is there to protect the Good Friday Agreement.

When they say the backstop is undemocratic, the Good Friday Agreement is not undemocratic. It was resoundingly supported by 94% of the population of the South and 72% of the people in Northern Ireland. That is dramatically in contrast with the referendum in the UK to leave or stay, when there was only 2.5% of a majority. Everybody talks about the 17 million people who voted to leave but nobody talks about the 16.5 people who voted to stay and they also had a valid case and a valid cause. The degree of solidarity within this House has been very impressive from the point of view of the people in this country and also the European Union. The European Union suddenly recognised; they came, they saw and they inspected and familiarised themselves with the territory. That was a good thing to see. It was great to see a small country like Ireland achieve such prominence as to be able to bring our colleagues large and small throughout the European Union around to thinking about us and our future.

I was interested to hear the US President recently sent a message to the effect that the US was strongly opposed to the Irish situation and in favour of the UK leaving the Union. I seem to recall that there was a civil war fought in the United States to retain a union 150 years ago or so. Perhaps they have changed now. I wonder if they would have been as impressed if one of the states like California or Texas wanted to leave the union over there. It might not go down so well. We have many difficulties that we have still to confront.

The Government is doing everything possible to alert business and industry to what is likely to happen. In a worst-case scenario, everything can happen. All that can be done is to alert the stakeholders, the main players, as to what the options are and try to make alternative arrangements insofar as we can. It will not be possible in all situations but it will be possible in some. The danger if we get into a debate about the whys and wherefores on this part of the island now is that we might end up in a squabble about something, and suddenly the onus would be shifted from the main issue. We would then be talking about the minutiae of what is going to happen to the extent that the UK authorities would be able to say the Irish had already committed to a UK break-out and have already made the arrangements. We need to be very careful not to allow ourselves to be dragged into becoming part of what the UK wants to do in order to push itself towards a break-out. My belief is that the intention is to have a break-out, and that it was always the intention from the very beginning. Nigel Farage spent 20 years in the European Parliament working day and night to bring that about. He is very influential and has hijacked the Tory Party, sadly, as it did a lot of things that were important and constructive, and held up its point of view without being negative. In the final analysis I am not so hopeful about an orderly Brexit at this stage, but I fear the travail and trauma that will visit the UK economy in the first instance, which will be colossal. Nobody realises the extent of the damage that is likely to be done to the UK economy, in particular the British people who were never informed. Brexit will do damage to this island, North and South. The best possible option for this island, North and South, is the line the Government has been following steadfastly over the past two and a half years.

Deputy Thomas Pringle: I wish to share time with Deputy Broughan. We have ten minutes each, but I might not use all my time.

Acting Chairman (Deputy Alan Farrell): Is that agreed? Agreed.

Deputy Thomas Pringle: It is interesting that there is so much talk generally in this House about something we do not know about. We do not yet know what is going to happen, and what effect it will have. If we knew what was going to happen, I wonder if there would be as much said about it. That is the difficulty.

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In fairness, I have sympathy for the Government. It is probably the only time I will say in here that I have sympathy for the Government. It is between a rock and a hard place. How can one prepare and talk about what is going to happen with Brexit when one does not know? None of us knows. Many Members have said we should prepare for a hard Brexit and have put it out publicly. We could do all that, announce plans for a hard Brexit and spend the next six weeks or so planning for it and then it might not happen. We would all give out about the Government having spent money preparing for a hard Brexit if it did not happen and that we did not need to do all that was done.

In fairness, the Government is between a rock and a hard place. The Government cannot talk about what will happen because it does not know what will happen. Likewise, we cannot talk about it because we might influence the outcome. That is difficult, across the whole of Irish society. I come from Donegal as the Minister of State, Deputy McEntee, is aware. Very few people talk about Brexit in Donegal. I find that interesting. Perhaps it is because in Donegal things happen that we can do nothing about anyway and we do not expect the Government to do anything for us. Whatever happens, we will just make the most of it and get on with it. Everybody knows it will happen but everybody also knows they will have to live the day after it happens as well and that life will continue. That is the reality. We are in a very difficult position in terms of how we plan for Brexit when we do not know what will happen and what will be put in place. We will not know until it happens. We have no control over what happens in that regard. We have to wait for the Brits to make up their minds and decide what they are going to do.

From an EU point of view, it is the best situation it could ever hope to be in because the EU can leave the Brits to squirm, which it has done for years at this stage, to wrangle with each other and tie each other up in knots. It is only when it comes down to the last hour or half hour that the deal will be done and Brexit will happen. Then the EU will have to stand up and say what it has done and what will be. At the moment, it suits to keep the Brits tied up in knots and that is fair enough, but it still leaves us in Ireland unclear as to what we can do.

The one thing we can do is ensure that all businesses in Ireland have an economic operators' registration and identification, EORI, number, regardless of whether there is a soft Brexit, a hard Brexit or any other kind of Brexit. After Brexit, if a business is exporting to England or importing from England it will have to have an EORI number. We should make sure that businesses are registered. From the briefing we had last week I am aware that is happening, which is positive. That is what we need to do and that is all we can do at the moment in terms of preparation, namely, to make sure that all of our businesses put such measures in place and know what is likely to be involved. We cannot say what exactly the nature of Brexit will be, but all we can hope for is that businesses are aware of what they need to do. I have had dealings with a couple of small businesses in Killybegs which are now getting their EORI numbers, which is important. All businesses that are exporting need to know that they have to get a number. We must send out that message. We are having so many debates in here and talking about something we do not know anything about, but at least we can build awareness to ensure businesses know they have to register for the EORI number and then they can take it from there depending on what form Brexit takes.

I do not want to say much more regarding Brexit. It is going to happen. We are in a very difficult situation that is outside our control. We can only deal with what is handed to us at the time. We have difficulty maintaining the integrity of the Good Friday Agreement and of the island of Ireland and also maintaining what is necessary for Brexit. I do not think they are compatible but we will have to find a way around that. I am sure we probably will in the end. All

we can do is wait for that to happen and then do it. That is the reality. I do not know whether Brexit will take place on the specified date at the end of October or if there will be an extension of time. Mr. Johnson seems to be pushing for Brexit to go ahead and bringing it down to the wire is probably the best option for him in terms of negotiating and getting a deal done. We will have to wait and see what kind of Brexit comes out of it and then deal with it from that point onwards.

Deputy Thomas P. Broughan: I thank the Acting Chairman for the opportunity to speak briefly in the debate on Brexit. With just 42 days to go, it is fair to say that citizens are deeply concerned about the efficacy or effectiveness of the Government's preparations, especially for a no-deal outcome. We heard from the Minister for Finance at the Committee on Budgetary Oversight yesterday that budget 2020 will be formulated on the assumption of a no-deal Brexit by the UK at the end of October. That means the threats about Brexit and its imminence are directly affecting the lives of citizens and what they will do in terms of the social protection budget and the taxation plans, among others. The Minister said the 2020 budgetary strategy is to provide countercyclical support to the economy, including what he called "timely, targeted temporary measures for the sectors most exposed". In the no-deal circumstances the Minister is forecasting there will be a deficit of the order of 0.5% to 1.5% of GDP in 2020, with a hit to revenue of up to €6 billion. They are astonishing figures however one looks at them and will clearly have a very traumatic impact on the economy and society.

The Minister outlined the actions the Government has been taking so far, namely, contingency action plans, the enhanced capacity at ports and airports and further support for customs staff. He also mentioned the budget 2019 allocations, namely, the €115 million in specific Brexit measures, including the €71 million for agriculture, €14 million for the Department of Business, Enterprise and Innovation and €5 million for the Department of Foreign Affairs and Trade. Yesterday, the Tánaiste told me about his plans to enhance our diplomatic staff across the island of Great Britain in the lead up to 31 October and afterwards. As we have seen with the avalanche of Irish passports being taken up by British and Irish people, our diplomatic staff and civil servants will be under tremendous pressure.

The Minister, Deputy Donohoe, also referenced the future growth loan scheme yesterday to support strategic capital. While those measures and Revenue's customs initiatives are very welcome, there is grave and growing underlying concern at the negative impacts on so many sectors of the economy. We are grateful for the briefings the Minister of State, Deputy McEntee, and the Tánaiste have provided to us but with 42 days to go there is still a nagging feeling that we may not be ready. I will echo the comments of Deputy Pringle and others that we need the fullest possible picture. Deputy Pringle referred to EORI numbers. In a recent briefing, we heard that the vast bulk of businesses had obtained such a number but when will we have 100% compliance in that area?

The extension of time limits for the haulage and aviation sectors to 2020 in the context of licences for companies dealing with a third country is also welcome. I am aware of the additional spending of €30 million at Dublin Port and the preparations at Rosslare Harbour. Of course, it was also valuable to hear the Tánaiste's response to Deputy Lisa Chambers of Fianna Fáil regarding the landbridge and facilities at Calais for our trucks. However, it was disappointing to learn yesterday from the Minister, Deputy Donohoe, that most of the necessary funding to protect our economy against a no-deal Brexit will have to come from the Irish Exchequer. Commissioner Hogan has already said that whatever funding is available, many of the affected sectors will not be funded by the European Union Brexit fund, so perhaps that is something the

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Minister of State, Deputy McEntee, could comment on. What kind of financial support should we be expecting? We have been net contributors to the EU for the past five or six years and we have been a staunch pillar of the Union in terms of supporting the euro and supporting financial measures. While the EU support for the backstop has been welcome and valuable, we will need very significant financial support, given the kind of projections we have heard, such as a €6 billion hit to revenue, for example. To try to fill that would impose significant further austerity on a country that is trying to emerge from austerity. This is an issue on which we will be expecting a strong response from Europe.

Of course, we have also had indications of a grace period for Ireland. It was welcome that we heard reports in recent days that whatever plans Prime Minister Boris Johnson seems to be trying to cook up in his - what is the word? - very excitable brain, that may include a transition period in any new withdrawal agreement that would go to 2022. Obviously, that would be welcome but we certainly will need a significant grace period and full financial support from the EU in the first year or so of the post-Brexit relationship.

A Brexit withdrawal deal which totally avoids the restoration of any type of hard border must continue to be the absolute minimum settlement which Ireland and its 26 European partners could and should accept. The *Financial Times* reports that Prime Minister Johnson and his Government, at long last, seem to be proposing a common zone for agriculture and foodstuffs, maintaining the common electricity market, which we developed, and maintaining the common travel area. UK officials now seem to be reporting possible proposals on an all-island economic relationship to include customs, VAT on industry goods and some remit for the European Court of Justice. However, these slight advances, while welcome, seem to be measures to facilitate trade between Northern Ireland and the EU rather than maintaining frictionless trade between all parts of our country and the European Union. If this is the case, the British Government at long last may be inching towards agreeing a special economic zone for Northern Ireland, which will be both inside the UK in jurisdictional terms and inside the European Union in economic and other terms. There seems an emerging idea for a new withdrawal agreement, which could be agreed by Hallowe'en and could extend to the end of 2022. The worrying aspect of current proposals, however, is that goods and services not covered by this emerging proposed all-island regime would still be subject to checks, even away from the Border. We know all the dangers this could have after the traumatic 30-year war we endured in this country, which damaged our economy and our people, and ended in the deaths of so many people. Even EU officials are concluding that the task for both sides in securing an agreement with six weeks left remains daunting, as the Taoiseach has said.

Some Irish commentators, like Mr. Stephen Collins of *The Irish Times*, seem to believe that the Irish backstop could be used by the EU as an insuperable barrier to prevent the UK leaving the EU. Obviously, British public opinion is divided but most give respect to the achievements of the EU, especially in reconciling France and Germany and helping so many EU member states to evolve into multi-party democracies. However, the focus of the Irish Government should simply be on protecting the all-island economy and the Good Friday Agreement and preventing the recreation of a border in this country, with the support of the other 26 EU states. The Taoiseach and Tánaiste must intensify their efforts, with our 26 allies, to secure a withdrawal deal before Hallowe'en which ensures that Ireland will not be pressurised in any way to create an EU frontier on the island of Ireland or in other words, that we will not be used by the European Union to try to coerce the British people.

Deputy Durkan spoke earlier about the American federation. Europe is not a federation

and it remains a confederation, with certain important economic links. Commentators like Mr. Collins and Deputy Durkan forget the opposition of many of our people to the United States of Europe concept which is now being advocated by President Macron and his followers in the European Parliament, like Mr Verhofstadt.

It is also striking that in the vast economic area of services, there is hardly a single European market in any case. *The Economist* magazine, in its current edition, reports on the Single Market in detail and shows how financial services, banking, legal and medical services and other professional services generally remain nationally based in each of the 28 nations. For example, 85% of banking services in each member state are provided by national banks to local companies and there has been little effort by successive EU Commissioners to integrate professional services, which are still often dominated by local and national guild structures, such as the Law Society and the King's Inns in regard to legal education and training here. In Ireland, our constituents repeatedly ask why bank mortgage rates are so crushingly high and why the mortgage rates of Germany and Holland's banks do not apply in Ireland - in other words, why there is not a common market in regard to mortgage finance. In some ways, talking of protecting a single market in banking is largely a mirage. It is also notable that telecommunications and broadband services are also nationally based and that countries like France, Germany, Spain and Italy encourage companies to be national champions in those and many other service and manufacturing fields. In regard to the backstop, therefore, is it not the case that so many services do not require extensive Single Market protection because they have always taken place essentially in distinct national markets? Hence, despite protestations from Brussels, it should be possible to reach agreement on maintaining an all-island market in Ireland in the areas where we have a genuine common market.

Members have referred to the 52:48 vote in the UK. On the one hand, we have the extreme Brexiteers in the Tory Party and, on the other, we have the Liberal Democrats advocating opposite positions. The proposals today from Jeremy Corbyn, as reported in *The Guardian* newspaper, seem very fair and reasonable. After a general election, which, hopefully, the Labour Party would win, Mr. Corbyn proposes to negotiate a withdrawal agreement based on a new customs union with the European Union, a single market in fairly close alignment, guarantees in regard to workers' rights and guarantees in regard to the environment. People are deeply concerned that this freewheeling, Singapore-type economy that Brexiteers and people such as Mr. Johnson, Mr. Gove and Mr. Rees-Mogg seem to want will be an economy in which there will be a total race to the bottom and in which workers' and environmental rights will suffer greatly, with impacts on us across the Irish Sea. There is a need, therefore, for an agreement based on the four principles Mr. Corbyn has outlined. He intends, if he is in a position to do so, to put such an agreement to the British people alongside the option to remain. The record of the Tory and Liberal Democrat Governments since 2010 has been appalling. They came in and imposed totally unnecessary austerity on the British people. The Fianna Fáil-Green Party Government and, later, the Fine Gael-Labour Party Government did precisely the same thing. There would be an opportunity for the British people under a Corbyn-led Labour Government to come to a relationship with Europe, whether in or out of the European Union, which would also enable our economy and our country to function as heretofore and to develop in a very positive manner.

Deputy Michael Healy-Rae: As Chairman of the Joint Committee on European Union Affairs, I wish to acknowledge the work that has been done by the Taoiseach, the Tánaiste, Ministers, the Minister of State included, and officials, who have been working diligently over the

past three and a half years to ensure that Ireland's interests are a constant priority in the European Union's negotiations with the UK as a departing member. I also appreciate that during this time the Minister of State for European Union Affairs and the officials in her Department have taken the time to keep the Joint Committee on European Union Affairs regularly updated on the Brexit negotiations and preparedness. She knows I always acknowledge that. We know that a lot of hard work has been done on Brexit preparedness and contingency planning. In February, this House came together to ensure that the Brexit omnibus Bill was passed as quickly as possible. Everyone put their shoulders to the wheel and ensured we had at least the bare minimum of legislation ready, whatever way Brexit happens.

As Chairman of the Joint Committee on European Union Affairs, I have been following the Brexit process since the vote in 2016. Over the past three years my committee colleagues and I have met many people from across Europe, both formally and informally, and have had many discussions on Brexit. We have met officials from the EU institutions; MEPs, including Guy Verhofstadt; Michel Barnier; and members of the Article 50 task force. We have met parliamentarians from the UK, including Members of the House of Commons, the House of Lords, the Scottish Parliament and the Welsh Assembly. Tomorrow the House of Commons's Exiting the European Union Committee is expected here again. All these discussions are important. We have also had the opportunity to engage with our colleagues from other European national parliaments, both at COSAC and during delegation visits to Ireland. We have been honoured to meet visiting delegations from Portugal, the Czech Republic, the Netherlands, Germany, France, Denmark and Austria, all of whom came to Ireland to engage, listen, ask questions and find out about how Brexit will impact the island of Ireland. They were all clear, having visited, on the importance of safeguarding the peace process and avoiding physical checks of any sort on this island.

What I have learned from three years working on the Brexit issue with such a wide range of people is that we have the support and solidarity of our EU neighbours. The European institutions and the EU 26 have championed Ireland the whole way. I am confident that this will continue into the tenure of the new Commission President and the new session of the European Parliament. I rose in this House last November to express my support for the draft withdrawal agreement, which at that stage had just been published. I spoke then about the importance of the backstop. My views on Brexit have not changed since. As I have said probably 1,000 times at this stage, there is no such thing as a good Brexit - not for Ireland, not for Europe and not for the UK. However, we must move forward, make our preparations and focus on the future. This is now becoming urgent. Last November I was optimistic that a withdrawal agreement had been sorted. It seemed that the UK and the EU were on the same page and that there would be an orderly exit on 29 March. That was the path laid out. It was only a matter of getting the agreement through the British and European Parliaments.

It is hard to believe that that was nearly a year ago. Since last November we have seen the turmoil and all the antics of the Parliament across the water. The 29 March deadline came and went. The European Council agreed an extension for six months to allow the UK to prepare. Now the focus is on 31 October, which is only six weeks away. The only thing the House of Commons can get a majority for is avoiding a no-deal Brexit. It knows what it does not want but not what it does want. As parliamentarians, it is important for us to watch but it is not a productive way of doing business. It is time to move things on and to come up with solutions. It is also time to make sure we are now fully prepared if we end up with a crash-out Brexit on Hallowe'en night. We understand that negotiations between the EU and the UK are ongoing,

with the British Prime Minister saying his aim is to agree a withdrawal deal at the European Council on 17 and 18 October. However, Michel Barnier said last week he was not optimistic that a deal could be done by the end of next month. The British Prime Minister has said leaving the EU with a deal is a priority, but he is also determined to leave at the end of October no matter what, despite being mandated by the UK Parliament to agree a deal or seek an extension by 19 October. A no-deal Brexit would be disastrous for everyone. We know this. There are no benefits to a no-deal Brexit for anyone, here, in Europe or in the UK. I really hope a solution can be found which avoids a hard border, maintains the integrity of the Single Market, protects the interests of everyone on the island of Ireland and is agreeable to both sides. It is a big ask and there is not much time, but it is essential.

The events of the coming weeks will have an effect on the children and the grandchildren of today and the future generations in Ireland. I acknowledge officials in all the various Departments who are carrying out in a very determined way the political and background work to try to ensure we minimise the negative effects we will have here. It is so important for the future of all of us, but most importantly for the children and the grandchildren of the future, that we do everything we can to make sure there is an orderly Brexit, and that we try to calm the possible negative effects for all of us.

Deputy Mattie McGrath: I too am delighted to make a brief statement on this matter. As the exit date is just over 40 days away, it is imperative that we have a clear sense of how we will address the massive problems Brexit will cause, and they are massive and very daunting. We hope the Brexit contingency action plan measures are sufficiently robust. We have supported the Minister of State and her Government all along. We know that the European Council has made clear that there can be no reopening of the withdrawal agreement, nor can the extension be used to start negotiations on the future relationship. The EU is willing to look again at the political declaration on the future relationship should the UK move on its red-line issues. However, since the UK Government has indicated it is not willing to move, it looks like a crash-out scenario is indeed upon us, sadly. It is in this context that I acknowledge and accept the Government's assessment that there is a significant risk of a no-deal Brexit on 31 October, or thereafter. Accordingly, work on no-deal Brexit preparations should continue to be taken forward as a matter of priority across Departments and agencies. There is no doubt about it, then, that the stark reality of what Brexit means is fast closing in on us. A no-deal Brexit will be an unprecedented event, bringing with it disruption and severe negative economic impacts. It is also deeply disturbing to read that there are likely to be significant job losses in the most exposed sectors in a no-deal scenario, with an estimated increase in unemployment of 50,000 to 55,000 after the UK leaves the EU, which is shocking. This is probably a conservative estimate. All of this is creating significant fear and uncertainty, especially for the agricultural sector, which also now has to contend with the beef crisis, and the Mercosur deal and the inevitable disaster that it will bring in its wake for the beef trade. We are in real trouble. I am disappointed, as the farmers are still protesting at the gates, that the Ministers and Taoiseach will not engage meaningfully with them instead of threatening them to move off, always being on the side of the beef barons and beef moguls. In real terms, we know that the agrifood and fisheries sector are Ireland's largest indigenous industries, contributing 7.7% of Ireland's gross national income, and act as a primary driver of the rural economy.

A no-deal scenario would not protect the peace in Northern Ireland. This is a fragile peace and we have seen too clearly in recent times how fragile it is. We will work hard to avoid it. On this, we can certainly all agree. However, this is now a surreal scenario. It seems that nothing

can be offered to assure us that we will be able to emerge from this process without significant and ever-increasing damage being inflicted. The much dreaded outcomes are here. I stress that the Government will find co-operation from this side of the House, from the Rural Independent Group, on matters where there is a genuine need to be constructive. More needs to be done along the lines of the Brexit scorecard issued by the Department of Business, Enterprise and Innovation. These measures will allow us to mitigate as much as possible some of the immediate effects of a disruptive exit of the UK from the EU. As the Department makes clear, despite the uncertainty, Irish companies can and should take immediate action to mitigate the potential risks and position themselves to take advantage of opportunities as they arise. These actions will increase a business' resilience and make practical business sense, irrespective of Brexit outcomes. There are profoundly challenging times ahead. We must work together to navigate these historic times if we are to ensure that our communities and our businesses survive without catastrophic damage.

Deputy Danny Healy-Rae: I am glad to have the opportunity to contribute because this matter concerns and worries so many people all around County Kerry and the country. Whatever way England leaves, if it does indeed eventually leave, Ireland will not be as good a place to trade or to live because things will never be as good again as they have been under the regime that we have had for many years. There is already considerable worry and concern that our economy will slow down and that it will affect agriculture, tourism, haulage, small businesses and exports. They have no idea how tariffs will affect them or how we will get our agriproducts out of the country. Will there be tariffs when going through what we call the landbridge of England? What costs will there be? We are an island country and everything we export to Europe has to go through or else around England. It will be a greater cost and a significant inconvenience for hauliers not to be able to go through England. They are very concerned and are asking me what rates they will have to pay. Is that being ironed out at present? If the UK leaves, as it insists it will, with Mr. Johnson being prepared to leave at any cost on 31 October whether he has his clothes on or off, it will have a severe impact on things that people are maybe not thinking about at all. Will hauliers need one or two drivers to get from here to Germany? Will they need three drivers if they are going to places such as Finland or eastern Europe? They are asking all those kinds of questions. The hauliers will have to shoulder the extra burden and cost and they are concerned about it.

We appreciate all the work that the Government is doing and it has the support of the House to do its bit for Ireland. Many people are confused when they hear the Taoiseach saying there will have to be Border checks while the Minister, Deputy Coveney, says there will be no Border checks, though he supplements it by saying that they will not be near the Border, anyway. What does that mean? People need clarification about that. The British Parliament has said that it does not want to go without a deal. What is the deal? It is clear that it does not want the backstop. What else does it want or not want? If we went to the fair in Kenmare long ago with bullocks, when we went to the top of the town, we knew what we wanted for the animals. We did not go in hoping for some fellow to say what he would give us. One had to know what one wanted. It is not clear that the UK knows what it wants. It will affect agriculture, tourism, haulage, small business and everything, and we are all concerned about it.

Deputy Michael Harty: Deputy Eamon Ryan has kindly offered a minute or two if I go over my time. It is my pleasure to contribute to these statements. I compliment the Minister of State, Deputy McEntee, and the Minister, Deputy Coveney, on the excellent work they have done in this area. They have performed well and I thank them. This withdrawal presents chal-

lenges for Ireland over and above challenges that face other EU members, particularly with regard to the frontier which exists on this island, which is of concern. This frontier will be between the EU and the UK in a post-withdrawal era. It was created in 1922 following the War of Independence. It resulted in the Civil War between 1922 and 1923 and has shaped Irish politics ever since. It is a sensitive area.

The frontier has been painstakingly dismantled over the past 20 years as a result of the Good Friday Agreement, resulting in the invisible Border that we have today. We cannot return to a visible Border, with all the potential political, economic, social and security problems which would result. What we have achieved over the past 20 years has to be protected. It was possible because Ireland and the United Kingdom were part of the European Union, and that resulted in the Good Friday Agreement, of which Ireland and the United Kingdom are co-guarantors. It is an international agreement that has brought peace to our island and that we cannot give up under any circumstances. We cannot go back to that era again. The UK withdrawal referendum did not take any cognisance of this. None of this was taken into account.

A solution had to be found to ensure the integrity of the Good Friday Agreement was maintained and that the seamless border we have today was protected. We also have to protect the Single Market and the customs union. The backstop was devised as insurance against the development of a hard border in the event that, in the post-EU withdrawal period, a system of trade and political alignment did not ensure an invisible border. A frictionless border must be maintained. The backstop is absolutely essential to a successful withdrawal agreement. The withdrawal agreement, negotiated for a period of 20 years, takes all this into account and militates against divergence. That is the purpose of the backstop. A no-deal Brexit was not to be the manner of the UK withdrawal. Neither side wants no deal, but this appears to be a strong possibility because the United Kingdom cannot agree on what it wants or the type of Brexit it wants. Alternatives to the backstop have not been forthcoming and although it is something for the future - I hope will never be invoked - it is, unfortunately, a barrier to the present and an orderly withdrawal from the European Union.

We have concentrated on issues related to the Border, but there are other issues of importance in the withdrawal agreement such as citizens' rights, regulatory divergence, supply chain difficulties and future trading relationships. Health is a case in point. The common travel area, the introduction of which predated the entry of Ireland and the United Kingdom into the European Union, should protect against some of the shocks of a no-deal withdrawal, but it will be difficult to predict and manage in the event that there is a no-deal Brexit. In the past few years the Joint Committee on Health has examined how we can mitigate the effects on health services. Many health services operate across the borders of Ireland and the United Kingdom and frameworks of co-operation are provided in international agreements, national legislation, service level agreements, memorandums of understanding and formal and informal arrangements. It is essential that these frameworks be protected.

All preparations related to health services have been negotiated on the basis of an orderly withdrawal. A no-deal Brexit will throw all of these carefully negotiated arrangements into disarray. There will be problems with cross-border access, particularly in the context of the cross-border directive, and the treatment abroad schemes which involve citizens from the United Kingdom, Ireland and elsewhere in the European Union accessing services in other countries. These may be disrupted if the United Kingdom leaves the European Union without a deal. There may be difficulties in seeking access to medications which will leave people vulnerable and there will be shortages of some products, with delays due to transit problems through the

United Kingdom and customs checks and shortages of drugs which have a half life and require refrigeration, as well as biological agents which are time sensitive. There will also be divergence between UK regulations and standards and those in EU countries and there will be a problem in the recognition of qualifications of health professionals such as nurses, doctors and others. This will have profound effects on manpower in the health service.

Co-operation is absolutely essential to provide a seamless health service across the Border between Ireland and the United Kingdom. Food and sanitary controls will also have an effect on health services because of the need to control disease. The Department of Health and the HSE need to be extremely vigilant in mitigating and managing all of these aspects of health-care. Citizens' rights to healthcare in the European Union and the United Kingdom need to be protected and guaranteed in the event of a no-deal withdrawal in the same way that they were maintained and guaranteed in an orderly withdrawal. It is of the utmost importance that health services not be affected by the UK withdrawal, whether with or without an agreement.

Deputy Mattie McGrath: I wish to call for a quorum. Given that this is such a serious issue, I cannot believe how few Members there are on the Government benches.

Acting Chairman (Deputy Alan Farrell): The Deputy cannot call for a quorum.

Deputy Mattie McGrath: I can. I am calling for a quorum. It is shocking.

Notice taken that 20 Members were not present; House counted and 20 Members being present,

Deputy Eamon Ryan: We should not read too much into the fact that there were not banks of Members here: I did not expect them. One reason for this is that we are united in this House on a core point in this Brexit issue, namely, the core principle of what we stand for. When we all voted in the referendum on the Good Friday Agreement, to remove of Articles 2 and 3 of the Constitution, we were voting for a flexible constitutional approach to what happens in Northern Ireland, including in respect of the right of people to regard themselves as Irish or British, or of multiple identities or none. That is the actual backstop we all hold to. It is why this House has been united in the position it has taken and supportive of the Government and the EU negotiating position.

This debate might not have been as exciting as some of the debates in the House of Commons in recent times but that is because there is less excitement here. There are genuine worries, nerves and fears but we are united on the core principle. Through that unity, I hope we can help to achieve a deal that protects the peace process, as referred to by the Tánaiste in his opening remarks, that maintains a common travel area, minimises the impact on the economy, maintains our strength within and unity with the European Union and, perhaps most important, retains and protects our good relationship with the people of the United Kingdom. Those who say there is a binary choice have a right to leave the European Union based on the Brexit vote, but it should be noted that the deliberate shading of the constitutional arrangements in the North to allow people the flexibility to identify as Irish or English, or neither or both, is fundamental.

In addition to acting on the desire to protect the vow we made, we need to meet other objectives. It is not as if the peace process is perfect and that one could say the current arrangements are a brilliant example of politics in action, although we might say that on the international stage. Maybe it is like being in a marriage that is going through difficulties in that one puts on the bright face for the outside world when there is a lot of work to do to make the marriage or

flexible arrangement work. More than anything else in what happens next, we must maintain a good relationship with our unionist and nationalist friends and those who have a mix of all sorts of identities in the North. I hope there is a deal before 31 October. I am sure the Government has the support of the House in ensuring this. The greatest risk is north of the Border. Irish agriculture will be affected and Brexit will be really difficult in Donegal, Cavan, Monaghan and Louth but it is in the North where the effects will be worst. If we can secure a deal that is island-only, the Government will have the clear support of the House in making the necessary arrangements and ensuring the final flexibilities, as long as we protect the key principle or vow. I refer not only to protecting the Single Market and customs arrangements but also to protecting the multiple identity we have agreed to in the North. If this can be achieved, those concerned should go for it.

Ironically, it may be easier for our unionist friends to regard the withdrawal agreement itself as a better option if a deal has to be made. While the Tánaiste, Taoiseach and British and Irish officials signed off in November 2017 or December 2017 on an all-island arrangement, it is clear from the detail that the withdrawal agreement is possibly a preferable arrangement for the unionist community. This is because an all-island arrangement would have to have some sort of customs arrangement for goods going from Britain into Northern Ireland. A withdrawal agreement would remove that necessity. From a unionist position, I imagine that would be preferable. Even if under an all-island customs arrangement the North had the best of both worlds and could trade into Britain and the South, I could understand how there could be sensitivities over identity being affected by it. I do not know whether it is at all possible for the House of Commons. We cannot tell the House of Commons what to do or the United Kingdom its constitutional position. Determining such matters is its right but the withdrawal agreement has a couple of advantages. The first concerns the impact in respect of the need for customs arrangements pertaining to the Irish Sea. Given the timelines and the statement from Brussels to the UK Government today to the effect that there is now two weeks to get a deal in place, another advantage of opting for the withdrawal agreement, given its detail and complexity, is that we know it could be agreed at the Council, even at the last minute. The British Prime Minister has voted for it already. It is clear at this stage that we are entering a very fraught few weeks so the advantage of being able to agree something is worth considering. Whether it would get through the House of Commons is a different matter. If the DUP was on board, it would be worth considering. I am fairly sure when I listen to Labour Party Members in the United Kingdom that there are about 30 of them who would sign an agreement of the kind in question, even if the party did not provide a Whip for it. I am quite sure the 21 rebels who were expelled from the Tory party would also back such an agreement, as most of them have done already. If the British Prime Minister were minded to have a deal — there would be a loss of face in terms of the withdrawal agreement having been turned down three times — and if there were a democratic majority in the House of Commons, the loss of face would not really matter. It would be restoring the primacy of the House of Commons and expressing its will. At this stage, from a distance, I believe it would be a great relief in the United Kingdom in that it would be out of the process it got itself into for three years. In thinking about how to assist with the all-Ireland approach, I have come full circle to thinking the withdrawal agreement is still the best option if the United Kingdom is to leave with a deal. Therefore, we should not rule it out.

If our first objective is to maintain our relations with our good friends in the North of every political view, the second is to retain our good relations with the people in the rest of the United Kingdom, but not just those in the political system. I have ten first cousins in the United Kingdom. I am sure everyone else here has a similar scattering. I have friends in the United

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Kingdom who voted to leave and I do not want to fall out with them. We have developed a relationship with the United Kingdom through the political and administrative systems and as people. We get on well with the people in Britain. It is weird how the world has turned. Those old certainties do not hold. If England was playing soccer against Azerbaijan, one would be up for Azerbaijan no matter what. That does not apply anymore. I play cricket. I celebrated that remarkable fourth day in Headingley as if it had been our own team playing because it was such a fantastic game. We are very close. When the lads are holding up the shoes and celebrating, I think "fair play to you". That is part of our culture too. We are really close to them. It is not just in sport, it is in every aspect of life. We are good neighbours and good friends. We are relations of each other. We should not let ourselves fall out no matter what happens in the difficult period ahead.

We must retain our relationship with the House of Commons no matter what difficulties arise or what hard courses the House takes, as difficult as that may be. We have to listen to it and respect MPs' English nationalist intentions, although, as I have said, we should try to steer those intentions as best we can to minimise the damage caused by whatever they decide to do.

We have to retain our solidarity with the European Union. I believe the various political groupings have done that through our European colleagues and our colleagues in the European Parliament. That is particularly important because in the next phase, if there is a very difficult crash-out no-deal Brexit, we will need a certain flexibility from the European Union when it comes to the immediate arrangements to be put in place.

I have heard some people being critical of the Government, and one might well argue the case for what they have said about the need to be more transparent about the arrangements. They were worried that sufficient arrangements are not in place. I will be honest. I do not believe that is the key criticism at this time because one of the things we will have to do is to hold our cards close to our chest right until the very end with regard to the necessary arrangements. This is the case because we do not know what will happen and because we will have to negotiate these arrangements with the UK. Even if a no-deal Brexit were to occur, it will take months for some of the arrangements to be put in place. We will have to get some flexibility from the European Union. The Commission will have to give us a bit of room because this is really tricky stuff. I will not criticise the Government if it has not made all the arrangements three, four or five weeks - 42 days - before a no-deal Brexit. I believe it has the support and trust of the House in respect of the broad approach it is taking. That should extend to whatever those final arrangements might be.

Similarly, and this may be the most difficult issue, if there are tweaks that can be made to get either an all-island arrangement or the withdrawal agreement back in play, they should be considered. I understand the reality the Government faces. If Ministers are out on the front pages tomorrow announcing a possible solution, in the mad feral sort of debate being carried on there is a real risk that the Government's best idea would be gobbled, chewed up, and spat out as a result of this incredible blockage to which proceedings have come.

I talked to my English and Welsh colleagues yesterday. We are in regular contact. That is especially useful. I support the Green Party of England and Wales in its desire for a second referendum in which it would clearly support the remain position. That is a different position from that of the Liberal Democrats, which I understand said at its conference that it would revoke Article 50. I do not know how it would do that. I prefer our party's position to that of the UK Labour Party, which seems to have articulated today that it would also hold a referendum

but that it would seek to have the best of all worlds to suit both the leave voters and the remain voters. It is a case of “whatever you’re having yourself”. I have a particular concern about that approach. I do not want to lecture or look down my nose at any other party but, in the past two years, I have been puzzled by the Labour Party’s opposition to the backstop because I understood it was that party’s position to support the backstop. I fear that it has become a proxy in the rows in the House of Commons between hard Brexiteer Tories and soft Brexiteer Tories and between Labour and the Tories as a whole. I hope we can avoid becoming the football in the middle of those complex political developments.

Come what may, whether there is a hard Brexit, whether an all-island arrangement is reached, or whether a withdrawal agreement is ratified, we have to position ourselves for the long run, both for the long and extensive period of trade negotiations that will be necessary and to maintain collaboration. In maintaining collaboration, we must not join the race to the bottom or adopt what I see as the fundamental flaw in the Brexit process, the idea that we can tackle climate change together, which we must, while lowering standards to attract investment and business to one’s country.

Tackling climate change together requires us to share energy, to monitor and manage the seas together, to swap digital technology and all the latest innovations, not only with the UK or the rest of Europe but with the wider world. I do not agree with the position Guy Verhofstadt seemed to hold at the liberal conference, which is that a European empire is opposing some other empire. I do not believe that. I believe we are moving towards a more global solution. It is not globalisation in the sense of a race to the bottom but globalisation based on common goals and common challenges that we all face together. The European Union works well when it works together, not as fortress Europe, but by sharing technology and common goals with the outside world to save our planet. That is the big risk in our time.

I will take time to pay particular credit to the officials and diplomats in the Taoiseach’s office and in the Department of Foreign Affairs and Trade, who have really stood up to the plate. Let us keep that tradition of calm, rational, collaborative, and international negotiation that is global in outlook but that comes back home when it comes to the Fermanagh-Leitrim border or to east-west trade to Holyhead. We should maintain that.

I was joking with some of my English colleagues. I have used a metaphor many times in respect of Brexit, an image from Jonathan Swift’s *Gulliver’s Travels*. The big monster, Gulliver, is held down with small little wires. In the metaphor these are the fibre optic cables that connect us and the electricity cables through which we swap renewable power and share our planet. The UK is not going to sail off into the North Atlantic. It is not going to buccaneer. It is part of our region and area. It is going to be part of the collaboration we need, regardless of the outcome of Brexit, over a ten or 20-year period. The world is not going back in such a way as to need a Singapore in north-western Europe. It is not going in that direction. We need to maintain our good relations and maintain civil dialogue with all sides. We must recognise the UK’s constitutional right to leave and not force it into any awkward position while also protecting our country, our island, and our vow to allow North and South to be different, yet the same, and to hold all sorts of identities. That is not a contentious subject and it will not draw a big crowd. This House is not divided on this question. We are united and we should stay that way.

Minister of State at the Department of Foreign Affairs and Trade (Deputy Helen McEntee): As the Tánaiste outlined at the beginning of this session, and as many speakers have agreed, there is a significant risk of a no-deal Brexit on 31 October, particularly given the

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prevailing political uncertainty in London. We are, however, hopeful and are working towards positive engagement between the EU and the UK throughout the next few weeks. The UK has said it has difficulties with aspects of the withdrawal agreement, especially the backstop. In response, the EU's ask has been clear and always consistent. It has asked the UK to send written proposals which provide the same legal and operational certainty as the agreement we reached in December 2017. The EU is very open to finding a solution, but without this, it will be difficult to make substantial progress. Against this backdrop, we have to do everything we possibly can to prepare. This has always been Government policy and we have always been clear that a no-deal Brexit would result in huge disruption and severe negative economic impacts across this island. Many reports have outlined this, including the Copenhagen Economics report, reports from Revenue, reports from the Department of Business, Enterprise and Innovation, and sectoral reports dating back to before the referendum even took place. That is why Government has been planning for Brexit since before the referendum took place. It is also why Government took the prudent decision last December to prioritise no-deal planning across all Departments and agencies. It is not possible to mitigate against a no-deal Brexit fully, but we have been actively preparing for Brexit to try to ensure that Irish citizens and businesses are as ready as possible for all scenarios.

Our 2019 contingency action plan, which was updated in July, demonstrates that the challenges of a no-deal Brexit will be felt on many levels and will require engagement at EU level, responses by the Government and engagement by business and citizens. I do not accept that insufficient information or supports have been provided across the country. We have held more than 1,200 stakeholder preparedness events. These cover sectors ranging from construction to tourism and issues ranging from customs requirements to currency fluctuations. This advice is coming from Departments, Government agencies, county councils and individual sectors. A large number of funding schemes have been made available. Mention was made of €60 million, but we have made €600 million available through two schemes alone. More than €70 million is available through Enterprise Ireland. While not all of these funds have been drawn down, a large portion has been approved. We cannot force people to draw down money when they do not feel they need it just yet, but that funding is available to them.

Budget 2020 will continue the approach of budgets 2017, 2018 and 2019. There will not be cuts in this year's budget. We will have more than €2 billion in additional spending, €900 million of which will be new funding. We will provide dedicated measures to try to get Ireland Brexit-ready.

As one of the UK's closest trading and business partners, Brexit will mean changes for all Irish businesses regardless of location, size or sector. It will have a significant impact on businesses, particularly those relying on goods traded with the UK. As the Tánaiste outlined, however, businesses representing 96% of the value of export trade and 88% of the value of import trade have their EORI numbers. It is not only goods that will be affected, though. Businesses that have contracts with a UK service provider will also need to review their positions.

I attended the ploughing championships yesterday. Many Deputies were there yesterday and today. The Government's Brexit hub there was busy all day. A series of briefings is taking place over the next few days and staff from various agencies are available to take questions. These are just some of the events that are happening and will continue over the next month. While much took place in advance of 29 March, we have been developing and increasing our engagement, not just on a one-to-one basis, but in terms of our online platform and portfolios and in helping agencies to maintain this level of engagement and host various events. We have

a wide range of advice for citizens and businesses on how they can prepare. This advice is available at www.gov.ie/Brexit.

Many Deputies referenced the landbridge. The question of how the UK landbridge will function in the event of a no-deal Brexit is causing significant concern. It is an important route for goods travelling to and from Ireland to mainland Europe. Given its importance, the Government has been working to try to facilitate its functionality post Brexit as far as possible. In particular, we have been engaging with our colleagues in France, Belgium and the Netherlands on ensuring that Irish goods can be transported through them and can have access as quickly as possible without being held up in the same traffic experienced by our UK colleagues. That is much more difficult to do in respect of the UK landbridge itself, though, where we will not be able to predict the delays or what the UK Government will do. It is important to be aware that use of the landbridge after Brexit will not replicate the *status quo* for operators and will depend on traders being compliant with the new requirements under the common transit convention and in line with EU requirements. Targeted information campaigns in that respect are under way to ensure that operators are aware of the steps that they must take and the supports available to them. As we noted in our July 2019 contingency action plan update, operators should also be prepared for delays at UK ports, given the general disruption that a no-deal Brexit would cause.

Many Deputies have asked about Border checks. Businesses and citizens are concerned about what measures might be in place to ensure the integrity of the Single Market on the island of Ireland and how this will impact not only on trade, but on Border communities. The Government has been clear about our objectives since the UK decided to leave: protecting the Good Friday Agreement; preserving North-South co-operation and the gains of the peace process, including protecting the all-island economy; and avoiding the emergence of a hard border on the island of Ireland. They will continue to be our priorities. These objectives are delivered by the withdrawal agreement, which includes the backstop and is the only solution currently on the table that delivers the outcomes that everyone, including the UK, wants to achieve. In the absence of the withdrawal agreement, there are no easy solutions. As we stated clearly in our contingency action plan, “There should be no illusion – a no deal Brexit would result in far-reaching change on the island of Ireland.” The Government is working closely with the European Commission to meet the shared twin objectives of protecting the Single Market and Ireland’s place in it. This work is looking at necessary checks to preserve Ireland’s full participation in the Single Market and the customs union.

Any arrangements in a no-deal scenario would be suboptimal to the backstop and would have profound implications for North-South trade, including through the impact of tariffs, checks, additional costs and administrative burdens. Should the UK decide to leave the EU without a deal, the risks for Northern Ireland and the Good Friday Agreement are significant. This is not something with which we are playing games. These are very real risks and threats.

It is important to remember that Ireland is working on preparedness and contingency planning as part of the EU 27 with the full support of the European Commission and other member states and all the stability and solidarity that that brings. Many of the actions aimed at mitigating the effects of Brexit will be taken at the EU level, as they involve sectors regulated by EU law. Versions of many of these actions have been published by the European Commission, even as recently as two weeks ago. The EU has put in place a number of contingency measures aimed at mitigating the impact of a no-deal scenario in a range of sectors of particular importance to us, for example, aviation, finance and road transport. Furthermore, the EU has published more than 80 Brexit preparedness notices, which provide guidance for businesses and citizens. We

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undertake all of our work in line with the work of the Commission.

Brexit presents an unprecedented challenge to Ireland. It is only by the Government, business and citizens working together and with our EU partners that we can aim to mitigate as much as possible the implications and impacts of a no-deal Brexit and ensure that we are as prepared as we can be for the changes it will bring.

I wish to take this opportunity to thank Deputies, not only for their contributions this evening, but for their broad support for the Government's approach to the Brexit negotiations and for their support in March for facilitating the passage of the Brexit omnibus Act, which is ready to be deployed in the event of there being no deal.

On Monday, I was in Brussels at the General Affairs Council where I met all 26 of my European colleagues. Throughout the negotiation process, the solidarity that we have received from member states and the EU as a whole has been strong, consistent and unwavering. That has not changed this week. In my time as the Minister of State with responsibility for EU affairs, it has been a positive reminder of what our EU membership means. We face this challenge as one of 27 member states working together, something that has clearly been to our benefit and perhaps something that others did not expect. I have accompanied many of my counterparts on visits to the Border region, as they have wanted to see at first hand what Brexit means for the island of Ireland.

Membership of the EU has been transformative for Ireland. Our continued EU membership and all the certainty that brings form our best defence in dealing with a no-deal Brexit.

Investment Limited Partnerships (Amendment) Bill 2019: Second Stage (Resumed)

Question again proposed: "That the Bill be now read a Second Time."

Minister of State at the Department of Finance (Deputy Michael D'Arcy): In wrapping up Second Stage, I wish to touch upon a number of issues that were raised, primarily by Deputy Michael McGrath. All I can do is accept his criticism about the delay in this legislation. The legislation has been ongoing for three and a half years. Our systems and structures are not sufficient to put in place financial services legislation. Under the new strategy, we are examining how to improve that situation. The industry advisory committee will be reporting on legislation annually in terms of what is required.

Work on the amendments has been ongoing since the summer. We want to ensure that we are in a good position to move quickly so that there are no delays in getting this legislation over the line.

The Central Bank of Ireland will be adequately resourced. We are talking about a further 1,500 jobs in the sector, bringing private equity investment from a point where Ireland had practically 0% of that international trade to a different level. I do not know what that level will be as it will only become clear over time. From my international travels and meeting investors, including companies which invest on behalf of others, I have noted that there is a significant appetite to base private equity here. Without this Bill, we will not be able to take advantage of that appetite. The Bill will provide an opportunity for us to move into that space.

I do not have the answer to Deputy Michael McGrath's question regarding how tax applies, but I will ask for a note to be sent to the Committee on Finance, Public Expenditure and Reform, and Taoiseach in advance of Committee Stage of the Bill. The note will be helpful. The situation is likely to be similar to that which pertains for other vehicles, namely, that the tax is paid by the individual investor in the jurisdiction. That is why we have double taxation agreements and it is relatively standard internationally.

Deputy Cullinane criticised this Bill being taken ahead of other legislation. This process has been ongoing for three and a half years. I accepted Deputy Michael McGrath's fair and valid criticism on the delay in bringing the Bill forward. As he knows, I am quite self-critical. If I cannot get something moving, I will accept criticism in that regard even though it may not be my fault or that of my Department. This legislation has taken far too long.

We need to improve our provision in this area. This sector is too big and valuable to be shoved to the back burners. It provides 16,000 jobs throughout the country, including in the constituencies of Deputies Michael McGrath and Rabbitte and every other constituency. The provision of 500 jobs in Dublin, Cork or Galway would be welcome, but the 500 jobs provided by BNY Mellon in Wexford town are crucial to that area. State Street provides hundreds of jobs throughout the country. The sector provides 1,400 crucial jobs in Letterkenny and Northern Trust employs 1,400 people in Limerick. The sector provides essential employment in valuable clusters throughout the country.

Deputy Cullinane had a go at me regarding the Consumer Insurance Contracts Bill 2017. The Government is supporting that Bill. Its passage has been slow, but that has been the case for all legislation that has come before this Oireachtas, for good or ill.

We will flag the amendments regarding beneficial ownership requirements for the Bill. It is important. We are working hard to improve our offering for financial services and the Bill is what is required in that regard. It is tricky legislation. We will go through it in more detail on Committee Stage.

On delay, this is complex legislation which will impact on areas of partnership and company law and form an important part of our funds offering. In line with our commitment to active partnership with industry and taking a whole-of-Government approach, I made every effort to consult a broad range of stakeholders on these complex legal issues in modernising the legislation. The changes put forward are based on proposals by industry and in-depth consultation between the Department of Finance, the Central Bank, the Revenue Commissioners and the Department of Business, Enterprise and Innovation. This is not a case of dusting off legislation and putting it in front of the Dáil and Seanad. A significant amount of work has gone into it. The Bill is consistent with the new strategy, the launch of which Deputy Michael McGrath attended at Iveagh House. It is well-timed to take advantage of the capital markets union agenda to promote the establishment of private equity and venture capital funds in Ireland.

Sustainable green capital is a crucial aspects of the new strategy that is being implemented. It is also something that I wish to deliver and drive in financial service. I want us to be able to turn Dublin and Ireland into a global hub for sustainable green finance. It is estimated that \$90 trillion will be required just to decarbonise, although that figure has to some extent been plucked out of thin air based on a certain calculation. There is slightly more than €4 trillion under administration in the funds sector in Ireland. The decarbonisation of the planet will require the largest deployment of capital in history and I am putting my hand up on behalf of the

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sector to establish that base here. Without this legislation, that will not happen. It can only work through blended finance, involving private equity and Government funds and borrowing. The Bill provides one leg of the stool and, without it, nothing will happen. That is why I am so eager for it to pass through the Houses as quickly as possible while undergoing full scrutiny, which I accept is necessary. The Houses should go through it in detail such that we can put our hand up and state that Ireland can be one of the global hubs for sustainable green finance. That is something we can do.

The amendments to the Irish Collective Asset-management Vehicles Act are required. Industry and the Central Bank have identified several adjustments to the Act which will enhance the efficiency and attractiveness of the structure, as well as some technical amendments. These changes must be undertaken in primary legislation. They will align the Irish Collective Asset-management Vehicles Act with certain parts of the Companies Act, providing clarity on priority of charges when an investment company converts into an Irish collective asset-management vehicle.

Deputy Michael McGrath raised the issue of tax and the consequences of introducing investment limited partnerships, ILPs. ILPs are tax transparent. They are taxed as though the partner or investor directly holds the relevant asset, rather than at the level of the fund, which is standard international practice. Departmental officials continue to monitor the area of taxation in investment funds. I highlight to the Deputy that this is part of the remit of the tax strategy group and in preparation for budget 2020 the Minister for Finance, Deputy Donohoe, asked his Department to publish a review of real estate investment trusts, Irish real estate investment funds and section 110 companies as they invest in the Irish property market. That review was made public earlier in the year.

The Bill is crucial if we want to give this jurisdiction the opportunity to compete for the largest deployment of capital in history. If we want to put our hand up for that investment to be made in areas such as Galway, Cork, Letterkenny, Athlone, Wexford and Dublin, we need to pass this legislation. Without it, the blended finance will not work. Without blending finance with the various other areas and multilateral banks, we will not be able to put our hand up because a leg of the stool will be missing, the stool will tip over and companies will continue to invest elsewhere. I look forward to Committee Stage of the Bill. It will be challenging. This is large and complex legislation impacting on the Companies Act and the Irish Collective Asset-management Vehicles Act. I hope that Members stay with the legislation and engage with its detail because this is too important to start playing petty games as Deputy Cullinane tried earlier.

Question put and agreed to.

Investment Limited Partnerships (Amendment) Bill 2019: Referral to Select Committee

Minister of State at the Department of Finance (Deputy Michael D'Arcy): I move:

That the Bill be referred to the Select Committee on Finance, Public Expenditure and Reform, and Taoiseach pursuant to Standing Orders 84A(3)(a) and 149(1).

Question put and agreed to.

Child Care (Amendment) Bill 2019: Order for Second Stage

Bill entitled an Act to amend and extend the law in relation to guardians *ad litem* appointed under the Child Care Act 1991; and for those and other purposes to amend the Child Care Act 1991, the Children Act 2001, the Mental Health Act 2001, the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 and the Children First Act 2015 and to repeal section 26 of the Child Care Act 1991 and certain provisions of the Child Care (Amendment) Act 2011; to increase the membership of the Board of the Child and Family Agency; and for that purpose, to amend the Child and Family Agency Act 2013; and to provide for related matters.

Minister for Children and Youth Affairs (Deputy Katherine Zappone): I move: “That Second Stage be taken now.”

Question put and agreed to.

Child Care (Amendment) Bill 2019: Second Stage

Minister for Children and Youth Affairs (Deputy Katherine Zappone): I move: “That the Bill be now read a Second Time.”

I am pleased to have the opportunity to speak on the Second Stage of this important legislation. The Bill provides for the reform of guardian *ad litem*, or GAL, arrangements under section 26 of the Child Care Act 1991. A GAL is an experienced professional who is appointed by the court to ascertain and communicate the wishes and the best interests of a child at the centre of childcare proceedings.

The publication of this legislation is delivering on commitments in both the programme for Government and in Better Outcomes, Brighter Futures, the national policy framework for children and young people. The Bill gives me the statutory basis to put in place a high quality and sustainable guardian *ad litem* national service within my Department. It is the most robust way to ensure that the best interests of children and young people in childcare proceedings are met and that they have the opportunity to have their voice heard.

This Bill introduces a presumption in favour of the appointment of a GAL in all childcare proceedings before the District Court. It also makes appointment of a GAL mandatory in all proceedings under section 25 of the Mental Health Act 2001 and in special care proceedings.

The children’s referendum of 2012 saw the passing of the 31st amendment of the Constitution, recognising that all children have rights and pledging to protect those rights by law. With the introduction of this Bill, I aim to ensure that our legislation better reflects and vindicates these rights.

The 31st amendment further provides that in the resolution of all proceedings involving children, the best interests of the child must be of paramount consideration. Under Article 42A.4.2°, the views of the child must be ascertained and given due weight having regard to the age and maturity of the child. The Bill introduces a requirement on the court to state how it intends to hear the views of the child if it declines to appoint a GAL.

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To date, the appointment of guardians *ad litem* has been *ad hoc* and largely unregulated. This Bill aims to change that. This legislation underpins the introduction of a new GAL national service which will provide a high-quality, sustainable service to children in childcare proceedings. This reform has been welcomed by children's rights campaigners and is in line with the Oireachtas joint committee recommendations and submissions received by my Department.

Section 26 of the Child Care Act 1991 provides for the appointment of a GAL in care proceedings where a child is not a party to those proceedings and where the court is satisfied that it is necessary in the best interests of the child and in the interests of justice to have a GAL appointed. Currently, if a child is made a party to proceedings, he or she cannot also have the benefit of having a GAL appointed to him or her. This Bill allows the court to appoint a GAL to a child who has been made a party.

The 1991 Act currently does not set out the criteria for GAL appointments, the qualifications required to act as a GAL or the role, function and status of a GAL in care proceedings. This Bill, together with planned regulations, will provide clarity and will put in place a structured system of appointment.

The 2015 Comptroller and Auditor General report noted a lack of transparency surrounding the selection, registration and vetting of guardians *ad litem*, as well as a lack of oversight regarding costs. It noted that the rate paid in Ireland appears to compare unfavourably to the contracted hourly rate of guardians *ad litem* in other common law jurisdictions, while further noting that although guardians *ad litem* in this country are currently paid a standard rate per hour, they do not necessarily deliver a standard service.

The Comptroller and Auditor General report also recommended that my Department examine options for engagement of legal representatives as the current set-up means that despite the large sums involved, there is no open competitive tendering process in place for legal representation for guardians *ad litem*.

This Bill is the culmination of signification consultation with relevant stakeholders during its development. I wish to acknowledge all the valuable contributions that my Department has received, which have helped to ensure that the Bill is fit for purpose and will improve the current system.

The Department held a public consultation at the end of 2015 on key areas of reform. In total, 26 responses were received from children's rights and advocacy groups, guardians *ad litem*, legal practitioners, the Judiciary, the Office of the Ombudsman for Children, Tusla and other State agencies. Many of their recommendations, together with those of the Oireachtas Joint Committee on Children and Youth Affairs, have been reflected in the Bill.

The general scheme of this Bill was examined by the Oireachtas joint committee as part of the pre-legislative scrutiny process in 2017. The committee made a number of recommendations. Two of the strongest recommendations were, first, that the GAL service should not be subject to a procurement process but should instead be set up under a statutory body; and, second, that Tusla, the Child and Family Agency, should not be involved in the provision of the GAL service.

In 2017, I sought and received approval from Government to establish a new national GAL service within an executive office of my Department. This office will be created on an interim basis with a view to longer-term arrangements for the office being dealt with in the context of

the proposed transition to a family courts system. Tusla will have no role in the GAL office; the relevant expenditure will be moved from Tusla to the Department. This approach addresses the joint committee's two strongest recommendations and is designed to deliver an effective, quality assured, and standardised front-line service for children in childcare proceedings.

My Department will continue to work collaboratively with stakeholders in the further development of the preparatory work required to set up this new executive office.

The Bill provides for a new national and structured process for the appointment of guardians *ad litem* to childcare cases. While the appointment of a GAL will continue to be a judicial function, the GAL office will now be responsible for assigning a named GAL to a specific case. It specifies the role and status of a GAL and lists the factors to which the GAL will have regard in determining what is in the best interests of the child. This includes factors such as the child's age, maturity and his or her views.

In addition to providing for a presumption in favour of appointment of a GAL in all childcare proceedings before the District Court, a new provision is included in this Bill requiring the court to say how it intends to hear the views of the child if it declines to appoint a GAL.

Provision is also made for the mandatory appointment of a GAL in all proceedings under section 25 of the Mental Health Act 2001. This section governs the involuntary admission of a child who has a mental disorder to an approved centre.

There is also provision made for the mandatory appointment of a GAL in special care proceedings.

Under this Bill, guardians *ad litem* will be able to apply to the court to procure a report on a child where no report exists or when such a report already exists but is no longer relevant or is out of date.

The Bill provides that the Minister may make regulations on the qualifications and experience required to act as a GAL.

The Bill provides for a system of authorisation of guardians *ad litem* and contains provisions to allow for the immediate revocation of authorisations in certain serious circumstances, such as a serious breach of regulations or a failure to notify the Minister of a criminal record.

Provision is made for a transition period in the first year of operation of the executive office. This Bill also presents an opportunity to implement a recent Government decision to increase Tusla's board membership from nine to 11 members.

In parallel with finalising the legal infrastructure through this Bill, my Department is working to establish the new service and to have it operationalised at the earliest possible date following enactment of this legislation. My Department is committed to working with experts and stakeholders to ensure the new GAL service is fit for purpose and enabled to provide the best service for children in childcare proceedings. We are engaging with a number of key stakeholders and experts to ensure the best possible service is established under the Bill.

I turn to the provisions of the Bill. Part 1, sections 1 to 3, inclusive, provides for the Short Title, collective citation, construction, commencement and definitions used in the Bill, as well as for the repeal of certain provisions of the Child Care Act 1991 and the Child Care (Amendment) Act 2011. The repealed provisions will be replaced by the provisions of the Bill.

In Part 2 we insert new sections into the Child Care Act 1991 to provide for the reformed GAL arrangements. Section 4 amends the 1991 Act by substituting a new section 24 for the existing section. The purpose of the amendment is to reflect the intent of Article 42A of the Constitution by confirming that in any childcare proceedings under the 1991 Act, the court must regard the best interests of the child as the paramount consideration.

Section 5 inserts a new section 24A into the principal Act. The new section provides that where a child is capable of forming his or her own views in any proceedings under the 1991 Act, the court must determine how to facilitate him or her in expressing those views. It will be required to give any view the child wishes to express due weight, having regard to his or her age and maturity.

Section 6 inserts a new Part VA, entitled, Guardian *ad litem*, into the 1991 Act and will create new sections 35A to 35Q, inclusive, in the principal Act. Section 35A sets out the definitions used in this Part of the Bill.

Section 35B specifies that a person cannot be appointed as a GAL for a child unless the court has made an order directing an appointment under this section. It also provides that the High Court must appoint a GAL for all children who are the subject of special care proceedings and creates a presumption in favour of appointment in proceedings before the District Court. Once the High Court or the District Court has made an order directing the appointment of a GAL, the Minister for Children and Youth Affairs, under section 35C, will be required to appoint a GAL.

Section 35D deals with the provision of legal advice and legal representation for GALs. It requires the Minister to provide legal advice and legal representation for GALs appointed in all special care proceedings. In proceedings before the District Court under Part IV, Part IVB or VI of the 1991 Act the provision of legal advice or legal representation, or both, for a GAL will be at the discretion of the Minister. The Bill sets out a list of factors for the Minister to consider when deciding whether to arrange for the provision of legal advice, legal representation, or both, for a GAL.

Section 35E sets out the core functions of a GAL. They are to ascertain the views of the child, where he or she is capable of forming his or her own views, and, having considered these views, to make recommendations to the court on what is in the best interests of the child. In performing these functions the GAL is required to regard the best interests of the child as the paramount consideration. GALs will be required to prepare a report for the court which conveys both the views of the child and the guardian's recommendations on what is in the best interests of the child. The GAL must also inform the court of additional matters which are relevant to the best interests of the child which come to his or her attention during the course of his or her performance of duties as a GAL. Having regard to the child's age and maturity, the GAL will also be required to inform the child of the recommendations contained in his or her report; the outcome of the proceedings and any other matter relevant to the proceedings which the GAL considers appropriate.

As regards the status of a GAL, the Bill clarifies that a GAL can be called as a witness by the court or any party to the proceedings. The guardian's report to the court may also be received as evidence in the proceedings. The Bill further clarifies that a GAL is independent in the performance of his or her functions and that he or she is not a party to the proceedings.

Section 35F sets out the powers of a GAL and provides that a GAL is permitted to apply to

the court to request that a report be obtained on any question affecting the welfare of the child. A GAL may make an application where there is no existing report or where there is a report, but the information contained within it is out of date. Before making an application to the court, the GAL is required to consult the parties to the proceedings or the counsel or solicitor, if any, representing the parties. The section provides that a GAL may also make an application to the court in relation to the provision of information from any person or on any matter related to the GAL's functions.

Section 35G allows the GAL to make a request to Tusla for information on the welfare of the child which is necessary for the performance of his or her functions. Subject to the data protection regulation and the Data Protection Act 2018, Tusla is obliged to comply with such a request. In the event that it refuses to comply with a request from a GAL for information, the agency is obliged to provide the GAL with the reasons for its refusal. It will not be required to furnish information which would be exempt from court proceedings on the grounds of legal professional privilege.

Section 35H specifies the circumstances in which an order appointing a GAL to special care proceedings in the High Court or proceedings in the District Court ceases to have effect.

Section 35I provides that the Minister for Children and Youth Affairs will pay reasonable costs or expenses incurred by a GAL while exercising his or her functions under the Bill on or after the relevant date.

Section 35J provides that the Minister can develop and maintain a regulatory framework for the purpose of ensuring GALs are held to high professional standards when performing their functions under the Bill.

Section 35K provides that, subject to the data protection regulation and the Data Protection Act 2018, the Minister may request that a GAL provide the Minister with information on his or her functions. This provision is included in order to allow for the appropriate management and supervision of GALs.

Section 35L provides that the Minister may issue an authorisation to those persons he or she considers to be appropriate to perform the functions of a GAL. A person will not be considered as an appropriate person to perform the functions of a GAL unless he or she fulfil the requirements of regulations to be made under the section. The regulations may prescribe matters such as the particular professions from which GALs may be authorised and the qualifications and minimum levels of professional experience required.

Section 35M provides that a person who has been authorised to act as a GAL is required to notify the Minister in writing of any relevant matter which would affect his or her authorisation. Section 35N provides that the Minister may revoke the authorisation of a GAL in certain circumstances.

Section 35O sets out the circumstances in which a GAL's authorisation will cease. To avoid disruption to ongoing proceedings, the section provides that where a GAL has been issued with an authorisation for a fixed period and that authorisation is due to expire, the Minister may extend it until the conclusion of the proceedings.

Section 35P provides that the Minister may enter into a contract for services with persons and issue such persons an authorisation to perform the functions of a GAL.

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Section 35Q sets out the transitional arrangements to be put in place to ensure there will be minimal disruption to existing GAL appointments in ongoing proceedings.

Section 7 makes provision for a number of miscellaneous and technical amendments to the principal Act which are set out in detail in Part 1 of the Schedule to the Bill.

Section 8 provides for the amendment of the Acts specified in Part 2 of the Schedule. The amendments to other Acts are for the purpose of inserting references to the Bill.

Part 3, section 9, provides for an increase in membership of the board of Tusla by two ordinary members. A number of consequential amendments to sections dealing with membership of the board of the Tusla Act are also proposed. The consequential amendments provide for a *pro rata* adjustment in the number of board members required in various scenarios arising as a direct result in the increase in membership.

The purpose of reform in this area is to regulate and expand the provision of GAL services in a consistent manner across the country. The provisions of the Bill will enhance the rights of children and the capacity of the courts to make the right decisions in helping children and their families. The Bill will also help our legislation to better reflect the ideals of the thirty-first amendment of the Constitution and, more importantly, put these ideals into practice in a very real manner in childcare proceedings.

Under the Bill, GAL provision will no longer be *ad hoc* and unregulated but will instead be an organised service that will benefit children, regardless of where they live in the country or where their case is heard.

The Bill also covers a crucial section of a much wider legislation, the Child Care Act 1991, which is under review in its entirety by my Department. This reform also takes place against the backdrop of a much greater programme of change, that of the planned creation of specialised family courts.

I commend the good work many guardians *ad item* have done and continue to do for children in this country. I am grateful for their continued input into creating a better service. I thank them and all the stakeholders who have contributed to the development of this Bill. I am pleased to have had the opportunity to outline its provisions. I look forward to hearing Deputies' views on its contents. I commend the Bill to the House.

Deputy Anne Rabbitte: We support the Bill in principle as it seeks to establish greater consistency in the appointment and management of the guardian *ad litem*, GAL, service. We have, however, some concerns about some shortcomings in the Bill and are unclear on whether it complies with the Children Act. We will be bringing forward amendments on Committee Stage.

One of the core requirements under the children's referendum was for the voice of the child to be heard in all court cases affecting the child's interests. In cases where a child is too young or otherwise unable to express his or her views to the court, a guardian *ad litem* is appointed. This person professionally assesses what he or she believes is in the best interests of the child. The GAL becomes the voice of the child.

There are major shortcomings in this Bill. It simply does not vindicate the rights of children to be heard in court proceedings involving them and, if enacted, will represent a retrograde step

in terms of how family law cases are conducted. At present, the court has broad discretion in terms of how much the child and GAL are consulted, meaning that the court can take into account the varying needs of children and allow for a greater role for a guardian *ad litem*. A GAL can be appointed as party to proceedings, giving considerable leeway to guardians *ad litem* where they believe the court is not protecting the interests of the child adequately. This is vital to protect younger or more vulnerable children.

The Bill will see the child's role in the proceedings downgraded greatly, and he or she will be relegated to being a witness. A GAL will now make a singular report to the court on the interests and views of the child, even though a case can go on for many months, during which time the views and interests of a child can change greatly. The Government must outline how this Bill is not just a mechanism for cutting back on the costs involved with the GAL system.

The Bill proposes downgrading the status of a GAL to be a witness to the case, meaning that he or she will need to be called upon to give evidence, for example, by the judge. It leaves considerable ambiguity as to the degree of involvement of the guardian *ad litem* in cases. A witness could also be called in for evidence and then asked to leave the court, removing the possibility to brief the child on what is happening during the court case. This is very worrying, and it is unclear how this satisfies the requirements under the Children Act, which clearly sets out that children have their own interests and are not simply an add-on to the interests of their parents or guardians.

Section 25 of the Child Care Act allows the child to become a full party to the proceedings, if that child so wishes. Section 26 of the same Act allows a guardian to be a full party, allowing the GAL to increase his or her role if he or she feels that the judge is not adequately addressing the interests of the child. Will these provisions be protected under the new Act?

A solicitor, Gareth Noble, has expressed his concerns that the Bill will leave behind children who are not capable of expressing their own views to the court, as it reduces the weight assigned to the assessment of guardians *ad litem* of the child's best interests. He has stated that the Bill "has had no input or consultation from lawyers acting on behalf of the interests of children on the front line".

At present, there is little clarity or consistency around how guardians *ad litem* are selected and appointed. The Bill seeks to address this by creating a new service that would manage the contracting of guardians *ad litem*. It is not clear from the Bill, however, how these guardians *ad litem* will be selected or whether there will be any professional or educational requirements for them. This will be under secondary legislation, which will accord entire discretion to the Minister as to how guardians *ad litem* will be selected. Clear parameters as to the professional requirements for guardians *ad litem* should be set out in this Bill.

Deputy Sean Sherlock: I thank my colleague for such brevity given the limited time remaining. We welcome the Bill and its broad policies and principles. We have all been calling for this legislation for some time. The Minister has acted in haste over the summer period and we welcome that on the week the Dáil resumed, the Bill has been published and is before us.

I share some of the concerns Deputy Rabbitte outlined in respect of proceedings before the District Court, particularly in reference to the wording in section 35B where a court at District Court level "shall consider whether to direct that a guardian *ad litem* be appointed for a child and the court may by order so direct". If I was to read that at face value and read the wording

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of the Minister's contribution, she clearly states there is a presumption in favour of appointing the GAL at the District Court level. The following section, section 4, outlines the parameters by which such a GAL is appointed.

If I was to look at it from the point of view of ensuring there is no ambiguity about whether the GAL is appointed for the child, it could be argued that the section 35B provision, especially as it relates to the District Court appointment, should be such that a GAL would de facto be appointed in all cases at District Court level. I am merely posing that to the Minister. There is a school of thought that says de facto it should always be the case.

I appreciate the point the Minister is making in respect of the need for the discretion of the courts and the guidance the judge has now by which he or she can appoint the GAL. I wonder about the Minister's justification in leaving it open in respect of the District Court. It is one thing for the Minister to say there is a presumption in favour of appointment. That suggests to me that it may or may not happen, and that depends very much on the sitting judge on the day. If the sitting judge is hearing any other number of cases that are not necessarily family law cases or cases that require the services of a guardian *ad litem* or where the judge, dare I say it, does not necessarily have a specialism in this area, is the Minister leaving a gap which diminishes the right of the child? I would like more clarity on that point. I am minded to defer to the judgment of the District Court in respect of this issue and to leave it to the discretion of the judge, but I would like that point clarified, particularly before Committee Stage, because it could determine whether we would seek to amend it. I will, however, be guided by the Minister on that point.

I seek clarity also on the cost, budget and funding, because if it is the case that it is the Minister's intention to create an executive office under the auspices of Tusla but acting separately within Tusla, within its own silo, as it were, that is to be welcomed.

The Minister has not spoken to the nature of the service. We are relying on the child care law reporting project for any utterances about the system and how it works. I have never found myself, because of the nature of the proceedings, attending any proceedings. We are therefore somewhat blind, as legislators, as to how the system works in real time. We are depending on experts such as Carol Coulter and the child care law reporting project. There have been a number of submissions made in respect of the consultation process. I wish to quote from one such submission, which was made by a solicitor in Cork. Mr. Colm Roberts, a solicitor from The Law Centre in North Quay House, made a submission. Under the guise of the policies and principles, he states:

“the purpose of the service is to benefit the child by supporting the court to make interests of the child as the paramount consideration;”

I do not believe the principle as stated is appropriate. I say this as it is my view that the purpose of the service should primarily be for the benefit of the Court and not as worded.

The Guardian ad Litem's ... purpose must at all times be to benefit the court and its responsibility should be its primary purpose. That purpose should not become unclear or confused. It is unhelpful for the GAL to become an advocate in the adversarial process. These issues were commented on by a district court Judge in a decision reported recently in the Child Care Law Reporting Project...

When the GAL becomes too active a participant, he/she can alienate ... [himself or herself] from the parties and be perceived as becoming part of the problem rather than the

solution, thus undermining its value and purpose.

It is my understanding that the GAL is appointed by the court to assist it in being fully and freely informed of the wishes of the child, the circumstances of the case and the potentiality of all viable options available in the interests and welfare of the child.

The court and not the GAL must remain the ultimate arbiter in determining the rights of children and parents in these matters to ensure compliance with its statutory, constitutional and ECHR duties.

I take that at face value because that is the voice of somebody who has been working at the coalface for many years, indeed somebody who is well known to many of us as a front-line expert.

It is my wish that there would be clarity about the exact role of the guardian *ad litem* in a prescriptive way enshrined within the primary legislation. I ask the Minister to take on board views such as this because I believe that it reflects a reasonable and rational view of proceedings and it ensures that there is no ambiguity about the role of the GAL. I ask the Minister if she would take on board that particular point or at least, if it is not her view or if it is not her intention to legislate for this submission, to revert to us on Committee Stage.

Finally, we need to talk about the budget, transparency and the costs of the solicitors involved and of the GAL service. It is my party's view that this needs to be enshrined in primary legislation to the point of ensuring there is a report, for instance, laid before the Houses of the Oireachtas, to give us transparency about the exact cost of the service. We have no oversight of that. We know exactly what Tusla is spending on legal fees. Tusla and the Minister, I am sure, would have no problem in breaking down those costs. Some efforts have been made by the Joint Committee on Children and Youth Affairs to seek further information about the true costs of this service, but it would be useful for all of us to have sight of the costs as that would inform us as to whether moneys are being spent in a way that ensures the child - let us not forget this is about children and we must keep a focus on children - is getting the best possible service. Where reports are sought by the courts for access to particular services to be allocated to the child, there should be no excuse made that the services cannot be allocated because no budget is available to provide services for the child but yet the GAL - maybe I speak from a point of ignorance here - has costs for the period of the hearings of possibly hundreds or thousands of euro. A recommendation may be made that a service should be provided for the child, but the child cannot get access to the service that would have cost the same as the GAL because of resource constraints. Does the Minister see the point?

An Leas-Cheann Comhairle: Deputy Sherlock is in full flight but I must request him to propose the adjournment of the debate.

Deputy Sean Sherlock: I reluctantly propose the adjournment of the debate.

Debate adjourned.

The Dáil adjourned at 10.15 p.m. until 10.30 a.m. on Thursday, 19 September 2019.