



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Déardaoin, 26 Meán Fómhair 2019

Thursday, 26 September 2019

Chuaigh an Leas-Cheann Comhairle i gceannas ar 10.30 a.m.

Paidir.

Prayer.

Ceisteanna - Questions

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Brexit Preparations

1. **Deputy Michael McGrath** asked the Minister for Finance the status of the preparations for a no-deal Brexit; the further steps he plans to take in the coming weeks to prepare for this scenario; and if he will make a statement on the matter. [39206/19]

Deputy Michael McGrath: The purpose of this question is to raise the issue of the preparations that are being made for all Brexit scenarios, in particular the possible scenario of a no-deal Brexit. Now that we are just five weeks away from the end of October, I seek more clarity on what work is ongoing with the European Commission on cross-Border trade and potential checks that may arise in that scenario, and if the Minister can advise the House and the public as to the overview and scope of what he is planning in the context of the budget in a no-deal scenario.

Minister for Finance (Deputy Paschal Donohoe): The Government has been actively preparing for Brexit since the referendum took place. While a no-deal Brexit will never be Ireland's or the European Union's choice, the risk of no deal remains significant and, therefore, no-deal preparations have the highest priority across Government. The aim of the Government's preparations is to make sure that Irish citizens and businesses are as ready as possible for a no-deal Brexit, as set out in the Government's most recent contingency action plan. That plan set out in detail our analysis of the risks and impacts of a no-deal outcome across a range of key issues and sectors, and the extensive work ongoing across Government to mitigate these

risks. The plan follows on the enactment of the Brexit omnibus Bill earlier this year and the roll-out of a comprehensive programme of stakeholder engagement. As Minister for Finance, my objective is to protect the economic and financial interests of the State and to support the work of the Revenue Commissioners so as to minimise Brexit disruption to trade to the greatest extent possible. My Department and its agencies are advancing preparations within the whole-of-government framework overseen by the Departments of Foreign Affairs and Trade and the Taoiseach. The Government has already taken important steps to prepare our economy in each of the last three budgets.

In response to the questions the Deputy put to me, on the overview of where we are from a budgetary point of view, that will be consistent with the budgetary framework I published as part of the summer economic statement, where I outlined the range of deficits that might be possible if we are in a no-deal scenario. There has been engagement with the European Commission, which has primarily centred on some sectors such as, for example, what could happen to agrifood in the future or the area of policy flexibility in respect of the deployment of our own resources.

Deputy Michael McGrath: I thank the Minister for his reply. While there may be a growing view in political circles that Brexit may not come to a head at the end of October and that it may not be the end of it, the reality is that we are now just five weeks away from a potential cliff-edge, no-deal Brexit. People who are engaged in cross-Border trade will want to know what stage these discussions with the European Commission are at. Then there is the “when” question. When does the Government expect to give people an indication, and subsequently the detail, of the measures that will be in place to protect Ireland’s position within the Single Market, while also protecting the Good Friday Agreement and the all-Ireland economy? In the context of the budget, can the Minister confirm that in his no-deal Brexit package, he intends to set out an overall scenario that will go beyond the €2.8 billion package, perhaps well beyond it, but that the additional money will only be called upon in the event of no deal?

Deputy Paschal Donohoe: To work through each of the Deputy’s questions, the answer to his final question is “Yes”. My objective is to be outlining a set of supports that are available only in a no-deal setting. On the magnitude of the supports, while it would be up to each Minister to outline the detail of how funding would be made available in a no-deal setting, what I will be doing on budget day is announcing the overall framework and the figures that are against that. I refer to our engagement with the European Commission on how we will protect our place in the Single Market. As we debated in the Committee on Budgetary Oversight recently, I have no doubt of the sensitivity and concerns the House and communities will have in regard to any measures we might have to contemplate in a no-deal setting, and I absolutely understand this. However, one of the issues we will need to consider, if we end up in a no-deal setting, is how we can continue to give assurances that Irish exports are consumed as Irish exports elsewhere in the Single Market. That is fundamental to our identity and our economic prospects as an exporting nation. That work is ongoing with the Commission but I want to re-emphasise to the Deputy that I am well aware of the many concerns colleagues have in regard to that matter.

Deputy Michael McGrath: To be fair, all parties in this House have adopted a very supportive position in regard to Brexit and we have afforded Government the time and space to work through these issues. However, we are coming to a point now, just five weeks out from a no-deal Brexit, where people deserve to know and will want to know because they want to make preparations and plans. Can the Minister tell the House and, more important, tell the people, when the details of the outcome of those discussions with the European Commission

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around what will happen in terms of cross-Border trade in a no-deal scenario will be made available and published?

In regard to the budget, he did not confirm the position I put to him, which is that the Brexit package that will only be deployed in a no-deal scenario will go beyond the €2.8 billion. Has he finalised at this stage the extent to which it will go beyond that €2.8 billion?

Deputy Paschal Donohoe: I acknowledge the supportive tone that all colleagues and parties have offered in dealing with the consequences of Brexit, in particular a no-deal Brexit. With regard to the Deputy's repeated question on whether the resources will go beyond €2.8 billion if we are in no-deal setting, the answer is "Yes". The consequences of dealing with more people becoming unemployed or of having to support parts of certain sectors will mean reducing a surplus we would otherwise have and moving into what I would aim to be a temporary deficit.

On the Deputy's second question regarding when the engagement with the European Commission will come to an end, much of that depends on the engagement that will happen between the EU and the UK in the run-up to the European Council. I take the Deputy's point. If we move into October, Irish businesses will need to know what the contingency plans are. To agree with a point he made earlier, if a no-deal Brexit is averted on 31 October by means of, for example, an extension, that means the risk then shifts fully into the year which this budget oversees. The risk, therefore, is still there and it is absolutely within the time period in which the House expects budgetary decisions to be made.

Insurance Costs

2. **Deputy Pearse Doherty** asked the Minister for Finance his plans to implement further reforms in view of the increasing costs of insurance for many sectors and the escalating crisis in the market; and if he will make a statement on the matter. [39204/19]

3. **Deputy Michael McGrath** asked the Minister for Finance the steps being taken to protect businesses and voluntary organisations from increasing insurance costs; and if he will make a statement on the matter. [39207/19]

Deputy Pearse Doherty: There is a full-blown insurance crisis in every part of the State. We see it in the experience of customers through escalating premiums, which is putting pressure and a squeeze on their incomes. We see it with companies closing throughout the State due to increasing premiums or, indeed, the fact that certain sectors will simply not be quoted for an insurance premium. This trend of businesses closing is happening on a weekly basis and, in some cases, on a daily basis. What is the Government going to do to address the fact we have a full-blown insurance crisis in the State that is hampering jobs, closing businesses and putting a squeeze on the pockets of consumers? Is it not time the Government stood up to this industry and ensured that workers and families were given a break?

Minister of State at the Department of Finance (Deputy Michael D'Arcy): I propose to take Questions Nos. 2 and 3 together.

Neither the Central Bank of Ireland nor I can interfere in the provision or pricing of insurance products as these matters are of a commercial nature and are determined by insurance companies based on an assessment of the risks they are willing to accept. This position is

reinforced by the EU framework for insurance, which expressly prohibits rules that require insurance companies to obtain prior approval of the pricing or terms and conditions of insurance products. Consequently, I am not in a position to direct insurance companies as to the price or the level of cover to be provided either to consumers or businesses. A further constraint is the fact that, for constitutional reasons, Government cannot direct the courts as to the award levels that should be applied. In summary, therefore, there is unfortunately no quick-fix solution to this matter.

I wish to re-emphasise, however, that this issue remains a priority for the Government. The cost of insurance working group, established three years ago, is continuing to work to implement the recommendations of both of its reports. Its most recent progress update was published in July and shows that the vast majority of recommendations and actions due by quarter 2 of 2019 have been completed.

Looking to the future, some further measures will be carried out by Government over the next few months. These include the following the commencement of the remaining parts of the Judicial Council Act 2019, which provides for the establishment of a personal injuries guidelines committee. It is now a matter for the Judiciary to put in place the judicial council and to operationalise the personal injuries guidelines committee, which will introduce new guidelines to replace the book of quantum. This is an essential step if award levels are to be reduced. We will have the completion of the Central Bank's feasibility study into adding employer and public liability insurance to the national claims information database, which is due by the end of the year. We will have the completion of the CSO's feasibility study into tracking the cost of business insurance, as it does with other forms of insurance, including motor. The CSO is due to report back to my Department by the end of the year. There is also the Law Reform Commission's work to undertake a detailed analysis of the possibility of developing constitutionally sound legislation to delimit or cap the amounts of damages a court may award in respect of some or all categories of personal injuries. It is expected that there will be a public consultation on this by the end of the year. We will also see the furtherance of measures necessary to implement pre-action protocols for personal injury cases, beginning with medical negligence cases.

I have been engaging with insurers to seek a commitment that they will reduce premiums and widen their risk appetite should there be a recalibration of award levels downwards once the new personal injury guidelines are introduced. In this regard, I am encouraged by the comments made by a number of insurers at the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach in July that they would be prepared to pass on such savings in such circumstances. The Deputy should also note that a number of UK insurers that have recently exited the Irish market have also expressed a willingness to re-enter it in the event of a recalibration of awards downwards.

Deputy Pearse Doherty: I hear what the Minister of State is saying on the issue of the Judicial Council Act and its execution. Implementation is crucial and we need to make sure that next step is taken. However, I fail to believe he fully grasps the magnitude of what is happening. Every week companies are closing. This summer, community festivals that had been running for decades did not run because of insurance premiums. Leisure centres, play centres and swimming pools have closed, and that is just over the summer months, and we only hear of the ones that make the headlines in the national media. A public participation network has conducted a survey showing 83% of its sector faced higher premiums over the past three years, a significant number had seen their premiums double, and more than 30% are paying on average €1,500 annually for insurance cover. This is damaging communities, jobs and the local econ-

omy. Worse than that, we have entire sectors, to which thousands of jobs are linked, including the inflatables, archery and paintballing sectors, in which companies simply cannot get a quote in Ireland or Britain. They are going to be out of business.

The Minister of State referred to the issue of awards. Awards have been reducing since 2004 and the number of claims that have been resolved through PIAB and the courts has come down since 2004. The only things going up are the premiums and the €227 million profit that these companies made on the back of Irish consumers.

Deputy Michael D'Arcy: The Deputy should please not question my grasp of the magnitude of this. I have put a significant shift into insurance to try to put us in a position where we recalibrate the awards. The biggest issue is the recalibration of the awards. I have acknowledged everybody's assistance on insurance issues in this House and the other House. Please do not question my grasp of the magnitude of this. There is a really significant issue. Deputy Pearse Doherty said the awards are reducing. That is correct, but the problem we have is that the awards for minor injuries are increasing. These are the bangs, bumps and bruises that happen in everyday life. I have put on the record of the House that if these were to happen in people's brothers' or sisters' houses rather than a business premises that did not have insurance, they would not make claims. That is the single biggest issue we face and we must deal with it by reducing the awards.

Now it falls to the Judiciary. Deputy Pearse Doherty has heard my time schedule, which I have said I would like to see achieved by the Judiciary. It is to operate in parallel with the establishment of the personal injuries committee within the judicial council. It is a matter for the Chief Justice to select the seven judges he deems appropriate to review the guidelines. That can happen. I have requested that it happen for the five primary areas of personal injury insurance. This will set the barometer for the rest of the market and that can be done by the end of this calendar year if the willingness is there.

Deputy Michael McGrath: The fact that both Deputy Pearse Doherty and I have selected this issue for priority questions is a measure of how serious the situation is. The Minister of State has put great store on the judicial council legislation and the new award levels coming into effect, and he can say it is a matter for the Judiciary and so on, but that does not cut much mustard for those who are directly affected now. Will he restate the timeline he envisages as to when the new award levels will be confirmed and take effect? If he is saying, as the Minister of State in charge, that this is the single most important issue, when does he expect, and when does the Government believe, that we will see these new levels in place?

I must put the "what if" question. This does not affect only the leisure sector but, taking that as an example, as the renewals come on stream and people cannot get insurance, what if we see almost an entire sector not even unable to afford insurance but simply unable to access it? Those operating in the sector will have to shut their doors. This is spreading to other sectors as well, such as hospitality. This is a crisis. The Minister of State has put all his eggs in the basket of the Judicial Council Act, the Personal Injuries Commission and so on, but when will that have an effect?

Deputy Michael D'Arcy: I must reiterate that the schedule I have is the schedule I would like to see occur. I have the full support of Government on this, but we cannot direct the time schedule, unfortunately. The time schedule I have proposed is that the judicial council will be established by the end of this year. The personal injuries committee within the judicial council

can be brought together by the Chief Justice, who has the authority to select the seven judges. He can do that by the end of this year. I have also requested that work be allowed to start on the five primary areas of personal injury. The main one is whiplash, followed closely by soft tissue injuries. I have asked that those five areas be recalibrated by the end of this year. I cannot say whether or not this will be delivered but everything I am doing is pushing for it to happen. This will send a very clear signal to the market that the awards will be reduced in line with the five primary areas. That covers about 75% of personal injury claims in the State. I went to London two weeks ago to meet the underwriters to highlight the work we are doing and the support I have, as I said, in both Houses, from my senior Minister, the Taoiseach and Government to implement this for the very reasons both Deputies have highlighted: the areas where people are not just priced out but getting no quote whatsoever, and-----

An Leas-Cheann Comhairle: Go raibh maith agat. I will take both supplementary questions now.

Deputy Pearse Doherty: I have made the point and I make it again: the Minister of State is not grasping or responding to the seriousness of this. We want the Judiciary to do what it wants, but my fear is that the Minister of State is swallowing the spin from the industry, just like he swallowed the spin about fraudulent claims. We know that the insurance industry has reported only 50 suspected fraudulent cases out of the tens of thousands it was suggesting are out there. The reality - facts speak loud - is that awards are dropping. In the High Court they went down from €85 million to €57 million last year; in the Circuit Court, where they went up slightly, by 2.3%, the total amount of awards was €23 million. The full quantum of awards paid out through the Courts Service dropped dramatically last year, yet the Minister of State tells us the solution to this is simply awards. It is not. A multi-agency approach and multiple solutions to this are needed and the Minister of State needs to stand up to the industry.

I therefore question him on this, as I have questioned the Minister, Deputy Donohoe, and the Taoiseach. Have they sat down with Insurance Ireland? Have they told it we have a complete market failure here? We have thousands of jobs and an entire sector which cannot get insurance in Ireland or in Britain. Have they had that conversation? When the underwriter that used to underwrite these businesses moved its headquarters from London to Dublin, two Ministers issued press releases welcoming AXA XL. Have they lifted the phone to AXA XL and said, "Thank you for coming to Dublin as a result of Brexit, but why are you screwing over our indigenous business and withdrawing from the market?" They cannot have it both ways. The Minister of State needs to stand up to these companies.

Lastly, does the Minister of State have anything to say about the fact that the State pockets €230 million in taxes and levies as a result of the premiums that are skyrocketing and putting businesses out of business and workers out of jobs?

Deputy Michael McGrath: I ask the Minister of State to bring this down to brass tacks. Will he tell us where we are with the leisure industry? It is currently the most acutely affected sector, in which people are finding they cannot get quotes as their policies come up for renewal, and those businesses are closing every day. This is not a big bang because the policies are coming up for renewal at different times but it is happening across the country and we are seeing events being cancelled because these providers are simply not in a position to offer services because they cannot get insurance. Will the Minister of State tell us in practical terms what is being done to engage with the insurance industry to ensure that cover is available at affordable rates? I do not have any faith that we will see these new personal injury guidelines any time

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this year and I am not sure we will see them even next year, so I do not see where the hope is for people whose policies are up for renewal.

Finally, has the Minister of State any further information on the insurance fraud co-ordination unit within An Garda Síochána that has been announced? Can he give a reassurance that the necessary funding and resources will be made available in order that it can become operational and effective?

Deputy Michael D'Arcy: Regarding the Circuit Court figures Deputy Pearse Doherty has, the issue is that two thirds of the cases are for under €20,000. These are the ones doing the damage. They are doing appalling damage to the businesses and festivals he talks about and which everyone here is trying to protect. It is the small damages, the small claims, that are doing the catastrophic damage to businesses and companies.

I have met representatives of all the insurance companies and of Insurance Ireland and, as I said, two weeks ago I went to London to meet the underwriters as well. The message from the underwriters is very clear: reduce the awards and improve the methodology by which claims are presented to the system in Ireland. The best example was one case they presented to me - I did not see any names - in which an award of €8,000 was made with calculated fees of €40,000 clocked up over four years. That era must end. They are very clear that if that system continues in our jurisdiction, they are out and they are not participating.

Perhaps I have all my eggs in one basket, but it is the correct basket and the correct pathway with the Judiciary, the third leg of government in this State. We can get into a row and rock on down the road of perhaps having a referendum. I do not believe that is the way to go. The Judiciary has the opportunity to conclude in this calendar year work on the five main areas of reform for the guidelines. The hundreds more that will follow can happen subsequently, in 2020. Let us deal with the bigger areas that are doing damage and in respect of which the insurance companies are saying if this does not change, they will be out and will not come back.

Deputy Pearse Doherty should make no mistake: I am not pretending I am comfortable with insurance companies taking money from businesses and from people and entering into contracts with them for years and then just exiting and leaving their clients high and dry when it gets tough.

Deputy Pearse Doherty: What about the leisure sector? That was the primary question asked by Deputy Michael McGrath and me. The Minister of State seems to have ignored that fact.

Deputy Michael D'Arcy: Regarding the leisure sector, the reason the schedule I have in place is to the end of this year is that I want the industry to be able to get insurance in the early part of next year for next year. I realise it will not be in time for everybody, which I am deeply saddened by. However, if we can get the Judiciary to reduce the guidelines - I have met all of the insurance companies here, Insurance Ireland and all of the underwriters in London - in order that in 2020 the directional flow of awards will be downwards, the insurance companies will then participate. The era of somebody who gets a bang or has a bruise getting €8,000 or €10,000 and €40,000 in fees is ending.

Brexit Preparations

4. **Deputy Michael Collins** asked the Minister for Finance if budget 2020 will be based on the assumption of a no-deal Brexit; his plans to make provision for timely and targeted measures for the sectors most exposed; and if he will make a statement on the matter. [39218/19]

Deputy Michael Collins: Will budget 2020 be based on the assumption of a no-deal Brexit? If so, does the Minister intend to make provision for timely, targeted measures for the most exposed sectors such as fishing and farming? Will he make a statement on how, if there is a no-deal Brexit, the Government will ensure adequate support for both vital sectors, given that they will be hit severely by a no-deal Brexit?

Deputy Paschal Donohoe: As I indicated earlier, the Government has agreed that, purely for budgetary purposes, the forthcoming budget will be based on the assumption of a disorderly exit of the United Kingdom from the European Union. It will, therefore, involve a twin-track approach. We will fund and seek to improve services that we make available to the public and, second, we will support sectors and regions that are most exposed to Brexit related disruption. As a no-deal Brexit would represent a permanent change in the trading environment between Ireland and the United Kingdom, support must be timely, targeted and temporary and, in the case of SMEs, geared towards firms that are viable. I am working with my colleagues in the Government on what the detail and funding for the plans will be. I aim to bring that work to a conclusion in advance of budget 2020.

Deputy Michael Collins: I have been talking to many fishermen and people involved in the farming sector recently. European and UK fishermen have shared fish stocks and fishing grounds for centuries. They have harvested limited resources, some 100 shared stocks that know no borders. The Irish relationship with our UK colleagues has always been grounded on understanding and reasoned discussion. A no-deal Brexit would destroy the agreement that was in place. Others will be like wolves at the door, ready to devour Irish fishermen and our seas, if there is a no-deal Brexit or no agreement. Where is the fund that was promised to fishermen, not just to Irish fishermen but to all who share this resource? Does the Government realise we will have only our own waters in which to fish after Brexit and that we have no rights to fish in French, Dutch, Spanish, Belgian, Swedish, Polish or German fishing waters? On the other hand, our coastline is freely available to the fishermen of these countries. Has the Minister been in discussions with Ministers from other European fishing countries that will be affected by a crash-out by the United Kingdom and, if so, will he explain the type of compensation package that is being discussed for the fishing industry?

Deputy Paschal Donohoe: I am well aware of the effect a no-deal Brexit would have on the fishing industry and the displacement effect that would be caused by fishing moving off our shores as a result. On the question about the engagement I have had with other Ministers for fisheries, that engagement is being undertaken by the Minister for Agriculture, Food and the Marine, Deputy Creed, and I am working with him on it. As part of our no-deal planning, he and I will ensure issues relevant to the fisheries sector will be considered as we conclude our work on budget 2020. I fully understand that if a no-deal Brexit takes place, the parts of the country and economy that may experience the most immediate consequences are the fishing industry and the fishing community. I take the Deputy's point in that regard.

Deputy Michael Collins: It is vital that the Minister have discussions with the European countries, the fisheries of which would be affected by a UK crash-out. Perhaps he might elabo-

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rate on the type of compensation package that is being envisaged for fishermen who may well lose 50% of their income and whose boats could be tied up at piers. The same applies to the farming sector. It is going through a very difficult time, as we have seen with the beef crisis and the protests. A no-deal Brexit could destroy the livelihoods of many farmers. At a meeting yesterday the Irish Farmers Association, IFA, estimated that a €1 billion Brexit fund for market support measures was needed. Again, what type of compensation package does the Minister have in mind for Irish agriculture, given that it is going through a serious crisis, especially in the beef sector? It is volatile and fishermen and farmers must have a very strong voice as we proceed. Fishermen need to know what the position is. Fishermen from Castletownbere and along the coastline, fishermen on the bigger trawlers and even inshore fishermen are asking me about it. There is a serious worry that there is no package in place and that no proper discussions are taking place, but I hope that is not the case.

Deputy Paschal Donohoe: We are facing potentially volatile circumstances. As I said, I understand the risk of vessels being confined to shore as a result of what could happen in a no-deal Brexit setting and what the immediate effects would be on income and the industry. The Deputy will appreciate that the figures behind the funds which will be much needed by those who find themselves under great pressure owing to a no-deal Brexit ultimately must also be affordable to the State and the taxpayer in the short to medium term. I would love to get the balance right. As I have said throughout my answers to this question, I am well aware of the pressure fishermen could face in that scenario and the Minister, Deputy Creed, has raised it with me on a number of occasions.

Tax Code

5. **Deputy Róisín Shortall** asked the Minister for Finance when the review of the special assignee relief programme will be completed; and his views on the fairness of operating such a scheme. [39219/19]

Deputy Róisín Shortall: I refer to the special assignee relief programme which many consider to be deeply unfair. The Minister promised a review of it. When will it be completed and published? What is the Minister's view on the fairness or otherwise of the scheme?

Deputy Paschal Donohoe: The special assignee relief programme, SARP, is an income tax incentive aimed at reducing the cost to employers of assigning key individuals in their companies from abroad to take up temporary, short-term positions in the Irish-based operations of the employer, with a view to transferring essential skills to Irish-based companies. For example, such individuals may be transferred to head up new divisions of the company or take charge of new product development.

In accordance with the Department of Finance tax expenditure guidelines, the SARP is the subject of an independent review which is being carried out by Indecon Economic Consultants. The review exercise affords an opportunity to look at all elements of the relief and also includes consultation with stakeholders. The terms of reference of the review include the continuing relevance of the programme; the performance of the programme in meeting its objectives; its particular features; the annual cost and the overall impact. The appropriateness of the current upper and lower limits on the quantum of income that should benefit from the tax relief is also to be examined, having regard to the objectives of the scheme and the principles of tax equity. The report is being finalised and I expect that it will be submitted to my Department in the next

few days. It is my intention to publish the report in the context of the forthcoming budget and Finance Bill.

Our enterprise policy is based on export-led growth, of which foreign direct investment is an important part. Programmes such as the SARP have a role to play in allowing industries to develop in the economy that, in turn, generate the export performance on which we are dependent. However, I am conscious of the broader principle of tax equity. That is one of the reasons I made a change last year in respect of the maximum amount of income that could be claimed under the programme.

Deputy Róisín Shortall: There are very serious principles underlying this scheme and it indicates a view within the Department of Finance and the IDA which is fundamentally wrong. There are skills shortages right across the economy but we do not offer sweetheart deals to other categories of staff. I have a real concern about this and cannot see any justification for it. I also have a concern about the complete lack of proper oversight of this scheme. I asked about it recently but the most up to date figures that the Department could produce were for 2016. This reminds me of the lack of data on the big pension funds that are getting huge tax reliefs and which are costing the State millions of euro every year. Why does the Minister not have information on how much this scheme is currently costing us? What is the projected cost of the scheme for 2019? This seems to be a secret kind of arrangement organised through the IDA on which we do not get any data. The Minister must come clean on this. We cannot have a situation where we have one law for the rich and another for the poor.

Deputy Paschal Donohoe: As recently as last year I published a report, which I shared with the Oireachtas, on the operation of this scheme and on the back of sharing that report, I made changes to it. For each of the years for which information is available, I have published the full cost of the scheme, including up to where we were at the end of 2016 and I will share with the Deputy and the House any information that is available to me in respect of the costs of it.

On the Deputy's allegation that this is a sweetheart deal in some way, the principles and the cost of the scheme are clear. A report is due to be submitted to me that I will publish and if that report makes recommendations to address potential issues in relation to equity, I will act upon them. In her own question to me, the Deputy acknowledged that skills shortages are an issue. If she acknowledges the existence of skills shortages and accepts the importance of exports to our economy, as well as the fact that every other country with which we are competing has schemes like this, then I hope she understands that it can play a role in our economy. I made a change to the scheme last year precisely because I wanted to address issues related to equity and fairness.

Deputy Róisín Shortall: The Minister introduced a change last year, which brought the limit up to €1 million. Why on earth should we have a scheme where there is a minimum threshold required in order to get a tax advantage? It is only those earning in excess of €75,000 and up to €1 million who can avail of this scheme. This is an affront to ordinary workers, that is, people who are struggling to survive because of the policies of the Government as the cost of living here is going through the roof. Why should there be a special arrangement for people who are better off? Why does the Minister not concentrate on reducing the cost of living instead, which will benefit people right across the economy? There can be no justification for this scheme. While we do have a problem with attracting people with essential skills in different categories, the Department does not do sweetheart deals for all of the other categories of workers in areas where there are shortages. It is deeply unfair and the Minister must end this scheme. It must be scrapped and the IDA must stop entering into these kinds of private arrangements. It

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must stop depending on these kinds of unfair arrangements in order to do its work.

Deputy Paschal Donohoe: Comparable schemes operate in France, Holland-----

Deputy Róisín Shortall: They do not operate in every country.

Deputy Paschal Donohoe: -----Denmark, Sweden, Spain, Italy and Finland. The Deputy has acknowledged the difficulties and pressure faced by many citizens at the moment, which I always acknowledge.

Deputy Róisín Shortall: The Minister needs to do something about it, not just acknowledge it.

Deputy Paschal Donohoe: In addition, I had hoped the Deputy might make reference to the fact that we also have 2.3 million people working in our country and that incomes have grown in the first part of this year in a way that will make a real difference to the lives of people.

Deputy Róisín Shortall: The Minister needs to get real.

Deputy Paschal Donohoe: The *modus operandi* of Deputy Shortall is to put questions to me and when I answer them, to interrupt me as opposed to considering the argument I am seeking to make. The argument I am seeking to make is that many of the countries with which we compete for certain kinds of work have schemes like this one. I will be fully publishing a report on the operation of the scheme. If that report makes recommendations on issues like equity and fairness, I will address them. I represent the ordinary worker and taxpayer too. The ordinary worker and taxpayer needs different forms of employment to be created and different forms of work to come into our country and there are some people who allow that to happen. This is not about sweetheart deals-----

Deputy Róisín Shortall: Of course it is.

Deputy Paschal Donohoe: This is about allowing Ireland to be competitive and ensuring that we can continue to create jobs-----

Deputy Róisín Shortall: There are no figures-----

Deputy Paschal Donohoe: -----and investment in our economy.

Deputy Róisín Shortall: We do not know how much it is costing.

Ceisteanna Eile - Other Questions

Disabled Drivers and Passengers Scheme

6. **Deputy Thomas Pringle** asked the Minister for Finance if he has considered the ruling of the Ombudsman regarding primary medical certificates (details supplied); the reason his Department has not made relevant amendments after the intervention of the Ombudsman; when he plans to bring the necessary legislative amendments to the Houses of the Oireachtas; and if

he will make a statement on the matter. [38452/19]

11. **Deputy Róisín Shortall** asked the Minister for Finance his views on concerns raised by the Ombudsman about persons being denied access to the disabled drivers and disabled passengers scheme on the basis that they have been refused primary medical certificates; and if he will make a statement on the matter. [38308/19]

Deputy Thomas Pringle: My question relates to the primary medical certificate and its operation within the Department of Finance. In particular, the Ombudsman's office has asked the Department to review and amend the scheme to make it more workable. The scheme is very restrictive and very difficult for people and there is an onus on the Department to respond to the Ombudsman and amend it.

Deputy Paschal Donohoe: I propose to take Questions Nos. 6 and 11 together.

The disabled drivers and disabled passengers (tax concessions) scheme provides relief from VAT and vehicle registration tax, VRT, up to a certain limit, on the purchase of an adapted car for transport of a person with specific severe and permanent physical disabilities, payment of a fuel grant and an exemption from motor tax. To qualify for the scheme an applicant must be in possession of a primary medical certificate. To qualify for a primary medical certificate, an applicant must satisfy one of the following conditions: be wholly or almost wholly without the use of both legs; be wholly without the use of one leg and almost wholly without the use of the other leg such that the applicant is severely restricted as to movement of the lower limbs; be without both hands or without both arms; be without one or both legs; be wholly or almost wholly without the use of both hands or arms or have the medical condition of dwarfism and have serious difficulties of movement of the lower limbs.

The scheme represents a significant tax expenditure, which is justified in terms of responding to the needs of applicants with this level of challenge in their daily lives. Between the VRT and VAT foregone and the fuel grant, the scheme cost €65 million in 2016 and 2017, rising to €70 million in 2018. These figures do not include the revenue foregone in respect of the relief from motor tax provided to members of the scheme.

I understand and fully sympathise with any person who suffers from a serious physical disability and who cannot access the scheme under the current criteria. However, given the scope and scale of the scheme, any possible changes to it can only be made after careful consideration, taking into account the existing and prospective cost of the scheme, as well as the availability of other schemes that seek to help with the mobility of disabled persons and the interaction between each of these schemes. Therefore, at this point, I have no plans to amend the qualifying medical criteria further but if either Deputy believes that particular areas merit revision, I would be interested in hearing their views on same.

Deputy Thomas Pringle: The Minister's outline of the scheme's criteria shows clearly that it needs to be reviewed. It is not realistic, in the current climate, for this situation to persist. I deal with people every day who need this scheme and who would avail of it but they cannot satisfy the crazy and restrictive criteria that were probably set out in the early 1970s. It is similar to why the Minister will not review the conditions for the medical card scheme, which were named in legislation in 1971 or so, which keeps it under control as far as the Minister is concerned. More has to be done than just keep it under control. It has to address reality and people who have very difficult lives. This would not enable people to avail of something spectacular

that they should not be getting but it would make their lives possible, especially for people who live in rural areas who depend on having transport but who cannot get public transport. There are people with conditions which are not as restrictive as these who would and should avail of it, and it should be possible to do so.

To appeal a decision or refusal for access to this scheme, one has to travel to Dún Laoghaire to have one's appeal heard. That applies to people who cannot access transport in Donegal and yet must travel to Dún Laoghaire which is six or seven hours away. They cannot travel there and back in one day. It is nonsensical and unfair.

Deputy Paschal Donohoe: I do not want the Deputy to think in any way that I am saying that the scheme is not merited. I absolutely think it is and believe it plays an important role in dealing with and supporting applicants who, as the Deputy says, are grappling with severe disabilities. The scheme has been looked at a number of times, including in 2016 and again in 2018. At each point, a number of changes were made to try to deal with issues that were being raised at that time. The Deputy made a point about the need to travel to Dún Laoghaire to instigate an appeal. I was not aware of that and I will certainly inquire into that. Given that those who are appealing have a high level of need and restricted mobility in the first place, I take the logic of the Deputy's point that there should be some convenient way in which that can be done.

Deputy Róisín Shortall: My question relates to issues raised by the Ombudsman about persons being denied access to the disabled drivers and passengers scheme. Is the Minister not embarrassed to read out the details in the first part of his reply to Deputy Pringle? As far as I know, there is not actually a condition which that describes. The level of disability which is required to qualify is so rare that vast numbers of people with significant disability problems are being denied access to this programme.

Deputy Paschal Donohoe: In 2018, 6,422 claims were paid out with regard to the VRT. Moreover, 17,640 fuel grant claims were made. I was describing the scheme, as I made clear, with a consideration to those citizens who find themselves having to deal with that level of need. I therefore completely understand why a scheme like this needs to continue. It is availed of by many and I want to ensure that a programme like this continues to be in place to help people with their cost of living and to help those who have such difficulty with mobility. We should help them with the taxes and charges associated with that.

Deputy Thomas Pringle: I will explain the situation of some people who I deal with who cannot avail of this scheme. There are patients with severe Parkinson's disease, bowel cancer, arthritis or permanent nerve damage from alcoholism. There is one woman who is unable to walk unaided and can only use a wheelchair occasionally due to a lack of strength in her arms and legs. She lives in the middle of nowhere with no family to transport her. There is another woman who can only walk using a walking aid and has severe weakness in her legs despite doing physiotherapy. She is a pensioner and as she cannot live on her own due to the steps up to her house, she lives in her daughter's rented accommodation in a downstairs bedroom. It would make a real difference to these people's lives if they had that transport. It is incumbent on the Department to review this and make the scheme workable for the conditions of the present day. Will the Minister make the reviews carried out in 2016 and 2018 available to me so that I can look at them?

Deputy Róisín Shortall: We know that more than 13% of the population in this country have disabilities. Many of those have mobility difficulties. It is a false economy to deny people

the opportunity to live some kind of independent life and to be able to travel, get out of their homes, be active insofar as they can, to visit, to do jobs and to go to work in many cases. Requiring a person to be without two limbs is a pretty high bar to set. I say it is a false economy because many people could live much fuller lives, including being financially independent, if they had the ability to travel in a car. This scheme would be required in order to enable them to do that. The bar is set far too high. It is way overdue to have it reduced. The Minister needs to take a measure to improve the lives of people with mobility problems.

Deputy Michael McGrath: I support the two Deputies on this question. My experience is that the conditions and criteria of the scheme are rigid. There is no discretion whatsoever. I accept that when there is discretion, interpreting that can be difficult but we have all met people who, by any reasonable test, should qualify for the benefits of the scheme. The scheme is valuable for those who can benefit from it and that should be acknowledged. It is overly rigid, however, and the criteria the Minister read out made for uncomfortable listening. There has to be a way to involve the disabilities sector to allow a redesign of the criteria that would enable people who pass a reasonable test to avail of the benefits of the scheme. I suggest that the Minister does that. The Ombudsman's criticisms have been sustained over a long period and the issue needs to be reviewed again.

Deputy Paschal Donohoe: To correct Deputy Shortall on what she said a moment ago, the answer that I provided to the House stated that, to qualify for this scheme, an applicant has to satisfy one of a range of conditions which are laid out. It is an important scheme that is made available by the State to support those who need additional help due to the level of need in their lives. In response to the points made by Deputies, I note the Minister for Health has started work on looking at a new transport support scheme and what kind of legal provisions would need to be in place to support that. This is looking at the fact that there is a broader range of needs and disabilities beyond those that I have outlined that make it difficult for applicants and citizens to commute and conduct their daily lives. Work on that is under way and the Minister for Health is looking at legislation that might play a role in that area. We have to ensure, if we are going to put in place a new scheme such as this, that not only does it meet needs that we know to be genuine but that it is also transparent and one in which the resources available from the taxpayer are targeted in a way that can make a real difference.

Irish Fiscal Advisory Council Reports

7. **Deputy Thomas P. Broughan** asked the Minister for Finance if he has carried out an appraisal of an analysis by the Irish Fiscal Advisory Council (details supplied) of possible overheating in the economy here; and if he will make a statement on the matter. [38989/19]

Deputy Thomas P. Broughan: The outcome of Brexit will be a major consideration in framing the budget. I ask the Minister specifically about page 17 of the report of the Irish Fiscal Advisory Council, IFAC, where the council lays out elements of the economy it feels may be overheating. Most people do not recognise this. They see an economy that is slowing and a growth rate that has halved. What is the view of the Minister's Department on this matter?

Deputy Paschal Donohoe: I have set out on a number of occasions my view that the economy is closing in on full employment and might be on the verge of overheating in the future. I have also tempered this view with the fact that an adverse shock to the economy such as a disorderly Brexit would rapidly change this assessment. This was reflected in the question the

Deputy has just put to me. He acknowledged that there are signs of change as we get closer to seeing what Brexit will bring for all of us.

Our economy is in good condition. This is, perhaps, most evident in the fact that the unemployment rate is now just above 5%. More broadly, other indicators associated with overheating such as credit growth, the balance of payments, and consumer price inflation, are not suggestive of a trend towards overheating.

That being said, IFAC's heat map illustrating potential imbalances is a useful tool. However, before any of us can diagnose overheating in the economy, we need to be much clearer on the deflationary and growth-slowing effects Brexit may yet bring about.

Deputy Thomas P. Broughan: The ESRI report published yesterday points to the danger of recession in the event of any kind of disorderly Brexit. This seems incongruous with IFAC's report. I still support the council's criticism of the Minister's medium-term management of the economy. It was vociferous in that regard last year. We see factors such as the delivery of housing, where we still do not have one quarter of the output we had in the period from 2003 to 2008; the allied horrendous problem of homelessness; the astonishing waiting lists for healthcare, where up to 1 million of our citizens are waiting; the significant deficits in public transport infrastructure; and the external environment. The Committee on Budgetary Oversight is publishing its report to the Minister and Government today. One of the issues it addresses is the global economic slowdown and the fact that Germany seems to be on the verge of recession and so on. IFAC's views are misplaced in this regard.

Deputy Paschal Donohoe: As I understand it, the section of the report in question refers to potential imbalances in the economy that could lead to overheating. As I have told the Deputy, if the economy was to overheat - a case he is not making - measures would have to be considered with regard to credit and spending within the economy to slow down such overheating. I am strongly of the view that we need to be clear on the effects Brexit will have on our economy before we get to any such point. The Deputy referenced the quarterly report of the ESRI published last night or this morning. Its growth forecasts are broadly in line with the forecasts I published for a no-deal scenario. It is indicating that, in the event of a no-deal Brexit, our economy's annual growth rate will probably be 1%. In the latest set of figures I published - I have updated the figures throughout the year - we indicated that the growth rate will be approximately 0.7%. I have been open with the House in publishing my own analysis on the effects of a no-deal Brexit. The ESRI figures are similar to that analysis in some respects.

Deputy Thomas P. Broughan: The IFAC report mentioned issues such as the high levels of non-residential construction, inflationary pressures, a tightening labour market, and so on. It does not, however, seem to show an output gap close to zero. In fact, the areas of the economy in that we may need a stimulus - which may be significant depending on the outcome of Brexit - remain blue on the council's heat map. The external factors are significant. Depending on how Brexit evolves, we may be more integrated with European economies. The figures set out in today's report of the Committee on Budgetary Oversight illustrate the somewhat dismal prospect that those economies may be stuttering along or verging on recession. Even on the basis of the Minister's figures, it seems our own growth is destined to be even lower in 2020, even if Brexit does not occur.

Deputy Paschal Donohoe: We have said that if there were to be a deal, the growth rate in our economy would be approximately 3%. The ability to sustain a growth rate of 3% over

a number of years could make a significant difference to our country and to our citizens and would help to address many of the issues the Deputy has raised. Growth has moderated during the lifetime of this Dáil. It was at a very high level as we exited the bailout programme and continued at such a level for a while. A more moderate rate of growth that can be sustained for longer is what is best for us. If a no-deal Brexit was to be avoided, if the economy was to grow at a rate of between 2.5% and 3.5% a year, and if normal, sensible decisions were made about how we manage credit and spending, this Government and future Governments would be able to make a big difference in respect of many of the issues the Deputy raised.

Visit of Slovak Delegation

An Leas-Cheann Comhairle: Before we move on to the next question, on my own behalf and on behalf of the Members of the House, I welcome to the House the State Secretary of the Ministry of Education, Science, Research and Sport of the Slovak Republic, who is accompanied by the ambassador of the Slovak Republic to Ireland and her advisers. The State Secretary is meeting members of the Joint Committee on Education and Skills. I hope that her visit will be fruitful and enjoyable. Tá fáilte roimpi.

Ceisteanna (Atógáil) - Questions (Resumed)

Ceisteanna Eile (Atógáil) - Other Questions (Resumed)

Illicit Trade

8. **Deputy Brendan Smith** asked the Minister for Finance the additional measures he plans to introduce to counteract cross-Border smuggling and illicit trade in tobacco, drink and fuel products; and if he will make a statement on the matter. [39042/19]

An Leas-Cheann Comhairle: Permission has been given to Deputy Breathnach to take Deputy Brendan Smith's question.

Deputy Declan Breathnach: I speak in the absence of Deputy Brendan Smith, but I am reflecting the view of all Border Deputies. What additional resources does the Minister plan to introduce to counteract cross-Border smuggling and illicit trade, especially in tobacco, drink and fuel products? Will he make a statement on the matter?

Minister for Finance (Deputy Paschal Donohoe): Revenue has assured me that it has implemented a comprehensive risk-based intervention programme to identify, target and disrupt all forms of cross-Border smuggling and criminality. Revenue's focus on such activity

will continue regardless of the outcome of Brexit. I am satisfied that its focus on cross-Border smuggling is appropriate and well targeted. I know that Revenue keeps such matters under active review and is committed to quickly confronting any new risks as they emerge.

The threat that smuggling and the illicit trade in tobacco, drink and fuel products pose to legitimate business, consumers and the Exchequer is clear and I am assured by Revenue that combatting such criminality continues to be its highest priority. Steps it has taken, of which I am sure the Deputy will be aware, include the introduction of stringent supply chain controls and reporting requirements, and a rigorous programme of enforcement action. In addition, Revenue and Her Majesty's Revenue and Customs undertook a joint initiative to introduce a new marker for use in marked fuels, which came into operation from April 2015. Revenue has also conducted random national sampling programmes in the years 2016 to 2019 to assess the extent of fuel laundering. The industry view is that the actions taken have been successful in curtailing fuel fraud and the results of Revenue's sampling programmes continue to support such a view. The Revenue Commissioners act against all aspects of the illegal tobacco trade and use a combination of risk analysis, profiling and intelligence and the screening of cargo, vehicles, baggage and postal packages to intercept illicit products. Action after importation includes checks at retail outlets, markets and private and commercial premises.

Deputy Declan Breathnach: I thank the Minister for his response. I want to make a number of suggestions that he might consider. I commend the work of the Revenue Commissioners and the Customs service. I commend the resilience of Border traders who have struggled during the years owing to volatility which is much greater in the context of Brexit. I would like the Minister to consider providing extra staff and for an amendment to the Finance Act 2001 to include members of An Garda Síochána in the definition of the term "officer", giving them the same search warrant rights as officers of the Revenue Commissioners. This is badly needed.

I wish to raise the issues of carbon taxes and minimum alcohol pricing, about which I spoke to the Minister at a meeting of the Committee on Budgetary Oversight. Minimum alcohol pricing which is due to be introduced will have a serious impact. Smokeless coal from the North will also have an impact and cause more problems for the health of people living in the region.

Deputy Paschal Donohoe: The effects of minimum alcohol pricing on the movement of goods and decisions to shop across the Border are well understood by me. I absolutely take the Deputy's point that if there is to be a change in the price of a product that is so inherently mobile and valuable, we need to take great care in assessing its impact on the retail trade in this country.

I will certainly take the Deputy's suggestions on board. I always do my best to respond favourably to any request to me from the Revenue Commissioners in looking for additional resources or support. Let me give the Deputy a sense of the scale of current activity. For example, on 16 January, officers at Dublin Port seized over 11,000 l of alcohol. The smuggled alcohol included over 10,000 l of blended Scotch whiskey and over 800 l of alcopops. The effect of the sale and distribution of these products on decent, law-abiding retailers is really clear and serious. The Deputy will be aware that, as recently as last November, Revenue officers seized 8 million cigarettes at Dublin Port.

Deputy Declan Breathnach: We must be cognisant that it is not just a question of illicit trade; ultimately, people along the Border and beyond seek a bargain. They cannot be blamed for this, but the problem is that, when they seek to buy the cheaper products, they will also do their weekly shopping, which further affects revenue streams in the South. I have an illicit

trade Bill that is being promoted by Retailers Against Smuggling. The Minister might consider introducing it as part of further measures, particularly in the context of Brexit. I have said and continue to say that unless there is physical alignment of taxes and VAT in the North and the South, issues will arise. I do not believe it will happen. It is difficult enough to achieve regulatory alignment, but without fiscal alignment, we will continue to see a major leakage of trade. I am reflecting the view of most Border Deputies in saying this is of serious concern, particularly to smaller retailers whose businesses will be greatly affected.

Deputy Paschal Donohoe: I remember the work the Deputy did in proposing the Private Members' legislation to deal with the issue for Border communities and communities beyond. At the time I had a concern that the Bill, as drafted, would not have the effect the Deputy desired and felt the powers available to the Revenue Commissioners were what were needed and proportionate. However, I entirely agree with the Deputy that this issue has a really big effect on those working in legitimate, law-abiding employments, particularly in the Border counties. I will be well aware of the issue in making any possible decision on minimum alcohol pricing. It is not so long ago that the amount of cross-Border shopping was having a serious effect on the national finances. Thankfully, we have avoided some of it to date. I am aware, however, of the possible effect of further movement in the value of sterling. If it is exacerbated by the illegal activity to which the Deputy referred, we must consider ways in which to respond. I offer the support the Revenue Commissioners sought and will continue to consider whether there are new ideas or new things we need to do.

Fiscal Data

9. **Deputy Barry Cowen** asked the Minister for Finance his views on the assessment from the Irish Fiscal Advisory Council that expenditure in 2018 breached the expenditure benchmark for that year; the margin in 2019 between expected expenditure and the amount permitted under the expenditure benchmark; the potential consequences if the expenditure benchmark in 2019 is breached; and if he will make a statement on the matter. [25803/19]

Deputy Michael McGrath: This question has been transferred from the Department of Public Expenditure and Reform. I am taking it on behalf of Deputy Cowen. It seeks the Minister's views on the assessment of the Irish Fiscal Advisory Council that expenditure in 2018 breached the expenditure benchmark for that year. The question also seeks the margin between expected expenditure and the amount permitted under the benchmark for 2019 and the consequences of any breach.

Deputy Paschal Donohoe: In the light of the complexities of European fiscal rules, the Irish Fiscal Advisory Council has adopted a principles-based approach to its assessment of compliance. While it is based on the EU framework, the approach incorporates a number of adjustments to make it more relevant in an Irish context.

The council has assessed that the medium-term budgetary objective, MTO, was achieved in 2018. Furthermore, the achievement of the MTO was not due to windfall revenues. Once the MTO is achieved, the expenditure benchmark does not formally apply.

The council's report states the net expenditure growth rate limit for 2018 was exceeded by one percentage point. The report notes that "compliant" and "significant deviation" were not applicable, reflecting the achievement of the MTO.

The European Commission is responsible for assessing compliance with EU fiscal rules and its *ex post* assessment of 2018 judged that the breach of the expenditure benchmark was not significant. Put another way, the Commission's overall assessment of 2018 is one of broad compliance.

Assessment of 2019 is currently on an *ex ante* basis. The council has stated net expenditure growth is forecast to be below the expenditure benchmark limit. This is in line with the Commission's assessment of the stability programme update, SPU, that the expenditure benchmark has been complied with. The Deputy might be aware that there is a debate on the operation of fiscal rules developing between the European Commission, Eurogroup and ECOFIN. We had an informal ministerial meeting a number of weeks ago, at which a presentation was made by the European Fiscal Board on the operation of fiscal rules. It raised a number of issues, particularly about the rules' complexity and whether changes to them could play a role in supporting future investment in renewable technologies.

Deputy Michael McGrath: From what I understand the Minister said, the European Commission did record a breach of the expenditure limit but not one that was significant enough to warrant further action. Will the Minister confirm that the Commission is still using the commonly agreed methodology for measuring expenditure by comparison with the benchmark, whereas the Irish Fiscal Advisory Council has adopted what it calls a "principles-based approach"? Do potential overruns in certain departmental Votes which would require further Supplementary Estimates in 2019 put us at risk of breaching the expenditure limit for 2019?

Deputy Paschal Donohoe: The answer to the last question is "Yes". I will be studying very closely the September expenditure figures that will be available early next week. Our position at the end of August showed that total Government expenditure was slightly below profile. For the Department of Health it was a bit above profile but far less so than it would have been this time a year ago. If Supplementary Estimates are required, something that will become clear to me when I see the September figures, I cannot say at this point whether they will be significant, but they will be lower than those required last year.

Brexit Preparations

10. **Deputy Pearse Doherty** asked the Minister for Finance the number of companies and economic operators that have applied for and received an economic operators registration and identification, EORI, number to date; and if he will make a statement on the matter. [39085/19]

Deputy Pearse Doherty: As we approach 31 October, we know that thousands of businesses that rely on their trade with British businesses to stay open do not yet have the registration they need to continue to trade into the British market post Brexit. This serious issue is coming down the tracks. Our economy and our business sector need to be ready. How many companies and businesses have applied for and received an EORI number to date? How many companies that trade with Britain have yet to receive such a number and, therefore, will be unable to continue to engage in such trade in the event of a no-deal Brexit?

Deputy Paschal Donohoe: I am advised by Revenue that there have been more than 17,200 EORI registrations so far this year. There has been a significant increase in registrations since the start of the latest phase of Revenue's trader engagement programme, which commenced in July of this year. Almost 5,000 businesses registered in August, with an additional 4,418 busi-

nesses having registered so far this month. This brings the total number of registrations to just over 57,000. The current phase of the trader engagement programme encompasses all businesses that traded with the UK in 2018 and the first half of 2019. Such businesses were identified by Revenue through analysis of VAT information exchanges system returns. Each business that traded with the UK in 2018 or first half of 2019 has been written to and is being provided with suggestions regarding the steps it needs to take. Additional follow-up telephone contact is being made with businesses that have the largest volumes of trade with the UK, greater than €5,000, and those that trade most frequently with the UK, which would be at least quarterly. We believe there are approximately 44,000 such businesses. Revenue has directly contacted almost 25,000 of the 44,000 businesses and expects to contact the rest of them by the end of this month. Some 90% of the total value of imports from the UK in 2018 was carried out by businesses that now have an EORI number. Some 97% of the total value of exports to the UK in 2018 was carried out by businesses that now have an EORI number. The outstanding businesses that need to get a number, which comprise a low share of this country's total exports to the UK, or imports from the UK, are valuable companies that employ people. This is why the engagement programme will continue until the end of this month.

Deputy Pearse Doherty: Those figures are quite scary. These companies trade with Britain and employ people through their trade with Britain. Their ability to retain their employees relies on the success or failure of this aspect of their business in many cases. The Minister told me three weeks ago that 40% of exporters did not have the necessary authorisation that will be the minimum requirement for businesses that wish to trade with or through the UK after Brexit. Given the Minister stated some 44,000 businesses do not yet have the authorisation they are required to get if they are to continue to trade with Britain after the end of next month, it is clear that a serious question needs to be answered. Are we failing to prepare ourselves for the emerging chaos related to Brexit? Are thousands of businesses and exporters sleepwalking into this chaos? The Minister mentioned that 25,000 of these 44,000 businesses have been directly contacted and that the other 19,000 will be contacted by Monday. Is that correct? Will the Minister reaffirm that? Does the contact in question take the form of a letter, or are follow-up conversations with these businesses taking place? We need to ramp this up dramatically.

Deputy Paschal Donohoe: It has been ramped up significantly. I have referred to the new programme that has been in place since the summer. The Deputy is correct that a company that does not have this number will face massive challenges in continuing its work in the event of a no-deal Brexit at the end of October. As I said in my initial reply, 90% of exports to the UK, by value, are covered by companies that have EORI numbers. The Deputy also asked about the further contact that will take place. A direct phone call will be made to each of the companies in question to ensure it is aware that it needs to get this number. If the UK becomes a third country, companies will need EORI numbers to trade with the UK. The Deputy is also correct that 19,000 companies are outstanding. I am informed by Revenue that phone calls will be made to them by the end of this month, which is next Monday.

Deputy Pearse Doherty: I question the contention that it has been “ramped up significantly”. I acknowledge the figures that have been provided by the Minister in respect of August. While there were 5,000 registrations that month, it is worrying that there has been a dip or a reduction in September, with just 4,418 registrations to date this month. I accept that the figures for the full month are likely to be different. It is worrying that three years after Brexit, some 19,000 companies have yet to be contacted directly by Revenue. We are a number of weeks out from Brexit now. These small companies, which might not conduct a large volume of trade

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with Britain but which provide employment associated with it, need to get registered and to hear a clear message from the Government. We encourage them to register without delay. Many of them are located close to the Border in areas that do not have the type of employment that is a feature of more urban areas. Some of them are located in my own county of Donegal, which has a high unemployment rate. Do the rest of the actions from the Government and Revenue amount to no more than a phone call? Will further conversations take place? Is there a process within Revenue and the Department to make sure the rest of these companies are registered?

Deputy Paschal Donohoe: I stated in my reply than an “additional” phone call will be made to these companies. They have already been written to by Revenue to tell them they need an EORI number. The programme I am referring to is the additional contact that is now taking place. Revenue is contacting these companies again on behalf of the Government to tell them they need an EORI number. When I have attended seminars to see how they work, I have seen how the kind of information that companies will need if the UK becomes a third country has been explained to them. As I have said, this is just the latest round of contact to be undertaken by Revenue. I will review where we are again in October - I have no doubt that Revenue will do likewise - to see if further action needs to be taken, for example by contacting these companies once more to ensure the basic requirement of an EORI number is in place.

Question No. 11 answered with Question No. 6.

Insurance Costs

12. **Deputy Martin Heydon** asked the Minister for Finance the status of work to assist businesses that are struggling to obtain insurance at all or at reasonable rates; and if he will make a statement on the matter. [39088/19]

13. **Deputy Fiona O’Loughlin** asked the Minister for Finance if he will consider plans to address the current insurance crisis; and if he will make a statement on the matter. [39034/19]

18. **Deputy Michael McGrath** asked the Minister for Finance the steps he plans to take to tackle the growing insurance crisis affecting certain sectors of the economy; and if he will make a statement on the matter. [39061/19]

43. **Deputy Aindrias Moynihan** asked the Minister for Finance the steps he is taking to reduce the cost of employers’ and public liability insurance for businesses and community groups; and if he will make a statement on the matter. [39091/19]

47. **Deputy Niamh Smyth** asked the Minister for Finance the status of plans to deal with the increasing cost of motor, home and business insurance; the steps being taken to prevent businesses from closing and to bring down premiums; and if he will make a statement on the matter. [38583/19]

Deputy Martin Heydon: I want to ask about the efforts that are being made across the board to support businesses that are struggling to get insurance cover. The Minister of State met representatives of a significant number of businesses in County Kildare when I brought a delegation to him before the summer recess. The delegation included people who have businesses in the hospitality sector and small family-run businesses that are facing substantial challenges as they seek to access insurance cover at a reasonable rate. I am looking for an update

on the progress that has been made since the passing of the Judicial Council Bill 2017 earlier this year. I acknowledge that the Bill received support from all sides of the House. Where are we at in this regard?

Deputy Michael D'Arcy: I propose to take Questions Nos. 12, 13, 18, 43 and 47 together.

In the short time available, I will repeat where we are at now that the Judicial Council Bill 2017 has been passed. Some sections of the Act are now operational. The Judicial Council will be established by the end of this year. I have requested that the establishment of the personal injury committee under the council should happen in parallel with the establishment of the council. I have also requested that the seven members of the committee should be appointed by the Chief Justice by the end of this calendar year. I have also asked for the reduction in the guidelines for the five primary areas for personal injury to be taken on board. If that happens, we will have a different insurance sector in 2020.

12 o'clock

Deputy Martin Heydon: That is very helpful. Obviously, there is a clear separation between what we do in this House and what the Judiciary does. The passing of the Judicial Council Bill 2017 is a sign of the clear determination of Deputies on all sides of the House. We know what needs to happen.

It is now up to the legal profession to deal with this. We need to keep a very close eye on the situation to ensure progress is made in reducing the cost of claims, in particular for whiplash and soft tissue injuries where we are out of line with neighbouring countries. The passage of an amendment to the Civil Liabilities and Courts Act has made a significant difference to businesses which faced people presenting with claims after more than two years at which point CCTV footage had been lost. Having to notify businesses of a claim within 30 days is the correct approach.

Deputy Fiona O'Loughlin: I thank the Minister of State for agreeing to answer Question No. 13. There is no doubt that the cost of employer and public liability insurance is a direct threat to businesses throughout the country and many aspects of the leisure industry. Triathlon Ireland stated during the summer that insurance premiums for races are jeopardising the future of sport in Ireland. Athy and Naas Triathlon Clubs are booming due to an increase in members.

I am aware of a crèche owner in Portarlinton who was recently quoted a figure of €250,000 for insurance. There is no public swimming pool in Newbridge and the nearest swimming pool was run by a private company, Spin Activity Centre, which had to close at the end of August because it was quoted €100,000 for insurance, a fourfold increase on the previous year. The closure resulted in 20 people losing their jobs. Deputy McGrath has put forward very good suggestions and Bills and I suggest the Government examine them in order to try to bring down the cost of insurance for businesses and community and leisure facilities.

Deputy Aindrias Moynihan: Public and employers' liability insurance is a significant issue for community groups and smaller employers in many areas. Increased transparency in respect of claims was a clear step identified by the working group, but there were delays in bringing forward the various databases and reports. What action has the Minister of State taken in that regard? How soon can we expect to see improvements in the rates?

An Ceann Comhairle: The response of the Minister of State will be circulated.

Written Answers are published on the Oireachtas website.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Dara Calleary: Conor Gallagher reports today in *The Irish Times* on yesterday's Representative Association of Commissioned Officers, RACO, conference on the future of air ambulance services. The air ambulance service, currently based in Athlone, provides immediate access for people who become suddenly or acutely ill to a central hospital and life-saving treatment. It was introduced to supplement the traditional road-based ambulance service and allows people who live in remote areas, who have been involved in a road traffic accidents in urban areas or who suffer from heart, brain or other acute illnesses rapid access to a major hospital.

In 2018, the service dealt with 159 road traffic accidents and 146 medical emergencies. That gives a sense of the difference made by the service to lives, families and communities across the country on a daily basis. Every Deputy in the House knows that the ambulance service is under inordinate pressure and ambulance response times are far longer than they should be. The latest figures provided in response to parliamentary questions for the north west, west, midlands, south east and south west show that, on average, only half of the calls reached a patient in less than the recommended time of 19 minutes and many calls are in excess of the hour necessary. The air ambulance service is important and has worked and provided certainty for medical professionals, families and those involved in acute situations.

At the RACO conference yesterday, it was revealed that the Defence Forces are no longer in a position to staff the service comprehensively as it currently exists. Lieutenant colonels and senior management are being forced to fly the service because those who have traditionally flown have left the Defence Forces. It is another sign of the flight from our Defence Forces, a flight which has occurred despite an underspend on salaries within the Defence Forces. Deputies Chambers and O'Loughlin and many others have consistently brought this to the attention of the Government, but it has ignored the issue. As a consequence of that, the air ambulance service is now under threat. People in communities around the country have read the report and are worried.

Can the Minister, Deputy Richard Bruton, accept that there are problems in the air ambulance service and give a guarantee on behalf of the Government that it will continue to provide the current level of service and response times? When will the Government finally cop on and wake up to what it is doing to our Defence Forces? It is standing by while people are leaving the Defence Forces in droves and services such as this are being affected. Can the Minister confirm he has read the report and that there will be a Government response?

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): I thank the Deputy for raising this issue because we all depend on the ambulance service. Many of us have cause to be very appreciative of the commitment and service those working in it provide.

I can give the Deputy an absolute assurance that we are committed to the air ambulance service. Not only that, new ambulance bases were recently opened in Mulranny and Tuam. We are also committed to improving and expanding the number of paramedic training places and numbers to support the growing demand on the ambulance service.

I am aware of the report to which the Deputy referred. There is no doubt that there has been

a difficulty in retaining staff in the Air Corps. As the Deputy knows, the recent pay commission established by the Government recommended a pilot retention scheme which, I understand, has been accepted by RACO. We now have the basis for moving forward to tackle the issue of retention in the Air Corps.

I am conscious that this is an area where the private sector has boomed in recent years. There is significant international pressure in respect of the demand for pilots, which has undoubtedly been a challenge. The introduction of this scheme will be a very useful tool in the hands of the Defence Forces to ensure we can maintain the staffing levels required to meet all needs.

I am pleased to be in a position to confirm the commitment of the Government to the air services and to work with the Defence Forces to meet the challenges they face. I am also conscious that we have to meet the demands of different segments of the public service in an integrated context. It is important that the Minister has used the pay commission to identify areas such as this where there are acute pressures and we can move to resolve issues such as the manning of ambulance services by having a dedicated policy instrument on the pay front to respond to those particular pressures, while maintaining the integrity of overall pay policy.

Deputy Dara Calleary: I refer to the integrity of the overall pay policy. The figures given to Deputy Chambers show a €24 million underspend in salaries in the Defence Forces to date in 2019. The Government is allowing people to leave the forces and is sending back money while the air ambulance service, which dealt with 159 car crashes and 146 medical emergencies in 2018, is in difficulty. To use the words of Mr. Conor King, the director of RACO, the service is on the brink of collapse. The Minister has given an assurance that the service will be fine, yet neither he nor the Minister of State, Deputy Paul Kehoe, have followed that through by engaging in recruitment and addressing the gaps in the personnel who provide this service. The service provided 848 hours of flying in 2016, but that fell to 581 in 2018. Will the Government allow it to fall further in 2019? Will we end up in a situation where the service will not be available to somebody who needs it urgently? When that happens, there will be an emergency response and the usual statements of regret and intent. Now is the time to act. The Department of Defence sent back €24 million this year but it is standing idly by while the Defence Forces are being hollowed out. Communities across Ireland are paying the price. The Government is putting its head in the sand again. I cannot believe the commitments provided by the Government on this matter because it has not responded to these issues to date.

Deputy Richard Bruton: The Deputy must bear in mind that pilot retention was specifically highlighted by the pay commission as an area that needed to be addressed and that has been done. A pilot retention scheme was recently accepted by the RACO. We are in a position to improve the ability of the Defence Forces to retain staff, particularly in the crucial area to which the Deputy refers. Improvements are also being made in other areas under the recommendations of the pay commission for the Army.

Deputy Seán Crowe: What about the pensions of members of the Defence Forces?

Deputy Richard Bruton: Those improvements include service, patrol duty and security duty allowances, as the Deputy will be aware. We must respond to pressures in this way. We have developed a pay policy that allows that flexibility of response where there is clear evidence of need. The pay commission has done important work and we are acting on it.

Deputy Joan Burton: Soldiers are not able to pay their rent.

Deputy Pearse Doherty: Customers and businesses are being charged rip-off premiums by the insurance industry. This is squeezing incomes and leading to the closure of businesses throughout the State. The scale of the insurance industry rip-off is paralleled only by the scale of the Government's inaction in failing to tackle the escalating costs and the malpractice within the industry, of which there is probably no better example than the practice of price discrimination that punishes loyal customers when they renew their premiums.

My insurance company, Liberty Insurance, recently quoted me a price of €856 to renew my policy. I did what we all should do and shopped around. I phoned the company and asked whether that was the best price it could offer. I was told that it could reduce the price slightly and that its best price was €814. However, when I entered the same details into the company's website, I was quoted €571, a reduction of €280 or 33% on the offers I received over the phone or in my renewal quotation.

This practice, known as dual pricing, is about punishing loyal customers when they renew their policy. It is a widespread scam in the industry and is costing consumers hundreds of euros each year without them even knowing it is happening. These companies exploit customers who do not know about dual pricing. They rely on the loyalty of customers and use behavioural data and dual pricing algorithms in their systems to charge extortionate prices and push up their profit margins. Everyone with an insurance policy will have to renew it in the next 12 months and I encourage them to shop around and check online. Price discrimination is widespread in the insurance market. It is systemic, completely unjustifiable and flies in the face of the Consumer Protection Act 2007. It harms the interests and welfare of consumers. It is carried out without transparency, penalises loyalty and disproportionately hits vulnerable and low-income customers. It is a rip-off on a vast scale, but nothing is being done here to stop it.

In spite of all the dysfunction across the water in Britain, the Financial Conduct Authority there has launched a major investigation into the practice of dual pricing in the insurance industry after it found that customers renewing their policies were charged as much as 70% more than first-time customers. That is the loyalty premium the industry levies on customers here. In contrast, however, the Government has done nothing to end this practice, penalise the industry or give workers and families a break. Yesterday, I wrote to the Competition and Consumer Protection Commission, CCPC, and the Governor of the Central Bank to ask that they carry out an immediate investigation into the practice of price discrimination by the insurance industry. Will the Ministers for Finance and Business, Enterprise and Innovation support my call for an immediate investigation into the scam of dual pricing? Will the Government support that call and implement any recommendations?

Deputy Richard Bruton: I thank the Deputy for raising this important issue, which was also raised by Deputy Fiona O'Loughlin during Question Time earlier. It is undoubtedly the case that the Government has been particularly active in this area. My colleague, the Minister of State, Deputy D'Arcy, has implemented a wide range of measures to seek to control this issue. Most recently, the Government brought in the Judicial Council Act which will lead to greater consistency in awards. We reformed the legislation governing the Personal Injuries Assessment Board, PIAB, to make it easier to settle without expensive legal procedures. There is a greater focus by the courts and the Garda on fraud in the area. We passed legislation to improve data collection by the Central Bank. This week, the Central Bank took steps against brokers in respect of some of the ways in which they behave in the market.

I am glad to inform the Deputy that the Minister for Business, Enterprise and Innovation

has asked the CCPC to study activities in the insurance industry, including those of brokers. There is no doubt that some practices in the industry are not satisfactory. Improvement will be brought about through the greater transparency, which is being demanded, the higher level of scrutiny of industry practices, which the commission will undertake, increased data collection and more oversight by Oireachtas Members of what is happening within the sector. The Government is not content with what has been done. As discussed at a recent Cabinet committee meeting, a review is being carried out to see whether we could introduce further measures to play our role more effectively.

There is no doubt that insurance costs are a significant challenge. We need more transparency and better competition in the sector. We are also aware that some insurers have withdrawn from the market and we need to ensure the presence of diverse players in the market is maintained. I have had the opportunity to use very good websites that allow those renewing insurance to look at other offers available on the market. Insurance customers should always shop around.

Deputy Pearse Doherty: Much of the Minister's reply did not address the core issue I raised. I have previously raised many issues relating to scams and rip-offs in the insurance industry, but my question pertains to dual pricing in particular. I gave the example of my policy renewal and the €280 difference in pricing depending on whether I got the quote online or a renewal quote from the company's head office. The company thinks I will pay the higher premium because it uses an algorithm involving price sensitivity and data mining to prey on customers' loyalty. I am not the only person who has experienced this practice. A 21-year-old constituent of mine got a quote from Liberty Insurance of €5,160, which is an extortionate and rip-off price. She phoned the company and asked whether that was the best it could do. The staff member confirmed that it was so. She then contacted me. When I entered her details into Liberty Insurance computer system, it returned a quote of €3,857. That is €1,300 less than the cheapest price the company told her it could offer. That is an example of dual pricing. It is wrong and anti-consumer. Companies are using an algorithm in their systems that preys on the vulnerability of people renewing their premiums. It must be stamped out. It has been stamped out across the water. There is a major investigation. I have written to the Competition and Consumer Protection Commission and to the Central Bank. I am asking the Minister to state clearly his position not only broadly but about issues in the insurance industry. Will he stand up and be counted and say this rip-off must end? Will he back this investigation and implement the recommendations that flow from it?

Deputy Richard Bruton: I know the Competition and Consumer Protection Commission legislation very well and it has very strong powers to investigate practices that would be either unfair or, to go further, anti-competitive. It has the experience, well beyond that of either the Deputy or myself, to identify those practices. No doubt the Deputy is drawing its attention to dual pricing as one of the many features of pricing policies about which many consumers within the insurance sector are unhappy. This will be examined by people who are expert in examining markets like this. I assure the Deputy that the Competition and Consumer Protection Commission will be rigorous and it has all the powers necessary to do that.

Increasingly, we are seeing in many of these service sectors the need to emphasise switching opportunities. I know it has been made easier to switch in insurance but, hopefully, this study will identify additional measures that can be introduced to the market. However, the Deputy will appreciate that I am not in a position to endorse any one particular change the Competition and Consumer Protection Commission might recommend but----

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Deputy Donnchadh Ó Laoghaire: The Minister is in government.

Deputy Pearse Doherty: The Government has not asked the commission to investigate dual pricing.

Deputy Richard Bruton: -----I assure him that, undoubtedly, his concern will be undoubtedly among those that will be examined by the commission.

Deputy Joan Collins: I will give the Minister some statistics which are truly shocking and a real indictment on our society. Some 760,000 people, one in six people and one in four children in the State, are living below the official poverty line. The poverty line is an income 60% below the median €27,000 a year, therefore, an income of €13,000 or less puts one below the poverty line. Some 110,000 people living below the poverty are in work. Just under a half of one-parent families suffer deprivation. One in 11 working lone parents were living below the poverty line in 2012 and, in 2017, it was one in five. Some 25% of those living below the poverty line do not have a medical card. Some 10,305 people are homeless, including 3,821 children, but everyone knows the figure is much higher. Just under 72,000 households are on the list for public housing but such housing does not exist. The figure would be much higher if account was taken of those people who transferred to the housing assistance payment, HAP, scheme and were put on transfer lists: those people were taken off the official housing waiting list. One in five renters spends 40% of his or her income on rent. The Residential Tenancies Board, RTB, cited figures this morning indicating it costs €1,200 per month, nationally, to rent, which is 20% higher than it has ever been. In Dublin, the cost is up at €1,700, which is 32% higher than it has ever been. I could go on. Some 194,000 additional people are on outpatient appointment waiting lists compared to 2015, which is an increase of more 50%, in a health service that does not work. The numbers waiting more than 18 months for treatment has risen by 715%. These are record levels. The Irish Patients Association's spokesperson stated this Government should look on this as a crisis.

Is this not a shocking and shameful situation in a wealthy country with a growing economy? Even leaving aside leprechaun GDP, we are in the top ten OECD countries. What I have given the Minister are statistics but behind each of those is a person, a child, a family and communities in deprived areas. On top of that, community groups are fearing a freeze on their funding in the forthcoming budget, having faced a cut of 40% during the past number of years and a loss of staff of 31%. They are seriously concerned about their ability to continue delivering services. I put it to the Minister that we have a poverty crisis to go along with our housing crisis and health crisis but there is no discussion about them or sense of urgency to address them. The Minister's party, Fine Gael, has been in a leading role in government for eight years and it seems it is prepared to accept this poverty, low wages, a housing shortage, rack-renting and a shambles of a health service as some sort of new norm for Irish society. Are the Minister and the Government not ashamed? Will they address these serious issues, particularly with a potential recession coming around the corner with, or without, a Brexit?

Deputy Richard Bruton: I am glad the Deputy raised these issues as it gives me an opportunity to set out the Government's commitment in this area. The Minister, Deputy Regina Doherty, as the Deputy will know, has set reducing child poverty as her top issue within her Department. The evidence is there that very significant progress is being made. In 2013, the number of children living in consistent poverty was 12.7% and two years ago, in 2017, that percentage had fallen to 8.8%. There has been a reduction, even in those years, of 105,000 children living in consistent poverty. I have no doubt that since 2017, with improving investments in the

economy, improving employment opportunities and the policy measures the Government has put in place, those figures will improve.

It is worth recalling some of those measures that are targeting people living in poverty. We have had significant improvement in the qualified child payments in our social welfare code which go to people on the lowest level of income. We have had increased provision for school meals and for school clothing and footwear allowances, again targeting children in greatest need. We have extended GP access and improved the family income supplement now known as the working family payment. Right across the area, particularly in education, of which I am aware, we have put big investments into childcare, under both the Minister for Children and Youth Affairs, Deputy Zappone, and the Minister for Education and Skills, Deputy McHugh. We have strengthened the early childhood provisions, particularly targeting disadvantaged areas and improved support particularly for children with special educational needs who unfortunately are found in greater frequency in many of those disadvantaged areas. We have seen very substantial expansion of both special needs assistants and resource teachers to target those children. There is no doubt that early intervention is really important in continuing the battle against child poverty. I am confident the Minister, Deputy Regina Doherty, will continue to target this as a top priority for Government. We need to look at innovative policies. I was very pleased to see, among the policy approaches we are taking, clusters of schools in disadvantaged areas come together, for example, with the ARC project. Often children transferring from pre-school to primary school can fall through the crevices. A very interesting initiative has been introduced in the constituency of Deputy Maureen O'Sullivan, who is seated next to Deputy Joan Collins, to make sure children do not fall through the crevice in that transfer. A lot of good work is going on in this area and I can assure the Deputy we will continue to be committed to delivering more.

Deputy Joan Collins: I thank the Minister for his reply. The figures I read out are from Society of St. Vincent De Paul, representatives of which appeared before the Joint Committee on Employment and Social Protection this morning for a prebudget meeting. Those figures are stark. The Minister mentioned a few projects and initiatives that have been introduced but they are not enough. What we need over the next one, two and three budgets is to take people out of poverty. That is crucial. We will face a recession in this country without or without a Brexit. Either way we need to invest and put a buffer around people who are the ones who suffered more under the austerity policies of Fianna Fáil from 2008 and under Fine Gael up to 2013 or so.

I repeat that the number of one-parent working families living in poverty has doubled since 2012 and 110,000 workers are living in poverty. The concept is that if one gets a job it will take one out of poverty, but unless one has decent wages and decent, unionised conditions, that situation will not change. I want to see a targeted approach. I will be watching the budget very closely to make sure it is gender, equality and climate changed checked. If it is not, I will come back to the Government again in the future.

Deputy Richard Bruton: I agree with the Deputy. It is important to acknowledge that progress is being made. A Deputy having listened to the Deputy's initial question would have thought no progress was being made. However, very significant progress is being made in reducing child poverty but it must be recognised there are continuing problems, particularly among single parents and the low-paid at work. The initiative brought in by the Minister for Children and Youth Affairs, Deputy Zappone, uses that targeted payment to support low-income parents sending their children to professional preschool. We are seeing an increasing improve-

ment in the quality of professional preschool provision. Deputy Broughan will know from his experience in the Darndale area how this intervention supports parents in those early years and has a significant and successful impact on children's ability and performance and ability in education. The emphasis the Government has put on early intervention is important. I hope we can improve supports in this area. There will be constrained resources in the forthcoming budget but I believe, as does the Deputy, that reducing child poverty should be a high priority.

Deputy Joan Collins: One in four children live below the poverty line. That is the reality. How are we going to change that?

Deputy Seamus Healy: The public is rightly and intensely proud of our Defence Forces. Irish soldiers have given their lives in the service of peace around the world, protecting some of the world's most vulnerable citizens. Thousands of their families at home have endured the absence of a father or a mother during the long period of overseas service. Our Air Corps fly air ambulances and save hundreds of lives annually. The Naval Service patrols the equivalent of 220 million acres of sea, over 12 times the landmass of Ireland and 15% of total European fisheries. The navy has intercepted some of the largest drugs shipments in EU waters and is a vital component in Ireland's war on organised crime and drug gangs.

Our Defence Forces, however, are in deep crisis. In particular, there is a recruitment and retention crisis. This week the Chief of Staff, not known for his outspokenness, sent a coded message to the Government when he said, "Some great people are making the choice to leave the organisation and the level and trend in the churn is a matter of concern for me". The Representative Association of Commissioned Officers, RACO, president made the point more clearly when he said ships are unable to go sea, aircraft are not flying and units are operating below strength across the board.

The designated strength of the Defence Forces is 9,500 personnel. Its current strength is below that number by as much as 1,000. Already this year, there have been 558 discharges. The turnover rate referred to by the Chief of Staff is at 10.3%, which is devastating for our Defence Forces. That rate of turnover means that the Defence Forces will never return to full strength and will fall to 7,500 by 2030. The situation is so bad that even recruits in training are paying to get out of the services.

The Government is presiding over a situation where our Defence Forces personnel are the lowest-paid workers in the public service with some earning less than the minimum wage and up to 85% earning less than the average industrial wage. In view of the understrength numbers, the significant turnover rate, the large number of personnel, including new recruits, leaving the service, and the number of naval protection vessels out of commission due to the lack of personnel and the underspend in the Department of Defence, will the Government improve the pay conditions and allowances of the Defence Forces, including the immediate and full restoration of all cuts in pay allowances and services? Will the Government increase immediately the basic minimum hourly rate of pay to at least the living wage? Will the Government withdraw the tender for the €200 million multi-role warship to use that money to improve the pay, conditions and allowances of our personnel?

Deputy Richard Bruton: I join with Deputy Healy in recognising the debt that we owe to all those who work in the Defence Forces. Their work, particularly abroad, has made us all proud and contributed to Ireland's international reputation. This must be acknowledged.

The Government has recognised that there are particular problems in the Defence Forces. This is why there was a comprehensive examination undertaken by the Public Service Pay Commission of the pay conditions in the Defence Forces. That work has been done. The commission's report has been accepted by the Government and by RACO. That provides for a whole series of improvements in pay conditions in the Defence Forces. It has been accompanied by a detailed implementation plan, setting out how that will be done.

The Deputy will be aware of some of the changes such as the 10% increase in the military service allowance, immediate restoration of allowances to the pre-Haddington Road agreement level, the reinstatement of several allowances specific to the Defence Forces such as the security duty allowance, the patrol duty allowance, the Army Ranger Wing allowance, as well as payments to bomb disposal teams. There has also been a return to premium rates for weekend duties and the re-establishment of the service commitment scheme for Air Corps pilots. Another significant development that recognises the important role of the Defence Forces is the recognition that they need to be brought within the wider industrial relations framework. The Government welcomes the decision by the executive of the Irish Congress of Trade Unions to accept in principle the application by the Permanent Defence Force Other Ranks Representative Association, PDFORRA, for associate membership. That is an important recognition of the role of the Defence Forces and will provide an outlet to ensure the concerns raised are adequately responded to. The Minister of State is working to facilitate that.

The Deputy raised the issue of particular moneys allocated for ships or underspend being allocated to pay. Unfortunately, that is not possible. We have a unified public pay policy that is negotiated and settled. It is not at the discretion of an individual Minister to take moneys which have been voted for one purpose and then to allocate them to pay increases. There is good reason for that. There must be a consistent public pay policy. At the same time, it must be able to deal with particular challenges. The Public Service Pay Commission report did address particular issues in the Defence Forces within a coherent pay policy. That mechanism has been used and will bring improvements.

Deputy Seamus Healy: Unfortunately, the Minister's reply is a further exercise in the Government burying its head in the sand instead of dealing with this issue. That is certainly not the way forward. Tinkering at the edges will not solve this problem. The problem is so serious that Uachtarán na hÉireann, Michael D. Higgins, has felt the need to intervene publicly on this issue.

An Ceann Comhairle: It is not in order to bring the statements of the President into debate in the House. It is a long-standing tradition that we do not.

Deputy Mick Barry: The President brought them into the debate.

Deputy Seamus Healy: It is important to realise the serious nature of the crisis in our Defence Forces and the necessity for the Government to deal immediately with this issue. It is open to the Government to use an exceptional measure outside of any public service pay agreement to improve pay, conditions and allowances for serving members of the Defence Forces. On the basis of the Government's lack of action on this issue in the past and the Minister's response, I am strongly of the view that Defence Forces personnel should pursue full trade union status and recognition to ensure their pay, conditions of service and allowances are improved.

Deputy Richard Bruton: The Government is acutely aware of the needs in the Defence

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Forces. That is why the general pay round made provision for a 7% increase with particular emphasis on increases for the lower-paid. Above and beyond that, the Public Service Pay Commission examination was established, recognising the particular difficulties in the Defence Forces. While I will not repeat them, significant changes have been introduced and they have been accepted by RACO. That provides the basis for moving forward in this area. As there is a detailed implementation plan, people know where they stand in terms of the delivery in this area.

The Deputy must be aware that the Minister for Finance and for Public Expenditure and Reform, when he comes here to the House in a couple of weeks' time, must balance all of the different issues such as the demands for additional pay, the demands for additional services, the pressure on infrastructure and the uncertainties we face internationally. The challenge the Minister faces is to balance those in an equitable way. In fairness, the Minister has sought to do that. He sought to have flexibility within those mechanisms to deal with issues, such as the Defence Forces. That is the basis on which to move forward. I hope we can use this agreement to advance the interests of the Defence Forces.

Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation

An Ceann Comhairle: Already, 29 Deputies have indicated, including those carried forward from yesterday. It is unlikely that we will reach everyone but maximising the number we reach depends on Members being fair and using only the minute allocated.

Deputy Dara Calleary: I gather the Taoiseach is in Los Angeles today. I hope he takes time to note that rents in Los Angeles are cheaper on average than rents in Dublin. Average rents in Dublin today are €1,713 a month, which is an increase on this time last year. The ESRI stated this morning it has reduced its projected figures for the number of house completions this year. The notion that the Government is catching up with supply is once again being proven to be wrong. The ESRI is particularly asking for a much more aggressive approach to taxing and following up on vacant sites. Does the Minister for Housing, Planning and Local Government agree with the ESRI assessment this morning? Is the Minister hanging his head in shame at the growing level of rents in this city and his inaction on it? In particular, has the Minister any plans to tackle vacant sites?

An Ceann Comhairle: The Minister should answer one question only.

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I thank the Deputy for that one question with different parts, which I will address in my answer. I was able to speak to this issue this morning because we were announcing new capital funding of €30 million for Dublin Simon to help with a new detoxification facility on Usher's Island. The reason we can provide that funding is both because of the priority we have made of housing and because the different things the Government is doing in the economy enable it to spend that funding in areas that need such support.

Rents in Dublin are too high. People cannot afford the rents that they are being charged. That is precisely why this House introduced new laws earlier this year, which the RTB has stated it is now implementing, which is welcome. However, there is more that we could do,

particularly on affordable home ownership and continuing the supports that we have.

In relation to the ESRI projections, these have now been revised in line with the Government's own projections on housing. I welcome that those two figures - those of the Government and those of the ESRI - are in line.

As for vacancy, there are too many sites still vacant. That is why we introduced the vacant site levy. That is having some impact but we are currently looking at ways to see if it can have more. I can speak about that next month.

Deputy Pearse Doherty: On the same issue, the data released today by the Residential Tenancies Board for the second quarter of 2019 show that the rent pressure zones have been breached in 22 out of 26 counties. In six counties, renters are experiencing double-digit increases. In Dublin, rents are now on average €1,700 per month. That means that a renter in Dublin city is paying €1,600 more this year than he or she was this time last year. That is what is happening with the inertia of the Government. Outside Dublin, Limerick city experienced rent increases of 10.2% while in Waterford, they were 14.1%. Carlow and Offaly experienced the highest rental inflation last year, thereby showing that the rent crisis is neither unique nor confined to urban centres or the commuter belt. The rent pressure zones are failing and have failed dramatically.

An Ceann Comhairle: Has the Deputy a question?

Deputy Pearse Doherty: My question to the Government is this: will the Government now do what Sinn Féin called on it repeatedly to do, namely, implement a three-year rent freeze and introduce a refundable tax credit equivalent to one month's rent per year during this period?

Deputy Eoghan Murphy: As I stated in my previous answer, rents are too high. We introduced rent controls in 2017. We have independent research that says that rent controls are working but we need them to work better.

Deputy Pearse Doherty: Come on.

An Ceann Comhairle: Let the Minister answer.

Deputy Pearse Doherty: The Minister is nearly as laughable as Boris Johnson across the water.

Deputy Brendan Howlin: Brazen.

Deputy Eoghan Murphy: A Cheann Comhairle?

An Ceann Comhairle: If Deputies will not let the Minister answer, perhaps the Minister should resume his seat. We will not have an answer if Deputies will not take it. Deputy Pearse Doherty should resume his seat. The Deputy asked the Minister a question and should allow him the courtesy of answering.

Deputy Eoin Ó Broin: Can we have a serious statement?

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

An Ceann Comhairle: A brief point.

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Deputy Eoghan Murphy: -----the Deputy's party supported the strengthening and expansion of rent controls earlier this year because they are working. That is exactly why it supported them.

An Ceann Comhairle: I thank the Minister. I call Deputy Howlin.

Deputy Eoin Ó Broin: Utter rubbish.

Deputy Eoghan Murphy: The Deputy is a hypocrite.

Deputy Pearse Doherty: The Minister is provoking the Opposition.

An Ceann Comhairle: Deputy Howlin, without interruption.

Deputy Brendan Howlin: The Government has prioritised the payment of wages Bill for this session. My party agrees with the proposal to outlaw tips being used to make up a person's basic pay. It is a fundamental issue. It is quite clear that tips are given by people as a gratuity, which should be paid above and beyond normal basic pay.

We also agree with the proposed requirement for employers to display their tips policy. The most basic requirement of the legislation should be to ensure that staff are the beneficiaries of all the money people give as tips and it does not go into any baseline profits for the restaurant or for the business. My question is, when will the Government introduce and advance this important legislation and will it ensure that the new payments of wages law requires every cent of the tip - 100% of it - be passed on to the employees, as is intended?

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): This legislation is on the priority list and it is the intention to have it this session. I will convey the Deputy's particular concerns to the Minister who is completing the drafting work.

Deputy Mick Barry: News of the 1,200 job losses at Wrightbus in Ballymena follows on from news of job losses in the Gallaher Group, Michelin and Harland and Wolff, where the workers are fighting back and are sitting in. It is clear that there is devastation taking place in Northern Ireland's industrial base. Particular questions need to be asked in this circumstance about the £16 million in charitable donations given largely to a Christian evangelical church. The case for nationalisation of the company to defend jobs and to defend green public transport is powerful and unanswerable. We want to express our full solidarity with the workers affected here. There are talks taking place with the British Government and with the Prime Minister of the United Kingdom. In that regard, there is discussion about the all-Ireland economy. Will the Government raise the issue and press the issue of nationalisation to defend these jobs in the North of Ireland?

Deputy Richard Bruton: That is neither a programme for Government nor a questions on legislation matter but the answer is "No."

Deputy Mattie McGrath: I ask the Minister, Deputy Bruton, and, indeed, the Minister for Justice and Equality, who has arrived in the Chamber, what the Government have against County Tipperary. It has taken our local councils and our Army barracks. It has taken our mental health services but now proposes to move our Garda divisional chief superintendent's office to Ennis. It will be 125 miles away from people in Tipperary. The Government is treading down on the people, worse than what Cromwell did to the people all those years ago. This Fine

Gael Government is punishing the people of Tipperary because they have not returned a Fine Gael Deputy. They will never have one if the Government keeps doing this. Tipperary will fight back against this and its people are entitled to some modicum of security. There is a proud Garda Síochána record of service there. We want to keep it and we want to support them. We will not take this lying down. Will the Minister state that the Commissioner is able to do this off his own bat? There is accountability to the elected people here in Dáil and the Commissioner must be held accountable. It is not a runner and it will not happen.

An Ceann Comhairle: Deputy Tóibín on the same matter. There are a couple of Deputies indicating.

Deputy Peadar Tóibín: Meath has seen a radical increase in crime and anti-social behaviour recently. Towns are being hammered with drug dealing and petrol bombs have been thrown at the courts. Attacks with hatchets have happened in broad daylight. Sexual assault is on the rise in County Meath. Restaurants are closing early because of anti-social behaviour. Currently, in rural areas, people are sleeping with knives under their pillows. People walking home from nightclubs are being attacked and are waking up in intensive care the next morning.

Meath has already got the lowest number of gardaí *per capita* in the State and now, shockingly, it will lose its Garda divisional headquarters. This Saturday, at 1 p.m., people in Meath will march in numbers in Navan to demand an increase in the number of gardaí and to protect the Garda divisional headquarters in Meath. Will the Minister reverse this decision?

Deputy Niamh Smyth: The Minister was in Cavan, in Ballyconnell, when this announcement came out. To remove the divisional headquarters from Monaghan to Drogheda comes as a significant blow to Cavan-Monaghan. We would assume that Monaghan should be at the centre of all that. This is also in light of the heinous crimes we saw committed only last week against Kevin Lunney, while we have also had consistent and very organised crime with the destruction and removal of ATMs in the whole area. This is all against a backdrop of a possible no-deal Brexit, which will undoubtedly cause chaos along the Border region. We had an announcement of a Garda station over five years ago in Bailieborough. It has never happened. In Blacklion, the Garda station has never been reopened. There is real discontent and worry with the announcement to remove the headquarters to Drogheda.

Deputy Fiona O'Loughlin: A recent front-page headline in one of the newspapers local to us Lily Whites told us that Kildare has one of the highest levels of burglaries in the country. That is coupled with the fact that Kildare consistently has the lowest number of gardaí per head of population in the country. Those two statements are absolutely not unrelated. To hear yesterday that Kildare is losing its divisional headquarters was an absolute shock. Kildare has twice the population of Laois and Offaly but the Garda headquarters and all its resources on a regional level are moving to Portlaoise. Cynics might say that is because there is a Minister in Laois-Offaly and there is none in Kildare. I say those cynics are right. We have not had a Minister in Kildare to be able to shout for and demand those resources. It is absolutely wrong that Kildare is losing this key area of responsibility.

Minister for Justice and Equality (Deputy Charles Flanagan): There have been four questions from different parts of the country expressing concern. I want to assure all Deputies in respect of Tipperary, Cavan-Monaghan, where I was yesterday, and my neighbours in Kildare, and Deputy Tóibín who informs us he is organising yet another march-----

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Deputy Peadar Tóibín: The Minister should not give us reasons to organise marches.

Deputy Charles Flanagan: I advise the Deputies that they are mistaken. The whole purpose of the new policing plan, which has the support of Government, the Commission on the Future of Policing in Ireland, the Independent Policing Authority and the independent Garda Inspectorate, is that the new operating model-----

Deputy Mattie McGrath: What about the people?

Deputy Charles Flanagan: The new operating model for An Garda Síochána-----

Deputy Mattie McGrath: What about the people?

Deputy Charles Flanagan: Deputy McGrath does not want to-----

Deputy Mattie McGrath: This is bullying.

An Ceann Comhairle: The Minister without interruption.

Deputy Josepha Madigan: That is bullying.

Deputy Mattie McGrath: The people do not matter at all.

An Ceann Comhairle: We are not going to get an answer if we are going to keep interrupting the Minister. I call Deputy John Brady.

Deputy Charles Flanagan: It suits Deputy McGrath to come in here repeatedly and shout people down. He can go on his local radio then and claim it as something of a victory. I have news for Deputy McGrath. As a result of the implementation of this plan, we will see more gardaí on front-line duty in Tipperary, not fewer.

Deputy Mattie McGrath: The Minister is coddling nobody.

An Ceann Comhairle: If the Deputy is going to keep interrupting Ministers, I will ask the Minister to take his or her seat and we will proceed to the next question.

Deputy John Brady: Drugs task forces play a critical role in assessing the extent and nature of drug problems in their areas. They are also critical in conducting actions at local level to tackle the scourge of drugs within those communities. However, there is a real crisis in our task forces. In Wicklow we have two task forces, namely the Bray local area drugs task force and the east coast drugs task force. They have two vacancies, for a co-ordinator and an outreach worker. The position of co-ordinator for the Bray local area drugs task force, a key position, has not been filled for two years. I am informed interviews were held in April and an individual was offered the position but it has not been ratified. There is effectively a recruitment embargo and it is impacting directly on the ground in tackling the scourge of drugs right across Wicklow and indeed the State. I ask the Minister of State for categorical assurances that these positions will be filled with immediate effect.

Minister of State at the Department of Health (Deputy Catherine Byrne): I acknowledge the work that is being done on the ground by task forces and the extra funding that has been given in the last number of weeks of over €1 million to identify different scourges of drug-taking and the influence of drug and alcohol addiction with young people right across the board. In relation to Bray and the co-ordinator, I know there are problems there. The interviews have

been held and somebody has been chosen, they just have not been put in place. I am pursuing that.

Deputy John Brady: It has not been ratified.

Deputy Catherine Byrne: I have been pursuing it since the beginning of September and I intend to make sure that the position is allocated as soon as possible. The Deputy and those in Bray task force, who I have spoken to and visited, know my sincerity about having a coordinator in place as soon as possible. There have been difficulties in recruitment so let us be very clear on that. There is somebody now who-----

Deputy John Brady: They are waiting since September to be ratified.

Deputy Catherine Byrne: That will be carried out as soon as possible.

Deputy Michael Moynihan: Go raibh maith agat, a Cheann Comhairle. I refer to an issue I raised before the summer regarding Tagrisso, a drug for lung cancer treatment, about which I have been engaging with the HSE over the last number of months. The HSE indicated to us after a meeting on 9 July that it would try to fund it at the latter end of this year. The HSE has now confirmed that there is no money there for it. This is a drug that would make great difference to people who have lung cancer and it is urgently needed. We are now told it is going to have to wait until 2020, like everything else in the HSE. There is going to be some magic formula in 2020. I ask the Minister to ask his colleague, the Minister for Health, to intervene urgently because I believe it is a very small number of patients who urgently need this drug treatment in 2019.

Deputy Richard Bruton: The briefing I have is that this year there are 29 new medicines and 29 new indications that have been committed to at a cost of €220 million, and that 3,000 patients will benefit. That has committed the allocation for 2019 for new drugs so it probably does await budgetary consideration of how that scheme can be extended into the future. That is the information I have here but I will convey the Deputy's concern to the relevant Minister.

Deputy Niall Collins: I want to raise the alarming fact of declining passenger market share being experienced at Shannon International Airport. The Minister of State will be aware that his Government in 2012 separated Shannon Airport from the Dublin Airport Authority. At the time, that policy decision was described by the Government as historic. The aim was to increase passenger numbers at Shannon to 2.5 million passengers per annum. The project has failed dismally. Passenger numbers have not reached anything near that figure. In fact, they are at just above half of it. We have had a number of airlines pull their routes from Shannon. Again yesterday, Ryanair pulled three routes. At the time of that decision, dissenting and questioning voices were rubbished by the Government and others. SIPTU raised very valid questions and the Taoiseach went so far as to say that it was a defeatist attitude. The facts speak for themselves. The market share of the Dublin Airport Authority in 2011 was 78% and it is now 86%. The market share of Shannon Airport in 2011 was 7% and it now stands at 4.4%. Can the Minister of State point to anything in either the programme for Government or legislation which will arrest the decline of Shannon Airport and other regional airports?

Minister of State at the Department of Transport, Tourism and Sport (Deputy Brendan Griffin): I thank the Deputy. Certainly the approach of Government is to try to ensure that there is balanced regional development. In respect of aviation policy, all of our airports on the west coast are critically important, from Cork right up to Donegal, including Kerry, Shannon

and Knock. It is a very challenging environment at present for Shannon, particularly with the loss of Norwegian Air as a result of the Boeing MAX issue, which was another blow for the airport. I am working very closely with the aviation section in the Department and Tourism Ireland to see how we can improve the situation at Shannon. Since 2011, we have seen huge growth overall in terms of routes into and out of Ireland. That was also helped by the Government's decision to scrap the airport tax, which had been a very regressive move. We have maintained that this has been very helpful in terms of growing aviation in Ireland. We will continue to work and try to put more money in. I am currently campaigning to get more funding to support all of our airports, particularly our airports outside Dublin, in sourcing new routes and supporting the existing ones.

Deputy Martin Ferris: From 1 December until the end of last week, there were 225 patients in Kerry University Hospital on trolleys. On Monday this week, there were 30 patients on trolleys and 70 in the waiting area waiting for a trolley. Circumstances are so bad that the eight beds in the medical assessment unit were being used for patients waiting to be assessed. The situation was chaotic this Monday and Tuesday, so much so that the staff in the hospital were at breaking point.

When is the Government going to take seriously the situation regarding capacity and the shortage of staff at Kerry University Hospital? I have been raising this on Topical Issue matters as well as on Questions on Promised Legislation but nothing has been done. When is the Government going to take it seriously and provide the services the people of the area require?

Deputy Richard Bruton: The Deputy will be aware that, each year in recent years, we have expanded the budget of, and the number of staff in, the HSE. This has involved nearly 500 additional consultant doctors or registrars and 500 additional nursing staff. Every day, we have 7,000 people in our hospitals to have procedures completed who then leave the hospital.

I o'clock Every day, 4,500 turn up at our emergency departments and are treated. There is no doubt there is pressure on the system and there is growing demand from an ageing population on existing capacity. We have to invest not just in additional staff but in expanding capacity. That is why a significant capital budget has been put in place for the health service so we can build capacity. People are working to the very best of their ability within the health service to provide and deliver a high-quality service but there is pressure. Additional resources are being put in and that will continue. The investment strategy is in place.

Deputy Donnchadh Ó Laoghaire: Over the summer, there was a fair bit of discussion in regard to online safety. Every time the issue comes up, the Department and the Government respond as if the idea of an online safety commissioner is a new one. The background is that it was recommended in a Law Reform Commission paper in 2016 and a Private Members' Bill that I proposed was passed a year and a half ago, although it is stuck in committee, not through the fault of the committee but due to the lack of a money message. The Minister keeps talking about his proposal but we have not seen it and he has not published the consultation documents. When are we going to see movement on this? When are we going to see the heads of a Bill? When is legislation going to come before the House? Is this going to be continually re-announced without any legislative progress? This is a massive issue and there is major concern about it but we are not seeing anything apart from talk from the Government.

Deputy Richard Bruton: The Deputy is inaccurate. First, a consultation document has been published, we have had detailed consultations and we have received many submissions

on that legislation. We are now working to provide draft heads of legislation that will go to the Oireachtas committee in this session. The Deputy recognises there are tricky issues in defining what is harmful online content and we need to do that in a way that is robust. That is challenging from a drafting point of view.

Deputy Donnchadh Ó Laoghaire: What is the timescale?

Deputy Richard Bruton: We will produce draft heads in this session for the committee.

Deputy Eugene Murphy: I acknowledge that the programme for Government put significant money aside to deal with flooding events, which are occurring more and more because of climate change. One of the areas that came to prominence in recent years because of flooding was Lough Funshinagh in Roscommon, which is continuously overflowing. I am glad the Minister of State, Deputy Moran, is in the House.

An independent inquiry was established last July. We are now told nothing can be done in regard to this flooding, which is affecting 40 to 50 families, has destroyed fodder and land and has been a threat to householders and flooded roads. I find it incredible that the Government and its agencies cannot find a solution to a flooding problem and cannot build a drain from the lake to the River Shannon. This could be done years ago. I am sure that, at this stage, the Minister of State has read the report. Has he any news? Is there any way we can crack this nut and do something for those families? It is not acceptable.

Minister of State at the Department of Public Expenditure and Reform (Deputy Kevin Boxer Moran): I have visited the area with the Deputy and Deputy Denis Naughten, and I met the people there. I then issued money to allow a report to be carried out and that has been carried out. The elected members have seen it but I have not seen it and am still waiting for it.

Deputy Eugene Murphy: Has the Minister of State not seen it?

Deputy Kevin Boxer Moran: I have not seen the report. In fairness to the local authority, it carried this out and got the consultants on board. We have to look at it and evaluate it. Many Members made promises regarding Lough Funshinagh. I went down and I delivered the money for the report. Let me at least look at the report and make a statement on it afterwards.

Deputy John McGuinness: There are an unusual number of community care homes in counties Kilkenny and Carlow that offer a completely different type of service to the commercial nursing home. All of them are under financial pressure and deal with a deficit at the end of every year. Will the Minister examine the services being provided for people in their own community through these community home care settings and ensure they get the appropriate funding to allow them to deal with the deficit and to plan their services for the coming year? Will he fund an analysis of the value of the services they give in order that the Government can factor in the possibility of expanding the services and improving them?

Fulfilling the HIQA regulations is a serious difficulty because it is about money coming from voluntary sources. Will the Minister set aside a fund that can be drawn on to fulfil the HIQA regulations so they do not impact on the services?

Deputy Richard Bruton: I will have to refer this to the Minister responsible. I know the Minister of State, Deputy Daly, has been doing a lot of work on developing new, more flexible interventions to support people who are seeking to remain independent. However, it would

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have to be for the Minister of State and his Department to evaluate the particular service the Deputy is referring to.

Deputy Peter Fitzpatrick: Last week in the Chamber, I welcomed the Government's plan to introduce 1 million electrically propelled vehicles by 2030. However, I complained about the lack of the power points around the country, with approximately 1,200 installed at present, and I also complained about the cost of installing these operation points. ESB ecars has received €37 million since 2010, which works out at approximately €30,000 per power point.

I have been contacted by many people who drive electric cars. Currently, there are approximately 10,000 electric cars in this country and at least 1,500 need new batteries. Their owners have been quoted between €10,000 and €12,000 to replace the batteries, which can be bought in the USA for approximately \$3,000. There are grants available for new batteries. In the forthcoming budget, we need to encourage people to buy electric cars. There is a shortage of electric points and batteries are a serious cost. What is Minister's plan to encourage people to buy these electric cars?

Deputy Richard Bruton: There is no doubt we need to expand the number of public chargers. There are currently approximately 700 and I have made commitments not only to upgrade them but to increase the number to 1,800 through both the local authorities and the ESB, and we have made financial provision for that.

The issue the Deputy raises about financial support for new batteries certainly has not been considered. We have committed to examine a scrappage scheme. There are generous supports for the purchase of an electric vehicle and these include a grant of €5,000, a VRT reduction of €5,000, a home charger subsidy and a discount on tolls. We are seeing a growing adoption of these and it is important we continue. I will look at that but I cannot hold out hope that we will support grants for second-hand batteries.

Deputy Joan Burton: The Minister for Finance has announced on several occasions that his Department has recruited additional customs staff and that those staff require training. First, how many of the staff are now trained and in place, particularly in the Border area? Second, in the context of the horrific attack on Kevin Lunney-----

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

Deputy Joan Burton: -----has there been any exploration of using the Belfast agreement for an all-island arrangement in regard to customs? Frankly, many businesses, particularly small and medium-sized businesses, are terrified about what is going to happen in the event of difficulties with the Brexit arrangements.

An Ceann Comhairle: Please, Deputy.

Deputy Joan Burton: The Government is not doing anything to help them.

An Ceann Comhairle: Time is up.

Deputy Joan Burton: Its courses and town hall meetings are not cutting the mustard when it comes to meeting the real needs of businesses, particularly smaller ones.

Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys): I thank the Deputy for raising that matter. I reassure her that we have a broad suite of supports

available to help businesses. We have held numerous events and had numerous contacts. My Department, through the Companies Registration Office, sent 220,000 emails to businesses outlining the supports available. There are nine steps they can take.

Regarding Border checks, as the Deputy knows, we do not want to see any infrastructure again on the Border. We do not want to see a hard border, but we know that there will have to be checks. As soon as we have information on where the checks will be made, we will let businesses know. Other than that, there are many things they can do. They can look at their supply chains, avail of the two Brexit loan funds-----

Deputy Joan Burton: How many customs officers are there?

Deputy Heather Humphreys: Customs officers have been employed.

Deputy Joan Burton: How many? Does the Minister know?

Deputy Heather Humphreys: I do not have the figure off the top of my head, but I think there are 200 Department of Agriculture, Food and the Marine officials. I think an additional 400 customs staff have been employed by Revenue.

Deputy Brendan Howlin: Are they in place?

Deputy Joan Burton: Are they in place?

Deputy Robert Troy: The cross-Border scheme acts as a great release valve in dealing with the chronic public waiting lists, yet patients who avail of the scheme are left waiting for a long time to be reimbursed. The average waiting time is approximately 20 weeks, having risen from four. I have raised this issue a number of times on the floor of the Dáil, including by way of parliamentary questions, and each time I have been assured additional resources are being allocated to deal with the increased number of applications. I am told that the additional resources are additional telephone lines that have been provided in the office for the processing of applications. It is actually compounding the problem-----

An Ceann Comhairle: The Deputy is over time.

Deputy Robert Troy: -----because it is taking staff who are in short supply away from the processing of applications to answer the telephones. Will the Minister answer me today? If he cannot do so, will he give an undertaking that the relevant Minister will come back to me to tell me how the Government will deal with the increased workload for the workers who are processing claims under the cross-Border scheme-----

An Ceann Comhairle: Please, Deputy. I call the Minister.

Deputy Robert Troy: -----in order that those who are borrowing money to access treatment abroad because they cannot access it in their own jurisdiction will not be left waiting for in excess of 20 weeks to get their money back?

Deputy Richard Bruton: I will convey the Deputy's concerns to the Minister concerned.

An Ceann Comhairle: We have not reached ten Deputies today. If Deputies do not abide by the rules of the House which set out that each Deputy has one minute in which to ask a question, it is very hard to reach everyone who is offering.

Offshore Islands: Motion (Resumed) [Private Members]

The following motion was moved by Deputy Catherine Connolly on Tuesday, 17 September 2019:

That Dáil Éireann:

notes that:

— offshore islands and their communities are a dynamic resource in a developing Ireland, representing an extraordinary repository of language, culture and heritage and constituting a unique element in the fabric of Irish society;

— offshore islands make special economic, social and cultural contributions to the life of the nation;

— the decline in the population of offshore islands by 155 persons from the Census 2011 figure of 2,889 to the Census 2016 figure of 2,734, representing a 5.4 per cent decline, represents a serious challenge to the future of the islands as viable, vibrant communities;

— the inaction of successive Governments in addressing the need for an offshore islands policy has been accompanied by a decline in population and a decline in the number of Irish speakers, putting their unique cultural and linguistic heritage at risk;

— there has been a reduction in daily use of the Irish language of 11 per cent on the three Aran Islands (Inis Meáin, Inis Mór and Inis Oírr) where the percentage of active daily Irish speakers has fallen from 63 per cent of the population (over three years of age) in 2011 to 57 per cent in 2016;

— the 1996 ‘Report of the Interdepartmental Co-ordinating Committee on Island Development: A strategic framework for developing the offshore islands of Ireland’ was the last published strategy on the islands;

— the 1996 Interdepartmental Co-ordinating Committee on Island Development did not include any offshore island representatives on its steering committee and did not deliver on its ambitious range of recommendations;

— the 1996 Report pledged to begin work ‘immediately’ and to agree a programme of work by early 1996, and since then policies have been adopted on an *ad hoc* basis, which are entirely insufficient to address the growing need for action;

— there is currently no policy for offshore islands; and

— the Minister of State at the Department of Culture, Heritage and the Gaeltacht announced his intention to seek Government approval to establish an Interdepartmental Committee for Island Development;

further notes that no date has been set for the work to begin and no timeframe for the work to be completed;

recognises:

— that islanders have an unparalleled knowledge of both the problems and the solutions required to ensure a sustainable future and must therefore be the prime movers in drawing up and delivering on future plans;

— the challenges faced by offshore island communities;

— the unique cultural and economic assets of island populations;

— the economic potential offered by sustainable offshore island communities for the country as a whole;

— the work of offshore island cooperatives in providing equitable and sustainable social and economic opportunities and supports; and

— the need for an urgent and comprehensive policy along with an action plan to ensure the future viability of offshore island communities; and

calls on the Government to:

— develop a policy for offshore islands, underpinned by the principles of equity and social partnership between island communities and State agencies;

— outline an action plan and a timeframe for the delivery of each policy objective;

— ensure island representation on the Interdepartmental Committee for Island Development; and

— engage in meaningful consultation with islanders in the formulation of an offshore islands policy and action plan, including in the areas of housing, health, energy, waste management, climate change, education, communication, employment and transport.

Debate resumed on amendment No. 1:

“notes that:

— offshore islands and their communities are a dynamic resource in a developing Ireland, representing an extraordinary repository of language, culture and heritage and constituting a unique element in the fabric of Irish society;

— offshore islands make special economic, social and cultural contributions to the life of the nation; and

— the decline in the population of offshore islands by 155 persons from the Census 2011 figure of 2,889 to the Census 2016 figure of 2,734, representing a 5.4 per cent decline, represents a serious challenge to the future of the islands as viable, vibrant communities; and

recognises:

— the investment being made by the Government in the language planning process on the Gaeltacht islands;

— the significant investment made by Government in improving access harbour infrastructure since 1996;

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— the work that has been done by Comhar Oileán na hÉireann and the individual island communities to date;

— that the island populations are unique cultural assets, and that they face particular challenges;

— that substantial progress has been made in terms of transport supports for the islands, with some 25 subsidised cargo, passenger and air services now in operation, serving islands all along the coast;

— that the Minister of State for the Irish language, the Gaeltacht and the Islands has established an Interdepartmental Committee for the Islands with representatives from the following Departments:

— Justice and Equality;

— Communications, Climate Action and Environment;

— Defence;

— Housing, Planning and Local Government;

— Employment Affairs and Social Protection;

— Business, Enterprise and Innovation;

— Agriculture, Food and the Marine;

— Rural and Community Development;

— Health;

— Education and Skills;

— Transport, Tourism and Sport; and

— Children and Youth Affairs;

— that the Department of Culture, Heritage and the Gaeltacht will be consulting widely with island communities on an island-by-island basis and with Comhdháil Oileáin na hÉireann on the policy being developed;

— that it is envisaged that the Committee, which will be chaired by the Minister of State with responsibility for the Islands, will meet on 24th September, 2019, and will, in consultation with all of the relevant stakeholders, draw up an islands policy, from which an action plan will then be developed and implemented; and

— that the action plan, which will be presented to Cabinet, will comprise specific commitments for implementation by Government agencies, that will be measurable and time bound.

- (Minister of State at the Department of Culture, Heritage and the Gaeltacht)

An Ceann Comhairle: I must now deal with a postponed division relating to the motion

regarding offshore islands. On Tuesday, 17 September, on the question, “That the amendment to the motion be agreed to,” a division was claimed. In accordance with Standing Order 70(2), that division must be taken now.

Amendment put:

<i>The Dáil divided: Tá, 38; Níl, 79; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Bailey, Maria.</i>	<i>Adams, Gerry.</i>	
<i>Barrett, Seán.</i>	<i>Aylward, Bobby.</i>	
<i>Brophy, Colm.</i>	<i>Barry, Mick.</i>	
<i>Bruton, Richard.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Burke, Peter.</i>	<i>Brady, John.</i>	
<i>Byrne, Catherine.</i>	<i>Brassil, John.</i>	
<i>Canney, Seán.</i>	<i>Breathnach, Declan.</i>	
<i>Carey, Joe.</i>	<i>Broughan, Thomas P.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>Browne, James.</i>	
<i>Coveney, Simon.</i>	<i>Buckley, Pat.</i>	
<i>Creed, Michael.</i>	<i>Burton, Joan.</i>	
<i>D’Arcy, Michael.</i>	<i>Byrne, Thomas.</i>	
<i>Deering, Pat.</i>	<i>Cahill, Jackie.</i>	
<i>Doyle, Andrew.</i>	<i>Calleary, Dara.</i>	
<i>Durkan, Bernard J.</i>	<i>Casey, Pat.</i>	
<i>Farrell, Alan.</i>	<i>Cassells, Shane.</i>	
<i>Flanagan, Charles.</i>	<i>Collins, Joan.</i>	
<i>Griffin, Brendan.</i>	<i>Collins, Michael.</i>	
<i>Heydon, Martin.</i>	<i>Collins, Niall.</i>	
<i>Humphreys, Heather.</i>	<i>Connolly, Catherine.</i>	
<i>Kyne, Seán.</i>	<i>Coppinger, Ruth.</i>	
<i>Lowry, Michael.</i>	<i>Cowen, Barry.</i>	
<i>Madigan, Josepha.</i>	<i>Crowe, Seán.</i>	
<i>McGrath, Finian.</i>	<i>Cullinane, David.</i>	
<i>McLoughlin, Tony.</i>	<i>Curran, John.</i>	
<i>Moran, Kevin Boxer.</i>	<i>Doherty, Pearse.</i>	
<i>Murphy, Eoghan.</i>	<i>Donnelly, Stephen.</i>	
<i>Naughten, Denis.</i>	<i>Dooley, Timmy.</i>	
<i>Naughton, Hildegarde.</i>	<i>Ellis, Dessie.</i>	
<i>Neville, Tom.</i>	<i>Ferris, Martin.</i>	
<i>Noonan, Michael.</i>	<i>Fitzmaurice, Michael.</i>	
<i>O’Connell, Kate.</i>	<i>Fitzpatrick, Peter.</i>	
<i>O’Donovan, Patrick.</i>	<i>Funchion, Kathleen.</i>	
<i>O’Dowd, Fergus.</i>	<i>Gallagher, Pat The Cope.</i>	
<i>Phelan, John Paul.</i>	<i>Grealish, Noel.</i>	

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<i>Rock, Noel.</i>	<i>Harty, Michael.</i>	
<i>Ross, Shane.</i>	<i>Healy, Seamus.</i>	
<i>Stanton, David.</i>	<i>Howlin, Brendan.</i>	
	<i>Kelly, Alan.</i>	
	<i>Kenny, Gino.</i>	
	<i>Kenny, Martin.</i>	
	<i>Lahart, John.</i>	
	<i>Lawless, James.</i>	
	<i>Martin, Catherine.</i>	
	<i>McGrath, Mattie.</i>	
	<i>McGuinness, John.</i>	
	<i>Mitchell, Denise.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Munster, Imelda.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	
	<i>Murphy, Catherine.</i>	
	<i>Murphy, Eugene.</i>	
	<i>Murphy, Paul.</i>	
	<i>Nolan, Carol.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Dea, Willie.</i>	
	<i>O'Reilly, Louise.</i>	
	<i>O'Rourke, Frank.</i>	
	<i>O'Sullivan, Jan.</i>	
	<i>O'Sullivan, Maureen.</i>	
	<i>Ó Broin, Eoin.</i>	
	<i>Ó Caoláin, Caoimhghín.</i>	
	<i>Ó Laoghaire, Donnchadh.</i>	
	<i>Ó Snodaigh, Aengus.</i>	
	<i>Pringle, Thomas.</i>	
	<i>Quinlivan, Maurice.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ryan, Brendan.</i>	
	<i>Ryan, Eamon.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Shortall, Róisín.</i>	
	<i>Smith, Brendan.</i>	
	<i>Smith, Bríd.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Stanley, Brian.</i>	

	<i>Tóibín, Peadar.</i>	
	<i>Troy, Robert.</i>	

Tellers: Tá, Deputies Seán Kyne and Tony McLoughlin; Níl, Deputies Catherine Connolly and Thomas Pringle.

Amendment declared lost.

Motion agreed to.

Agriculture: Motion (Resumed) [Private Members]

The following motion was moved by Deputy Charlie McConalogue on Wednesday, 18 September 2019:

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 greenlighted 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;

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— 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;

— 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.

Debate resumed on 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

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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;

— 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.

-(Minister of State at the Department of Agriculture, Food and the Marine)

An Ceann Comhairle: I must now deal with a postponed division relating to the Fianna Fáil motion on agriculture. On Tuesday, 18 September, on the question, “That the amendment to the motion be agreed to,” a division was claimed. In accordance with Standing Order 70(2), that division must be taken now.

Amendment put:

<i>The Dáil divided: Tá, 38; Níl, 84; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staan</i>
<i>Bailey, Maria.</i>	<i>Adams, Gerry.</i>	
<i>Barrett, Seán.</i>	<i>Aylward, Bobby.</i>	
<i>Brophy, Colm.</i>	<i>Barry, Mick.</i>	
<i>Bruton, Richard.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Burke, Peter.</i>	<i>Brady, John.</i>	
<i>Byrne, Catherine.</i>	<i>Brassil, John.</i>	
<i>Canney, Seán.</i>	<i>Breathnach, Declan.</i>	
<i>Carey, Joe.</i>	<i>Broughan, Thomas P.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>Browne, James.</i>	
<i>Coveney, Simon.</i>	<i>Buckley, Pat.</i>	
<i>Creed, Michael.</i>	<i>Burton, Joan.</i>	
<i>D’Arcy, Michael.</i>	<i>Butler, Mary.</i>	
<i>Deering, Pat.</i>	<i>Byrne, Thomas.</i>	
<i>Doyle, Andrew.</i>	<i>Cahill, Jackie.</i>	
<i>Durkan, Bernard J.</i>	<i>Calleary, Dara.</i>	
<i>Farrell, Alan.</i>	<i>Casey, Pat.</i>	
<i>Flanagan, Charles.</i>	<i>Cassells, Shane.</i>	
<i>Griffin, Brendan.</i>	<i>Chambers, Jack.</i>	
<i>Heydon, Martin.</i>	<i>Collins, Joan.</i>	
<i>Humphreys, Heather.</i>	<i>Collins, Michael.</i>	
<i>Kyne, Seán.</i>	<i>Collins, Niall.</i>	
<i>Madigan, Josepha.</i>	<i>Connolly, Catherine.</i>	
<i>McGrath, Finian.</i>	<i>Coppinger, Ruth.</i>	
<i>McLoughlin, Tony.</i>	<i>Cowen, Barry.</i>	
<i>Mitchell O’Connor, Mary.</i>	<i>Crowe, Seán.</i>	
<i>Moran, Kevin Boxer.</i>	<i>Cullinane, David.</i>	
<i>Murphy, Eoghan.</i>	<i>Curran, John.</i>	
<i>Naughton, Hildegarde.</i>	<i>Doherty, Pearse.</i>	
<i>Neville, Tom.</i>	<i>Donnelly, Stephen.</i>	

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<i>Noonan, Michael.</i>	<i>Dooley, Timmy.</i>	
<i>O'Connell, Kate.</i>	<i>Ellis, Dessie.</i>	
<i>O'Donovan, Patrick.</i>	<i>Ferris, Martin.</i>	
<i>O'Dowd, Fergus.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Phelan, John Paul.</i>	<i>Fitzpatrick, Peter.</i>	
<i>Ring, Michael.</i>	<i>Funchion, Kathleen.</i>	
<i>Rock, Noel.</i>	<i>Gallagher, Pat The Cope.</i>	
<i>Ross, Shane.</i>	<i>Grealish, Noel.</i>	
<i>Stanton, David.</i>	<i>Harty, Michael.</i>	
	<i>Healy, Seamus.</i>	
	<i>Howlin, Brendan.</i>	
	<i>Kelly, Alan.</i>	
	<i>Kenny, Gino.</i>	
	<i>Kenny, Martin.</i>	
	<i>Lahart, John.</i>	
	<i>Lawless, James.</i>	
	<i>Lowry, Michael.</i>	
	<i>Martin, Catherine.</i>	
	<i>McGrath, Mattie.</i>	
	<i>McGuinness, John.</i>	
	<i>Mitchell, Denise.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Munster, Imelda.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	
	<i>Murphy, Catherine.</i>	
	<i>Murphy, Eugene.</i>	
	<i>Murphy, Paul.</i>	
	<i>Naughten, Denis.</i>	
	<i>Nolan, Carol.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Dea, Willie.</i>	
	<i>O'Loughlin, Fiona.</i>	
	<i>O'Reilly, Louise.</i>	
	<i>O'Rourke, Frank.</i>	
	<i>O'Sullivan, Jan.</i>	
	<i>O'Sullivan, Maureen.</i>	
	<i>Ó Broin, Eoin.</i>	
	<i>Ó Caoláin, Caoimhghín.</i>	
	<i>Ó Laoghaire, Donnchadh.</i>	
	<i>Ó Snodaigh, Aengus.</i>	

	<i>Pringle, Thomas.</i>	
	<i>Quinlivan, Maurice.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ryan, Brendan.</i>	
	<i>Ryan, Eamon.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Shortall, Róisín.</i>	
	<i>Smith, Brendan.</i>	
	<i>Smith, Bríd.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Stanley, Brian.</i>	
	<i>Tóibín, Peadar.</i>	
	<i>Troy, Robert.</i>	

Tellers: Tá, Deputies Seán Kyne and Tony McLoughlin; Níl, Deputies Michael Moynihan and John Lahart.

Amendment declared lost.

An Ceann Comhairle: Given that amendment No. 2 has been lost, we must now consider amendment No. 1 in the name of Sinn Féin.

Deputy Brian Stanley: I move amendment No. 1:

(a) To delete the words “introduce a beef market index and require processors to publish weekly price reports;” and substitute the following:

“— establish a beef market observatory to require processors to publish daily price reports to the Minister for Agriculture, Food and the Marine regarding:

— the prices for cattle (euros per kilogram) established on that day, categorised by:

— type of purchase;

— the quantity of cattle purchased;

— a range of the estimated live weights of the cattle purchased;

— an estimate of the percentage of the cattle purchased that were of a quality grade of choice or better; and

— any premiums or discounts associated with:

— weight, grade or yield; or

— any type of purchase; and the quantity of cattle delivered to the processor (quoted in numbers of herd) on that day, categorised by:

— type of purchase;

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— the quantity of cattle delivered on a live weight basis; and

— the quantity of cattle delivered on a dressed weight basis; and the Minister for Agriculture, Food and the Marine shall make the information available to the public every reporting day;”;

(b) To insert the following after “Hen Harrier Programme;”:

“— adequately uphold the Farmers Charter of Rights;” and

(c) To insert the following after “while reviewing the fallen animal scheme.”:

“— carry out a study on how the family farming model can be preserved in the face of the increasing prevalence of feedlots.”

Amendment agreed to.

Deputy Denis Naughten: I move amendment No. 3:

To insert the following after “provide additional funding to ensure the viability of the knackery industry, while reviewing the fallen animal scheme.”:

“further notes that:

— the fact that the further the beef animal goes from the farm gate, the less information is made available on price; and in light of the distinct lack of information on margins in the processing sector or the farmers’ share of the carcass price received on EU markets by processors, including the volumes and value of specific cuts, there is now an urgent need for measures to be taken to provide beef price transparency right across the supply chain; and

further calls on the Government to:

— intensify efforts to secure EU Protected Geographical Indication (PGI) status for certified grass-fed, extensively reared Irish Suckler Beef and in tandem with PGI status to develop a new marketing brand, along the lines of the Kerrygold brand, to sell this unique product into premium markets;

— implement the recommendation to the Oireachtas Joint Committee on Agriculture, Food and the Marine by the Competition and Consumer Protection Commission of 28th May last, that a dedicated sectoral regulator be established as a matter of urgency

to enforce the EU Directive on Unfair Trading Practices in the agricultural and food supply chain, and to deliver ongoing regulatory interventions to improve the welfare of farmers;

— as an interim measure, ensure that the Minister for Business, Enterprise and Innovation shall, under section 10(4) of the Competition and Consumer Protection Act 2014, request the Competition and Consumer Protection Commission to carry out a market study and analysis on the nature and scale of consumer and beef farmer issues in the beef market and make recommendations, as appropriate; and

— ensure that the Department of Agriculture, Food and the Marine immediately convenes a cross-sector implementation group to establish a publicly owned and controlled national beef supply blockchain, which has the potential to transform the beef supply chain by reducing production costs, emissions and allowing the farmer to receive a premium return for beef while providing consumers with greater confidence in the beef they consume.”

Amendment agreed to.

Motion, as amended, agreed to.

Special Needs Education Places: Motion (Resumed) [Private Members]

The following motion was moved by Deputy Thomas Byrne on Wednesday, 25 September 2019:

That Dáil Éireann:

notes that:

— many parents of children with special needs are facing considerable difficulties in securing school places for their children, despite the school year having started already;

— of the 1,622 special classes in place, 849 are primary autism spectrum disorder (ASD) classes while only 370 post-primary ASD classes are in mainstream schools;

— removing the Home Tuition Grant, when school places are unsuitable for special needs children with other medical complications, can be unfair;

— some special schools have been awaiting a new building for up to 13 years;

— 384 children are in receipt of the Home Tuition Grant, many because they have not been able to secure a school place;

— the National Council for Special Education (NCSE) has already informed the Minister for Education and Skills that parents in South Dublin and Cork are having trouble securing school places for their children;

— in the Dublin area, the Delivering Equality of Opportunity in Schools (DEIS) schools, provide a disproportionate number of school places by comparison with non-DEIS schools;

— in the neighbouring regions of Dublin 2, 4, 6 and 6 West, the ratio of available places to children with ASD is 1:782, while the national average is 1:100;

— in all areas of the country there are children who travel very long distances to secure suitable school places; and

— the Home Tuition Grant scheme application forms were published a full two weeks later in 2019 than the previous year;

further notes that:

— there are no official figures on the number of children with special needs who do not have an appropriate school place;

— 22 per cent of special schools are on a list for large-scale projects by comparison with 9 per cent of mainstream schools;

— according to a recent survey 84 per cent of parents of children with disabilities believe that their children do not get the therapies that they need due to long waiting lists or unfilled positions;

— many parents are frustrated by the information made available by the NCSE;

— the Minister for Education and Skills has the power under the Education Act, 1998 to direct a school to provide additional provision where all reasonable efforts have failed;

— many applications for home tuition remain to be dealt with for this school year; and

— many appeals in respect of reduced SNA provision remain to be dealt with;

agrees that:

— the advice of clinicians and the wishes of parents should be a priority for the delivery of education to children with special needs;

— no child should experience a delay in the start of their school year because of administrative issues;

— even in the Dublin 15 area where the Government believes it has resolved the issue, schools and special classes remain unopened;

— teachers should be provided with the resources and training they need to uphold every child's right to an education;

— DEIS schools should not be tasked disproportionately with providing special classes; and

— the failure to collect information on the educational outcomes of children with special needs across all outcomes is not the right policy to follow and has led to a lack of oversight;

and calls on the Government to:

— urgently resolve the issues which have been officially identified in Cork and South Dublin;

— commit to an appropriate amount of special classes in each administrative area and to publish an implementation plan as urgently as possible;

— urgently engage with unions to ensure that all Individual Education Plans are in place for every child;

— produce a rationale for the gap which exists in funding for children with special needs at primary and secondary level schools and commit to closing that gap;

- prioritise the construction of special schools on the Department of Education and Skills project list;
- issue a circular outlining the financial resources and staff training available to schools who wish to open a new special class;
- produce a five year forecast of the current and future need for special needs education places in the catchment area of each school and to communicate this demand to schools within each area and within six months;
- publish a list, by school, each June of all available school places in ASD units for the coming school year;
- commit to using the powers contained within the Education (Admissions to Schools) Act 2018 where implementation plans deem it necessary;
- have an appropriate inspection regime in respect of special classes; and
- commit to the publication of an annual report on the number and circumstances of students with special educational needs, and the number whose needs are not being met by the education system and why.

Debate resumed on amendment No. 1:

To delete all words after “calls on the Government to:” and substitute the following:

- “— provide all necessary resources and training to urgently resolve issues which have been officially identified in Cork and South Dublin;
- commit to an appropriate amount of special classes in each administrative area and to publish an implementation and resourcing plan as urgently as possible;
- implement the Education for Persons with Special Educational Needs Act 2004 in full, and urgently engage with unions and the education partners to ensure that all Individual Education Plans are in place and fully resourced for every child with assessed special educational needs;
- produce a rationale for the gap which exists in funding for children with special needs at primary and secondary level schools and commit to closing that gap;
- prioritise the construction of special schools on the Department of Education and Skills project list;
- issue a circular outlining the financial resources and staff training available to schools who wish to open a new special class;
- produce a five year forecast of the current and future need for special needs education places both across the State and also in the catchment area of each school and to communicate this demand to schools within each area and within six months;
- publish a list, by school, each May of all available school places in ASD units for the coming school year;

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— commit to using the powers contained within the Education (Admissions to Schools) Act 2018 where implementation plans deem it necessary, giving a minimum notice of

six months to schools affected;

— have an appropriate inspection regime in respect of special classes and ensure that there are an adequate number of inspectors to facilitate this;

— commit to the publication of an annual report on the number and circumstances of students with special educational needs, and the number whose needs are not being met by the education system and why;

— provide adequate budgets to ensure that special schools have proper provision of therapies to support their students;

— provide for greater flexibility in the School Transport Scheme for children attending special schools or ASD units, that may not be the nearest special school, but were unable to obtain a place in the nearest special school or ASD unit; and

— immediately establish an all-party Oireachtas Committee on Autism, as set out and supported by all groups in the motion agreed by the House on World Autism

Awareness Day, 2nd April, 2019, and for this Committee to develop and publish a comprehensive autism empowerment strategy within a six month period of its

establishment.”

-(Deputy Donnchadh Ó Laoghaire)

An Ceann Comhairle: I must now deal with a postponed division relating to amendment No. 1, tabled by Sinn Féin, to the Fianna Fáil motion re special needs education places. On Wednesday, 25 September, on the question, “That the amendment to the motion be agreed to,” a division was claimed. In accordance with Standing Order 70(2), that division must take place now.

Amendment put:

<i>The Dáil divided: Tá, 84; Níl, 39; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Adams, Gerry.</i>	<i>Bailey, Maria.</i>	
<i>Aylward, Bobby.</i>	<i>Barrett, Seán.</i>	
<i>Barry, Mick.</i>	<i>Brophy, Colm.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Bruton, Richard.</i>	
<i>Brady, John.</i>	<i>Burke, Peter.</i>	
<i>Brassil, John.</i>	<i>Byrne, Catherine.</i>	
<i>Breathnach, Declan.</i>	<i>Canney, Seán.</i>	
<i>Broughan, Thomas P.</i>	<i>Carey, Joe.</i>	

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<i>Browne, James.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Buckley, Pat.</i>	<i>Coveney, Simon.</i>	
<i>Burton, Joan.</i>	<i>Creed, Michael.</i>	
<i>Butler, Mary.</i>	<i>D'Arcy, Michael.</i>	
<i>Byrne, Thomas.</i>	<i>Deering, Pat.</i>	
<i>Cahill, Jackie.</i>	<i>Doyle, Andrew.</i>	
<i>Calleary, Dara.</i>	<i>Durkan, Bernard J.</i>	
<i>Casey, Pat.</i>	<i>Farrell, Alan.</i>	
<i>Cassells, Shane.</i>	<i>Flanagan, Charles.</i>	
<i>Chambers, Jack.</i>	<i>Griffin, Brendan.</i>	
<i>Collins, Joan.</i>	<i>Heydon, Martin.</i>	
<i>Collins, Michael.</i>	<i>Humphreys, Heather.</i>	
<i>Collins, Niall.</i>	<i>Kyne, Seán.</i>	
<i>Connolly, Catherine.</i>	<i>Lowry, Michael.</i>	
<i>Coppinger, Ruth.</i>	<i>Madigan, Josepha.</i>	
<i>Cowen, Barry.</i>	<i>McGrath, Finian.</i>	
<i>Crowe, Seán.</i>	<i>McLoughlin, Tony.</i>	
<i>Cullinane, David.</i>	<i>Mitchell O'Connor, Mary.</i>	
<i>Curran, John.</i>	<i>Moran, Kevin Boxer.</i>	
<i>Doherty, Pearse.</i>	<i>Murphy, Eoghan.</i>	
<i>Donnelly, Stephen.</i>	<i>Naughton, Hildegarde.</i>	
<i>Dooley, Timmy.</i>	<i>Neville, Tom.</i>	
<i>Ellis, Dessie.</i>	<i>Noonan, Michael.</i>	
<i>Ferris, Martin.</i>	<i>O'Connell, Kate.</i>	
<i>Fitzmaurice, Michael.</i>	<i>O'Donovan, Patrick.</i>	
<i>Fitzpatrick, Peter.</i>	<i>O'Dowd, Fergus.</i>	
<i>Funchion, Kathleen.</i>	<i>Phelan, John Paul.</i>	
<i>Gallagher, Pat The Cope.</i>	<i>Ring, Michael.</i>	
<i>Grealish, Noel.</i>	<i>Rock, Noel.</i>	
<i>Harty, Michael.</i>	<i>Ross, Shane.</i>	
<i>Healy, Seamus.</i>	<i>Stanton, David.</i>	
<i>Howlin, Brendan.</i>		
<i>Kelly, Alan.</i>		
<i>Kenny, Gino.</i>		
<i>Kenny, Martin.</i>		
<i>Lahart, John.</i>		
<i>Lawless, James.</i>		
<i>Martin, Catherine.</i>		
<i>McDonald, Mary Lou.</i>		
<i>McGrath, Mattie.</i>		
<i>McGuinness, John.</i>		
<i>Mitchell, Denise.</i>		

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<i>Moynihan, Aindrias.</i>		
<i>Moynihan, Michael.</i>		
<i>Munster, Imelda.</i>		
<i>Murphy O'Mahony, Margaret.</i>		
<i>Murphy, Catherine.</i>		
<i>Murphy, Eugene.</i>		
<i>Murphy, Paul.</i>		
<i>Naughten, Denis.</i>		
<i>Nolan, Carol.</i>		
<i>O'Brien, Darragh.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Dea, Willie.</i>		
<i>O'Loughlin, Fiona.</i>		
<i>O'Reilly, Louise.</i>		
<i>O'Rourke, Frank.</i>		
<i>O'Sullivan, Jan.</i>		
<i>O'Sullivan, Maureen.</i>		
<i>Ó Broin, Eoin.</i>		
<i>Ó Caoláin, Caoimhghín.</i>		
<i>Ó Laoghaire, Donnchadh.</i>		
<i>Ó Snodaigh, Aengus.</i>		
<i>Pringle, Thomas.</i>		
<i>Quinlivan, Maurice.</i>		
<i>Rabbitte, Anne.</i>		
<i>Ryan, Brendan.</i>		
<i>Ryan, Eamon.</i>		
<i>Scanlon, Eamon.</i>		
<i>Shortall, Róisín.</i>		
<i>Smith, Brendan.</i>		
<i>Smith, Bríd.</i>		
<i>Smyth, Niamh.</i>		
<i>Stanley, Brian.</i>		
<i>Tóibín, Peadar.</i>		
<i>Troy, Robert.</i>		

Tellers: Tá, Deputies Aengus Ó Snodaigh and Denise Mitchell; Níl, Deputies Seán Kyne and Tony McLoughlin.

Amendment declared carried.

Motion, as amended, agreed to.

Sitting suspended at 1.40 p.m. and resumed at 2.20 p.m.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy John McGuinness - to discuss funding the SOS intellectual disability service provider and respite services for its clients at Callan Road, Kilkenny; (2) Deputy Joan Burton - pyrite-related issues in St. Patrick's national school, Diswellstown; (3) Deputy Pat Buckley - diabetes services in Cork University Hospital; (4) Deputies Frank O'Rourke and Fiona O'Loughlin - HSE waiting times for children's assessment of need; (5) Deputy Mary Butler - waiting lists for home care supports in Waterford; (6) Deputy Thomas Byrne - the place of history in the junior cycle framework; (7) Deputy Joan Collins - delays in processing applications and issuing payments for treatment under the cross-border directive; (8) Deputy Niamh Smyth - the downgrading of the Garda divisional headquarters in Monaghan; and (9) Deputy Robert Troy - waiting lists for home help hours in Longford and Westmeath.

The matters raised by Deputies John McGuinness, Joan Collins and Joan Burton have been selected for discussion.

Saincheisteanna Tráthúla - Topical Issue Debate

Disability Services Funding

Deputy John McGuinness: Last week, I met with SOS on Callan Road, Kilkenny about the services that it delivers. It was originally founded on the basis of delivering lifelong services of various kinds to people with intellectual disabilities. In recent years, because of the lack of funding and the fact that it is not being paid for the services delivered, the range of services it has and its capacity to deal with different clients who come forward are now under threat. It is unable to provide that lifelong service to its clients. SOS is an extremely good service that works efficiently and well. The manager there, Mr. Francis Coughlan, has done everything in his power to ensure that the money he gets is spread evenly and deals with the issues. At present, he has 50 cases. They are called business cases but they are really cases requesting funding from the Department to satisfy the need of an intellectually-challenged individual. There is no decision from the Department on these cases. In fact, to bring its services to where they were previously and keep them at a standstill would require €1 million. SOS would have to have those 50 cases dealt with immediately, with full funding being granted. There is no respite care for those who use the service and SOS has urgently asked that the Minister would consider providing the funding to have two respite beds available when they are needed for those who are attending that service.

To give the Minister an example I raised with the Taoiseach, a client of that service for 30 years has been in St. Luke's General Hospital since last November. He is medically discharged but there is no place for him within SOS because it cannot provide the funding. The infrastructure and the building are there. It requires immediate funding of €600,000 for that project. The hospital setting is costing nearly €2,000 per day and is inappropriate for the man's needs. He is not getting the services that he requires. His parents are deeply concerned that this is an

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emerging trend within that organisation that is so well respected and supportive of the parents and the clients. They were deeply concerned and expressed their worry, as the parents or the guardians of the children in care, about who would look after the children when their lives were over. This is a question that has to be answered. Francis Coughlan and SOS deserve a direct reply and response.

The management of the services by the HSE is appalling. It is willing to stand to one side and allow these services to deteriorate and to allow people to be left in inappropriate settings in hospitals. There is literally no response. When I asked the Taoiseach that morning I was taken aback by the cold way in which he answered the question. I followed him out of the Chamber and gave him a written note about the difficulties facing that individual but I am now talking about the overall plan to provide the life care services required by the clients by SOS. I ask the Minister of State to address the issue comprehensively and to deal with the fact that this man has been in hospital since last November. That is a separate issue but he is a client of SOS.

Minister of State at the Department of Health (Deputy Catherine Byrne): I am taking this debate on behalf of the Minister of State, Deputy Finian McGrath. I thank Deputy McGuinness for raising this important issue and for giving me the opportunity to outline the position with regard to the provision of respite services to clients of SOS in Kilkenny.

This Government's ongoing priority is the safeguarding of vulnerable people in the care of the health service. We are committed to providing services and supports for people with disabilities, which will empower them to live independent lives. Respite services are an important part of the range of services supporting people with disabilities and their families. Short breaks can also provide an opportunity for individuals to meet new people, widen their social circles, and gain new experiences. Respite care is crucial in helping to reduce family stress, preserve family units, and provide stability.

The need for increased respite services is acknowledged and the HSE continues to work with all service providers to explore various ways of responding to this need in line with the budget available. As part of its ongoing service provision, the HSE will provide more than 182,500 respite nights and 32,662 day respite sessions this year to families in need right across the country. In 2018, there was a significant improvement in respite. An additional €10 million was provided to fund 12 new respite homes. This comprises one in each HSE community healthcare organisation, CHO, area and an additional three houses in the greater Dublin area to respond to the very high demand for respite in this region. These 12 additional houses are providing additional respite for families that need it.

This year the HSE will also fund a number of alternative respite services. These are practical and important solutions, such as summer camps and evening and Saturday clubs, which benefit hundreds of adults and children. The number of adult service users continually increases as service users transfer from child to adult services. This impacts on the level of respite existing service users receive.

The budget allocation for SOS in 2019 is approximately €10.7 million, which represents an increase of 4.5% on the 2018 allocation of €10.2 million. This allocation provides for the maintenance of the 2018 level of approved services in 2019.

South East Community Healthcare is proactively working with the SOS CEO and team to develop a plan that will contribute to resolving the organisation's financial position in a struc-

tured way over a time-defined period. In addition, the respite house in Tullow, County Carlow is expected to open in due course. To ensure the continued provision of respite services across the south east, a task force group has been established to review respite services and ensure delivery in a fair and equitable way that meets the needs of the service users. SOS Kilkenny is a member of this task force group.

If Deputy McGuinness would like to forward me some information regarding the person about whom he spoke, I will bring it to the attention of the Minister, Deputy Harris, straight away.

Deputy John McGuinness: I thank the Minister of State for her response, but she is being misled by the HSE. I ask that she rings Dr. Cathal Morgan, Ms Janette Dwyer, and Ms Kate Killeen White, all of whom work for the HSE. Each of those three are involved in managing services in the area in which SOS Kilkenny is located. The Minister of State should ask them why that man is in hospital and why services in SOS are being continually run down. She should ask them why the 50 business cases are not being approved and why there is no direct engagement with SOS to assist Francis Coughlan in delivering the services committed to.

The Minister of State says that the budget is there and that approved services will be maintained at their 2018 levels. The 2018 levels do not reflect the amount of activity that should be taking place in the service. It represents a reduction on the services provided in 2017, which was itself a reduction on 2016. The Minister of State's comment was not inaccurate, but it is very misleading to say that services are at their 2018 levels. We do not want them at those levels. We want to fulfil the commitment given by those who started the service, which was to deliver a lifelong service to those who need it. That is not being done. It is not being achieved. People and their families are appalled that the HSE has not responded. It is showing no humanity and no compassion whatsoever. It is hard to stand by and listen to that type of answer from the HSE or the Department of Health when they know full well that the services are pushed to the pin of their collar and are unable to deliver what is demanded of them, let alone what they wish to deliver, because clients requiring services are turning up in great numbers. The HSE is turning a blind eye.

I revert to the issue of management. Those in management must explain why this is happening. They must be made accountable and must be transparent. I again encourage the Minister of State to make those three phone calls and to seek some form of humanity, compassion or relief in respect of what SOS is trying to achieve in Kilkenny.

Deputy Catherine Byrne: I reiterate that the Minister of State, Deputy Finian McGrath, is very aware of the importance of access to planned respite and that he assures the Deputy that everything possible will be done to help those who need respite, particularly families with an ongoing need for respite for their child and adult members in order to have a break. I have taken down the names of HSE staff the Deputy mentioned. Will he repeat the last person? I got the first two. I will certainly ask the Minister, Deputy Harris, to make contact with these people and to ask that the manager of the SOS service be assured that the HSE knows that the services being provided at present are not adequate, particularly for that young man who needs the service but who cannot take it up because funding is not available. I will then go back to the Minister and ask him to engage with the HSE's management team for the area.

Deputy John McGuinness: The names were Ms Kate Killeen White, Ms Janette Dwyer, and Dr. Cathal Morgan, who is the national director. If I may, my point is not just about that

man but about the overall services provided by SOS.

Cross-Border Health Services Provision

Deputy Joan Collins: I raise the issue of delays in processing applications and reimbursing payments under the cross-border directive. I will provide two examples. I know of one person who applied last December. He was advised that he had a knee problem and would have to get an operation. He got a scan done here in the South of Ireland. When he went up to the North he was told that it did not look like a knee operation was necessary. A full body scan was carried out and it was found that three vertebrae had fused; it was not his knee but his back. He had to apply for a change of code because different procedures are paid under different codes. It took from 23 July until 9 September for that application for a change of code to go through. It finally went through just before the consultant emailed him for his pre-operation consultation. The operation was carried out only last week. He has been waiting for reimbursement since June, when he was in hospital in the North. He rang up and was told that he could not be given a date for reimbursement. This scheme was brought in on the basis that people would be reimbursed within 30 days. People are getting credit union loans. This particular gentleman has been out of work for so long while waiting for his operation that he is on the pension rate of pay. He could not afford to pay the €15,000. His brother took out a loan of €15,000 from the credit union to pay it. He is paying back €150 per week and still awaiting reimbursement. In another case of mine a young man who had an operation in March is still waiting to be reimbursed.

There is no point in setting up a scheme if it cannot be relied on. If a patient is told that he or she will be reimbursed within 30 days but must wait for 90 or 100, it causes major financial problems. The HSE will have to get its act together. I acknowledge there are problems, including staffing problems. If there are no staff, they should be put in place. There is definitely something perverse about the public health service being run down, with 194,000 additional outpatients since 2015, representing an increase of 50%. The report on this issue came out last week. There are 18-month waiting periods for operations. Patients are being forced into this. Taxpayers' money is being pumped into private hospitals in France, Germany, Spain, Britain, the North and here. There are Spanish public patients transferred to Ireland to private hospitals under the cross-border directive. I read an article that stated €2.5 million was paid in 2016 to private hospitals and €12.3 million last year. In the meantime, we are not even filling vacancies. Consultants have gone through the interview process. The figure for Galway is 11 and for Donegal, 100. There is a deliberate EU policy of running down public services and forcing taxpayers to line the pockets of private hospitals.

I would like the Minister of State to outline that there is something happening, that the extra staff are being put in place and that the Government is committed to reimbursement within 30 days in order that when patients obtain loans, they can make a commitment to pay them back in that timeframe and not be left high and dry, as is happening.

Deputy Catherine Byrne: On behalf of the Minister, Deputy Harris, I thank the Deputy for raising this issue.

The directive on patients' rights in cross-border healthcare, commonly called the cross-border directive, provides rules for the reimbursement to patients of the cost of receiving treatment abroad where the patient would be entitled to such treatment in his or her home member state. The directive seeks to ensure a clear and transparent framework for the provision of

cross-border healthcare within the European Union, for those occasions where the care patients seek is provided in another member state, rather than in their home country. The HSE is responsible for the operation of the cross-border directive and has a dedicated office resourced for this purpose. The office acts as the national contact point, as set out in governing European legislation, and processes applications for treatment received for the purposes of the operation of the directive.

As part of its functions as the national contact point, the cross-border directive office gives prior authorisation to patients availing of the directive where their treatment involves an overnight stay. I am informed by the HSE that applications for prior authorisation are generally processed within 15 to 20 working days. The vast majority of applications for prior authorisation currently in hand will be processed within that timeframe, with the remainder likely to be processed within 25 working days.

The cross-border directive was transposed into Irish legislation in June 2014. Since its transposition, awareness of the provisions of the directive has grown steadily. The number of claims for reimbursement being processed by the cross-border directive office has grown from 150 in the first full year, 2015, to 3,886 at the end of 2018. A total of 3,041 claims for reimbursement were received this year up until the end of August. The significant growth in use of the scheme and the associated increase in the number of applications being submitted have given rise to an increasing workload and a build-up of applications. The HSE has advised that the cross-border directive office is operating with a three-month backlog in the processing of claims.

Recognising this issue, officials from the Department met representatives of the HSE in July to discuss the issue of reimbursement delays affecting patients who had availed of treatment under the directive. The HSE has subsequently been requested to examine the current resourcing of the cross-border directive office and identify any necessary action needed to mitigate waiting times arising from current demand under the scheme. The Minister is aware that some measures have been put in place in the short term, for example, overtime and the deployment of trained staff to address the significant backlog in processing applications. Officials from the Department will continue to engage with the HSE to ensure appropriate action is taken to provide longer term solutions.

This matter was raised this morning during Leaders' Questions. The Minister for Communications, Climate Action and Environment, Deputy Bruton, made a commitment to the Deputy who raised it to bring it to the attention of the Minister for Health. I will do so also. If Deputy Joan Collins furnishes me with the email pertaining to the individuals in question, we might be able to process it.

Deputy Joan Collins: I do not know how to respond. The Minister of State's reply indicates that the Minister has known about this issue since July, yet, at the end of September and heading into October, patients are still waiting for over 90 days to be reimbursed money they borrowed. They do not have the money to pay €15,000 for a back operation. That is the cost in the hospital in the North. The individual in question is on a pension rate of pay and his family are supporting him by paying back the credit union loan. Reimbursement was expected within 30 days, but it could now be Christmas before that occurs. The individual is still waiting to be reimbursed for expenditure incurred in June when he had a consultation with the consultant.

A total of 3,886 people are being forced to use the cross-border directive because they can-

not have an operation in the South. They may be waiting for over 18 months, two years or two and a half years. It is perverse. The European Union set up the cross-border directive to try to bring people abroad for treatment, involving a stay of one night or more, for which we pay as taxpayers. Spanish taxpayers are paying for public patients receiving private care in England. This issue has to be dealt with immediately. It has been known about since July. Overtime has been provided. The Government has to commit to reimbursement within 30 days for those who borrowed money. That is a very basic point. Extra staff can be brought in quickly and should have been by now. I cannot understand how it has not happened, given that the Department has known about this issue since July and spoken to the section concerned. I would like to see a commitment from the Minister in that regard. It is not good enough to run down the health service and tell people to borrow money they cannot afford if it is not paid back within the time-frame committed to by the HSE and under the cross-border directive.

Deputy Catherine Byrne: Nobody is forced to use the cross-border treatment scheme. It is an option for patients if they wish to avail of it.

Deputy Joan Collins: If they do not opt for it, they must wait for two and a half years here.

Deputy Catherine Byrne: The Minister, Deputy Harris, is fully aware of the matter and has spoken to the HSE about it. Overtime has been increased and trained staff have been deployed to deal with the backlog. There is a backlog because the scheme has been such a success.

Deputy Joan Collins: It has been a failure because public patients cannot have operations here.

Deputy Catherine Byrne: I will continue to outline to the Minister the need to reimburse those who have to borrow to have an operation abroad. Having to wait for 90 days falls short of what is desired. Patients should be reimbursed within 30 days. I will continue to follow up on the matter with the Minister on behalf of all those who raised it in the Dáil this morning and afternoon. I cannot make a commitment to sort out the matter of reimbursement within 30 days, but I commit to making it my business, straight after this debate, to speak to the Minister about it. I shall ask him to consider urgently the need to reimburse patients who have taken out loans, some of which are quite substantial, to pay for treatment abroad. Provision should be made to reimburse patients as soon as possible, certainly within 90 days. I note the frustration that has been expressed by Deputy Joan Collins and by others in the Chamber this morning. I assure them that when I speak to the Minister, Deputy Harris, about this matter, I will be as strong and powerful as I can. I agree that people are having to wait a long time to be reimbursed. Deputy Joan Collins has rightly pointed out that some of those who have borrowed to have procedures done cannot afford to wait any longer for these payments to be made. There is an urgent need to address these issues, which I will raise with the Minister, Deputy Harris. The Minister, Deputy Bruton, said he would do likewise when he replied this morning to some of the other Deputies who raised concerns about this matter.

Message from the Standing Business Committee of Dáil Éireann

An Leas-Cheann Comhairle: The Standing Business Committee of the Dáil has completed its consideration under Standing Order 27AC of the request by the Minister for Health to waive

the requirement to give the draft heads of the health and childcare support (miscellaneous provisions) Bill 2019 to the relevant committee under Standing Order 84A, and has agreed thereto.

Saincheisteanna Tráthúla (Atógáil) - Topical Issue Debate (Resumed)

Pyrite Issues

Deputy Joan Burton: I thank the Minister for coming to the House to respond personally to what I have to say about the difficult situation at St. Patrick's national school in the Diswellstown area of Castleknock, Dublin 15. Unfortunately, this successful and much-loved school in Dublin West, which was built at the height of the Celtic tiger era and has 808 pupils in 28 classes, is riddled in construction terms with pyrite. As a consequence, the children, staff and parents have to endure a building that is no longer fit for purpose. The school community, including the staff and the parents, has suffered enough. It has waited patiently for the Department of Education and Skills to address the problems which are causing the floors to buckle, the doors to go out of kilter and the roof to have multiple problems. I could go on and on. The Minister probably needs to visit the school. If he does, he will be shocked to see the condition it is in. The Department needs to have an immediate plan to provide for temporary replacement accommodation on the grounds of the school while a complete refit is attended to. Rather than merely monitoring the position, as the Department is doing at present, it needs to ensure all of the pyrite is removed from the buildings and grounds.

I have known St. Patrick's national school well from the day it opened. When parents and staff brought me around the school the other evening, I was shocked and appalled to see that the situation has become dramatically worse. Unfortunately, several schools in Dublin 15 have encountered problems of this nature in the last year. The Department has taken action at two schools, namely, St. Luke's and Tyrrelstown. St. Luke's has been completely restored and Tyrrelstown is pretty much restored as well. In the meantime, the people of Diswellstown are looking on as their school deteriorates and buckles before their eyes. Some of the newer houses that are being built in this area are straight across from the school. Builders are telling the families that are buying these family homes that this school will be their children's school. I have been told by the principal that this summer, applications for enrolment in respect of 20 children who are living in the area - their families have come into the area - had to be turned down.

St. Patrick's national school hosts 25 pupils with complex needs, including 14 pupils who are affected by ASD. The school has no sensory room. At the moment, it is using all the rooms it can use to accommodate the existing 808 pupils. The school was recently asked by the Minister to provide an additional ASD-specific room. There is absolutely no difficulty with that. This school, like all the schools in Dublin 15, has always catered for a wide variety of children, including children with complex needs. Where are those children supposed to go? The special resource room is up in a kind of attic room, with one little window at the bottom. It is over the school hall, which is shared with Fingal County Council. The school hall's beautiful sprung beech floor is buckling as well. I am not a builder, but it is clear to my untrained eye that the whole building is in an absolute state. I ask the Minister to prioritise the school in the interests of the children, the parents and the staff and to address these issues. I think he needs to make

provision for a temporary building on the grounds of the school while the existing building is completely redone.

Minister for Education and Skills (Deputy Joe McHugh): I thank the Deputy for raising this matter and giving me an opportunity to update the House on the position with respect to St. Patrick's national school, Diswellstown. I am aware of the pyrite issue in this school and the health and safety issues to which it gives rise. I fully understand and appreciate the concerns of the entire school community and the need to address them as quickly and effectively as possible. The school was constructed by ABM under a design and build contract, under seal, with the Department of Education and Skills as the direct employer. The school was completed in 2006. In July 2007, Fingal County Council became aware that the presence of pyrite had been identified as the source of problems in certain residential dwellings. The then Department of Education and Science, as the owner of the site and building at St. Patrick's national school, Diswellstown Road, Carpenterstown, Dublin 15, had reason to suspect possible ground heave by active pyrites at the school. This was drawn to our attention as a result of emergency remedial works required to free fire doors and address the toppling of fitted furniture, etc. These works were undertaken by the original contractor. In March 2010, the Department engaged a firm of structural engineers, DBFL, which confirmed the presence of pyrites in the building.

The Department has sought legal advice from the Office of the Chief State Solicitor in respect of addressing these issues. Initial plans to remediate in 2014 were suspended on foot of legal advice. As this matter continues to be the subject of legal proceedings, I am not in a position to comment further on the progression of the remediation programme. However, I can say that immediate areas of concern are being remediated on an ongoing basis under the Department's emergency works scheme. The purpose of the emergency works scheme is to address unforeseen emergencies or to provide funding to facilitate inclusion and access for special needs pupils. In that context, the Department has approved emergency funding to address issues caused by the pyrite since 2016. At the same time, the school is making progress with a project under the additional accommodation scheme that involves the construction of two mainstream classrooms. Following a submission from the school indicating the presence of pyrite in the car park, the school authority was given permission to proceed to planning stage to include a car park extension. The school authority was requested to submit further detailed reports from its consultants in respect of the pyrite issues in the car park. The Department has sought clarification on some of the details in these reports. When this information is received, it will be reviewed and officials from the Department will be in contact with the school to make progress with the project.

The Deputy has also asked about the expanding desire for school places in the area. If demographic data indicate that additional provision is required, the delivery of such additional provision depends on the particular circumstances of each case. Depending on the circumstances, it may be provided by using existing unused capacity within a school or schools, by extending the capacity of a school or schools, by providing a new school or schools or by a combination of these approaches. The requirement for new schools will be kept under ongoing review. It will have particular regard to the increased roll-out of housing provision as outlined in Project Ireland 2040. The Department will continue to monitor areas where the accommodation of existing schools may need to be expanded to meet the needs of the local population.

Deputy Joan Burton: I thank the Minister for such a frank and honest reply. It is clear to anybody who reads the report that this school is in a dreadful state.

It is as bad as anything in St. Luke's and Tyrrelstown without, perhaps, the same level of danger. How would the Minister feel if his children were in this school?

His reply stated that:

The Department of Education and Science as owners of the site and building at St. Patrick's national school, Diswellstown Road, Carpenterstown, Dublin 15, had reason to suspect possible ground heave by active pyrites at this school. This was drawn to our attention as a result of emergency remedial works required to free fire doors, toppling fitted furniture etc.

I do not know that any Minister for Education and Skills has ever had to read out such a damning report on the state of a school. These works were undertaken by the original contractor. The Minister knows how important it is for young children in school, from junior infants up, to be able to run around in playgrounds. Does the Minister know that this September two small playgrounds in the school had to be closed? The children have to stay inside and look at their playgrounds.

The school has had an intake of four junior infant classes every year for the past three years, but now has no space left. In the coming year, it may be forced to take in only three classes. Houses are being built across the road and builders have happily advised people that it is the local primary school. There is a real social difficulty in the area.

Deputy Joe McHugh: I have studied this case since the Deputy first spoke about it and have spoken to a number of people in the Department about it. Not since 2006 has a school under the design and build programme been left in this totally unacceptable position. This is in addition to the current impasse around Western Building Systems, WBS, which is currently before the Commercial Court. We are also carrying out an international review of design and build. Technological University Dublin will carry out that work. There is a history of bad builds.

This has been a horrible story for the entire community since 2006. I want to see progress and I know departmental officials are waiting for school authorities to come back to them with their observations on the next stage of planning for the car park. I want the work to be carried out with haste. I do not want a sticking plaster; I want a proper job done. My departmental officials are keen to see that happen, and that is only right given what the school community has had to endure.

This issue arose when I first became Minister for Education and Skills over a year ago. Unacceptable building practices leave a very sour taste in my mouth, not least for the communities which have had to endure them. Standards do not have to be a bar that people have to reach; rather, they should be an underlying fundamental aspect of any building works. On any private building sites where I have worked it has been important to comply with regulations, laws and standards and architects and design teams have responsibility for that. We cannot accept anything less. A lot of mistakes have been made and there has been a lot of malpractice. I want progress on this issue.

Deputy Joan Burton: The Minister is welcome to visit the school because he needs to see what has happened. The school has played ball with the Department and its patience has been abused. The Minister needs to ensure the Department buys a green strip near the school and erects temporary buildings while the complete refurbishment of the school is carried out.

Report on Relationships and Sexuality Education: Motion

Deputy Fiona O'Loughlin: I move:

That Dáil Éireann shall take note of the Report of the Joint Committee on Education and Skills entitled Report on Relationships and Sexuality Education, copies of which were laid before Dáil Éireann on 29th January, 2019.

We appreciate that the Minister for Education and Skills, Deputy Joe McHugh, is here to listen to the recommendations and what the committee has to say. It is to be hoped he will ensure they are implemented.

The committee included in its 2018 work programme to undertake a review of the relationships and sexual education, RSE, curriculum, including matters relating to contraception and consent. The committee carried out an in-depth review of how this is delivered in primary and post-primary schools, colleges, youth clubs and other organisations which play an important role through their interactions with young people.

We sought submissions from a vast number of organisations and received 54 in total. We then had oral engagement with 26 different organisations and groups. On behalf of the members of the committee, I want to acknowledge the dedication and hard work of teachers in schools across the State in the delivery of the RSE programme to students. However, while the current curriculum was viewed as progressive when it was introduced in 1999, the committee feels that 20 years later it needs to be updated in order to take account of the significant societal changes which have taken place. It is very obvious that, due to these significant changes, it is essential that any RSE curriculum taught in schools equips our children and young people with the tools to navigate successfully and safely our modern world and the challenges they face.

Human relationships are complex and many young people are bombarded with information, particularly by having access to the Internet through smart phones etc. These online and mostly unregulated sources may not provide them with the most accurate or appropriate information. Some information accessed by young people is false and can be very damaging. As a society, we have an obligation to ensure that all such information is challenged and the correct information is delivered in an appropriate and a consistent way. Legislators have a duty in that regard.

An effective and modern curriculum will teach young people about sex, relationships and respect, but needs to be presented in an appropriate manner, taking account of the age and understanding of the child or individual. The committee was told that many adults have received little or no relationship or sexuality education due to the inconsistent way in which RSE was taught in the past. That undoubtedly has a knock-on effect should these people become parents, as it is unlikely that they will have the skills to educate their children in the most effective way possible. This was of particular concern with respect to people with intellectual disabilities. One witness suggested that this is possibly due to the perception that people with intellectual disabilities were eternal children. This is a very dehumanising perspective and one which has to be addressed.

The curriculum must also deal with LGBTQI matters and equip students and young people with the ability to interact with one another in a way which promotes well-being, respects the uniqueness of everyone's identity and helps to reinforce positive sexual behaviours. The com-

mittee believes that delivering the curriculum from an earlier age naturally and in an age and developmentally appropriate manner will remove embarrassment from our children's social development and remove outdated stigmas associated with sex and relationships. However, it is not enough to produce a curriculum containing information relevant to today's society. It is also essential that it be delivered in an open, factual and consistent way across primary and post-primary schools, colleges, youth clubs and other organisations that interact with young people. That said, I acknowledge the dedication and hard work of teachers to the work being carried out. I thank all who took part in the review of this important topic, which was very informative and useful for the committee in the production of the report.

It was important that the committee took a modular approach in respect of the organisations and individuals it met. As I mentioned, 26 groups appeared before it. The first module investigated the effectiveness of current sexual health and relationship education models. The committee heard evidence from users, policymakers, parents, teacher and student representative bodies, the National Council for Curriculum and Assessment, NCCA, and the Department.

The second module investigated the elements to be considered in a future model of sexual health and relationship education and heard evidence from representatives in the areas of cybersecurity, consent training, disability and LGBTQI. The committee undertook to examine the implementation of sexual health and relationship education best practice and, of course, potential solutions.

The third module involved the committee hearing evidence from academics and those in the field of delivering sexual health and relationship education. The purpose of this module was to examine the area of sexual health and relationship policy and its implementation in schools. In that regard, I visited Trinity College Dublin to experience one of its workshops at first hand. I was impressed with how it was delivered and with the gender balance, which was approximately 50:50 male and female.

The fourth module focused on the role of management boards, including challenges they may encounter in the development and implementation of programmes and, in particular, any impact that ethos may cause. Overall, the evidence highlighted a need for change in the national mindset with regard to sex education. It identified that in order to deliver an effective RSE curriculum, a mindset of inclusivity-centred on competence, well-being and the development of mutually satisfying relationships needs to be fostered.

I refer to an interesting document published last week by the Oireachtas Library and Research Service that casts a spotlight on school-based RSE. It was produced separately from the committee's report. It states:

There is clear evidence that school-based sex education programmes can improve sexual health outcomes. Women who have experienced [appropriate] sex education in schools are less likely to have experienced rape, abortion or distress about sex.

It goes on to discuss research carried out by UNESCO and the World Health Organization, WHO, which claims that "sexuality education leads to improved sexual and reproductive health outcomes, including a reduction in sexually transmitted infections, (STIs), Human Immunodeficiency Virus (HIV) and unintended pregnancy". It is important to note that.

I thank the members of the committee. We identified that improvements in the curriculum are urgently needed to give young people the skills they need, particularly in the areas of con-

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sent and contraception. The evidence we heard during the four modules highlighted a need for a change in the national mindset. We must acknowledge and accept that parents are the primary educators of their children but, working hand in hand with schools and the delivery and implementation of an updated RSE policy, we identified that to deliver an effective RSE policy, a mindset of inclusion centred on well-being and the development of mutually satisfying relationships must be fostered. The committee made 25 recommendations. We strongly believe that the social personal and health education, SPHE, and RSE curriculums must be inclusive of all students and give an equal voice to LGBTQI students and those with special intellectual needs, who are often overlooked in this area. To achieve this, the curricula must be reviewed to reflect today's society and delivered from an earlier age in a consistent manner to all students such that respect for the broad range of sexual identities becomes embedded in the mindset of future generations.

I reiterate our recommendation that reproductive health will form an integral and fundamental part of all discussions on and reforms of SPHE and RSE. That also appeared in the recommendations delivered last year by the Citizens' Assembly. Another important recommendation is that outside providers of RSE should be regulated by the Department of Education and Skills or the HSE to ensure the consistency and accuracy of information provided to students. In addition, the necessary legislative amendments required to remove the role of ethos as a barrier to the objective and factual delivery of RSE and SPHE curriculums should be made without further delay.

I thank all who took part for giving their time, motivation and passion to dealing with this sensitive issue. They very much helped the committee in forming its views for the report, which was presented to the Minister and the Department on 29 January 2019. I hope the work undertaken by the committee on this topic will provide young people with a solid foundation and aid in the success of other initiatives being rolled out as part of the wider discussion related to developing a more respectful and inclusive attitude to sexuality and its impact throughout society. I hope the Minister will take on board our 25 recommendations. I ask that he give the committee an opportunity to review the guidelines being compiled by the Department. I hope it is taking heed of our 25 recommendations in regard to the review. We would appreciate an opportunity to review the guidelines being drawn up by the Department and to revert at a later stage in the process.

Minister for Education and Skills (Deputy Joe McHugh): I will deal with the Deputy's final point first. I see no problem with the committee being part of the review process after the NCCA produces the guidelines. I acknowledge the role of the committee in terms of its observations and contributions. One thing I have learned from almost a year in this job is that there is a good diversity of opinion on the committee and it is very healthy and important that that is so. The committee faced challenging issues such as this head-on. I acknowledge the work of its Chairman, Deputy O'Loughlin, and members and note their diligence and contributions on the matter. I also acknowledge the organisations and individuals who contributed to the work of the committee and, of course, the dedication and diligence of teachers in schools and the work undertaken in pursuit of making RSE fit for Ireland's young people.

The implementation of the second national strategy on domestic, sexual and gender-based violence goes hand in glove with this conversation and the production of curriculum guidelines. Obviously, this work feeds into that. The clear message, which was referenced, is that we need intergovernmental and inter-agency collaboration on anything we do to prepare our young people for the new challenges that lie ahead. We must also be honest. Not all sexual education

will happen in the classroom; the majority of it will happen at home. Young people are exposed to new ways of accessing information, for example with respect to violent behaviour, and new means of communication to get it. We must be vigilant around that.

The NCCA is currently carrying out a review of RSE on foot of a request from my predecessor, Deputy Bruton. I have asked the NCCA to consider the committee's report as part of that review. It is important, and the emphasis on collaboration and partnership is critical if we want to get this right. The review will cover both primary and post-primary levels and include an examination of the experience and reality of RSE delivery in schools and how the RSE curriculum is planned and taught. At the heart of it is age appropriateness, which the committee referenced in its report, and taking account of the experiences that have been learned over the past 20 years. We are looking at an outdated and outmoded curriculum. The curriculum that was taught 20 years ago does not necessarily apply today. Teachers have evolved in their approach because of the complexities and realities they face in the classroom and, therefore, teaching has changed. We must listen closely to those excellent teachers who are grappling with this subject in their own way.

The NCCA review comprises a number of dimensions, namely, a desktop review of recently published research studies, consultation with individuals and organisations working in this area and an online survey to gauge the views of students, parents, teachers, etc. We will have a live public consultation on this up to 25 October to encourage individuals, groups and parents, many of whom have genuine fears about this to which we must be attentive, who have not contributed to do so. I encourage all individuals who have fears or concerns in this regard to use that mechanism of consultation. With respect to hearing the voices of students and parents, we are working hard, through the student and parent charter, to give a legislative voice to young people and parents. Unfortunately, that legislative mechanism will not be in place in time for this report in respect of which we hope to publish the guidelines by the end of the year. It is important we continue to be vigilant about capturing the voices of the students and the parents and listening closely to the experiences of teachers.

An Leas-Cheann Comhairle: I apologise for interrupting the Minister but Members are anxious to get a copy of his script.

Deputy Joe McHugh: Tá brón orm.

An Leas-Cheann Comhairle: Is it available?

Deputy Joe McHugh: Níl sé ar fáil. Tháinig mé amach ó chruinniú Rialtais. I just came from a Government meeting. I apologise for this. I am digressing a good bit so what I am saying is not exactly what is in the script. I am adopting my usual delivery.

The NCCA is also working directly with schools to examine the experience of RSE in the classroom. Let us call a spade a spade. Within every school, the student body studies a hierarchy of subjects on the basis of the prominence of one subject over the other. In terms of status, we need to ensure RSE is accepted as an important priority subject when we get this together. It is fundamental for people who are learning to grapple with the challenges of life but it is also fundamental to the personal development of young people as they go through the student cycle, be it in primary or secondary school. The NCCA review, which took place between June 2018 and March 2019, addresses the key issues raised in the joint committee's report. The report has contributed greatly to the evidence gathering process for the NCCA review, and that diverse

opinion is important. The consultation process is open until 25 October. I reiterate that no decision will be made on this curriculum until that report is delivered. There is still time for people's voices to be heard. Today, I encouraged my colleagues in the Departments of Health and Justice and Equality to pass on the formal findings and challenges they have in their Departments, whether it be in the area of health, nutrition, domestic violence or consent. Those Departments have a role to play and it is important their voices are formally communicated to the NCCA. It is appropriate that the time has been taken to carry out a major review of the way we educate our young people about relationships and sexuality. Issues such as contraception, sexuality and consent need to be taught in a way that not only acknowledges our changing society but also addresses issues that arise in society that indicate a lack of understanding of these issues. Understanding them is fundamental. Consent is not just about how we treat other people, it is also about how we respect ourselves and other individuals. My personal belief is that to respect others, one must start to respect oneself while understanding what is appropriate and not appropriate and what is right and wrong behaviour. That can be taught at an early stage.

It is vitally important that our education system prepares our young people for life in a society that values each individual's sexual orientation, respects decisions regarding contraception and understands consent. We all recognise relationship and sexuality education in this country. It must be fit for purpose and meet the needs of our young people in a modern Ireland. With that caveat, we hold very close to our hearts the proud tradition of a legacy of education, which holds the fundamentals very close to us. They will continue to be front and centre of anything that appears new in a curriculum. That is to do with respect, dignity, compassion and the fundamentals of understanding. There is a great deal of uncertainty about what is currently taught in schools in RSE. Currently, schools are obliged to teach all elements of the curriculum. No element can be omitted on the grounds of school ethos or characteristic spirit. SPHE and RSE are integral parts of the new well-being programme in the junior cycle. Every student in our schools has a right to access information about sexual health, relationships and sexuality. We acknowledge the commitment of teachers and recognise their professional expertise in dealing with this difficult topic. We also must ensure that whatever road we go down, they have the required capacity, training and continuous professional development. I am encouraged constantly by the yearning and appetite among the teaching community to equip themselves with the specific skills needed to deal with so many complex issues. I attended an event this morning in Athlone Education Centre where I heard at first hand their hunger to work with their colleagues and enable them to be equipped to do the job they need to do. I acknowledge the extensive resource materials prepared by a number of organisations to support the implementation of the curriculum in areas concerning RSE. This includes the HSE, the Gay and Lesbian Education Network and the sexual health and crisis pregnancy programme. There are some excellent resources available to teachers to support them in delivering the RSE curriculum. TRUST, teaching relationships, understanding sexuality teaching for senior cycle, a resource developed by the HSE, may be used to supplement RSE at senior level. This resource focuses on consent through topics dealing with loving relationships, intimacy, assertive communication, understanding boundaries, communicating boundaries without consent and when sexual assault becomes a reality.

The development of the LGBTI+ youth strategy was a key commitment from the Department of Children and Youth Affairs in the programme for Government. It also contributes towards the Government's broader commitment to continue to strive for full inclusion of LGBTI+ people in Ireland. The Department of Education and Skills inputted to that process. We must also acknowledge the role parents play in the education of their children. RSE provided

in schools, coupled with education provided at home by parents, is associated with the best outcomes for students.

Deputy Ruth Coppinger: I welcome the recommendations of the Oireachtas Joint Committee on Education and Skills report on relationships and sexuality education. The report comes after a process of events and where RSE was highlighted by consent marches and protests which took place after some high-profile sexual assault and rape trials. The passing of the marriage equality referendum several years ago brought forward demands for change, as did the passing of the repeal of the eighth amendment, the coming about of the #MeToo social media phenomenon, along with the growing intolerance of women, minorities and others to accept discrimination. Solidarity moved a Bill on sex education in 2018.

This area is going to become a target for certain political forces. I have noticed that following the repeal of the eighth amendment being off the agenda, some right-wing and religious fundamentalist groups are now targeting the area of sex education and oppose any change or progress in it. I certainly have had some communication in that regard. They tend to focus on sex and gender. However, RSE is about healthy relationships, interacting with others, dealing with difficult situations and much more. It is a subject which should be taught from the first stage in primary school right up to the leaving certificate. It is not just about sexuality.

As the report points out, the current curriculum was developed in 1999. It is not the curriculum itself that is the problem but the fact that it is not even being delivered. There have been rapid changes in society in those past 20 years. There have been major advances for the LGBTQ community and their rightful acceptance in society. In every single classroom there are students who are LGBT+ but who are not, in most cases, affirmed by the curriculum. Their experience is still “other” in the curriculum. Gender is not dealt with in an adequate way. There is a focus on binary gender with trans, non-binary and gender fluid people not being taken into account. All this increases the feelings of isolation such people feel. The RSE curriculum has to deal with issues such as gender identity, the diversity of sexual orientation to prepare young people for their lives and send a clear message that LGBT+ people are a normal part of human society.

Consent is a significant issue across the world. In South Africa, massive protests have taken place against sexual violence. In Latin America, we have had the *Ni Una Menos* movement. Practically in every country in the world, the issue of consent has become a major one. The committee’s report comes after a series of hearings, the #MeToo movement and protests that occurred last year following the Belfast rape trial. We also had the thong issue when #ThisIsNotConsent trended worldwide. Sexual harassment is no longer going to be tolerated by women and others who have experienced it. In the past week, I have been involved in assisting women who suffered sexual harassment from landlords and letting agents to speak out without shame or stigma. Where there is a massive power imbalance, abuse and harassment can flourish. We need to educate people about this to ensure they can deal with it and prevent it from becoming an issue.

The Union of Students in Ireland, USI, and student unions across the country have been campaigning for consent lessons in third-level colleges. They have taken the initiative themselves in many cases, running consent courses for students. Obviously, they can never be compulsory because it does away with the whole idea of consent. The point is that these should be funded to allow every college and third-level institution to have those classes available to people. The work being done is necessary because of the major gap which existed in second-level education

for so long. Young people are coming into third-level education with ideas that are backward and not correct. Many students are coming from sex-segregated secondary schools where there was insufficient education around this issue. We need to put consent at the heart of the RSE curriculum to allow it to become widely accepted in society.

When I was a teacher, I had to teach RSE. I apologise that when I say “I had to” it sounds like a chore. However, that is how many teachers feel. Many of them feel ill-equipped to teach this subject because there is no training. It is in-service training and one relies on one’s wits. It is not easy to engage with teenagers or young people on these topics without a massive improvement in training. We need teachers to be fully trained in this area. The report asks for that. I am not opposed to outside groups coming into schools to assist but there must be some level of checks of these groups. We need to develop this proposal further. We need teachers to be properly trained as they are in other subjects.

While I was campaigning for the repeal of the eighth amendment last year, it was common for young people to approach us to outline the problems they had experienced with regard to sex education in schools. The issue of abortion, for example, would have been covered in schools in line with a religious ethos. Generally speaking, it was a taboo subject and not mentioned in schools. It was certainly not taught in a factual and informative way. This must change now as the law has changed. We have to allow people discussion and information on abortion. Due to the religious ethos in many schools, this has not happened, however.

We did not have the text, so perhaps I can stand corrected, but is the Minister going to act on recommendation No. 15 of the report which states: “The committee recommends that the necessary legislative amendments required to remove the role of ethos as a barrier to the objective and factual delivery of the RSE...”. The key problem is that we could design a brilliant course for which teachers could get trained. However, if a board of management chooses, and this definitely happens with Catholic schools or other religious schools – there are Protestant or Muslim schools now – it may wish to prevent the full teaching and delivery of the curriculum. Will the Minister amend the Education Act 1998 which places a legal obligation on the Minister to factor in the ethos that exists when setting the curriculum and which allows school boards to state that something is out of character with the ethos of their school? I would be fearful. We cannot merely rely on this to happen. Any legislative power that some people can resort to, who are narrow-minded, conservative or whatever and who do not want young people getting this information, would be a real, serious mistake.

We have the full Dáil approval for our Bill because it was passed on Second Stage. A committee, which was an all-party committee, now essentially agrees that this is necessary. I have not heard the Minister state that he will move and lift a spurious money message off this Bill. A money message is only meant to be used to prevent the Opposition bringing significant costs on the State. These would be incidental expenses, if they exist at all. In fact, teachers are meant to have teacher training as part of their general employment in any case. Those are questions that the Minister must answer if he really welcomes the report and intends to deliver on it. It recommends that this be done by the end of the year. Can the Minister give us a commitment on that?

Deputy Catherine Martin: I welcome the report before the House.

This report was created following a series of engagements we in the Joint Oireachtas Committee on Education and Skills had on the topic of relationships and sexuality education with stakeholders from a variety of different sectors of the education system - students, teachers,

educational institutions and NGOs working in this area and on inclusion issues - over the course of four modules.

It was clear from this engagement the change which has been occurring in Ireland's national mindset over the past number of years and which continues to occur in relation to relationships and sex education, and how essential it is that the education system reflect fully, in an informed and responsible way, that change. The current curriculum was introduced in 1999 and a considerable amount of changes across society have occurred since then.

While I welcome and endorse all of the recommendations contained in the report, I wish to highlight what was for me the most important theme running through all of the presentations we heard, which was the need for inclusion and inclusivity. Although the national mindset may have shifted greatly over the last number of years, issues of inclusivity have always been present and the horrendous treatment of marginalised groups, such as those from the LGBTQI+ community, in the Ireland of the past must be recognised.

In order to include everyone properly, proper respect for human rights, gender equality and diversity is essential in any curriculum. Being cognisant and respecting the great array of diversity in Irish relationships, sexualities and family structures is essential for every student to learn in supporting young people to understand and learn about themselves, as well as to learn about and understand their peers and to develop strong, healthy relationships with others.

The recommendations in this report provide a roadmap for developing a modern, fair and respectful relationships and sexuality education programme and I call on the Minister and the State bodies tasked with reform in this area to engage properly and take on board the recommendations. I welcome the NCCA's review of RSE. I welcome much of the engagement made so far under this review, particularly the engagement with students whose views on curricula and teaching methods are too often not valued as importantly as they should be. Indeed, I commend the various student bodies which have had their voice heard throughout this process.

I also welcome the finding that teachers need more in-depth and sustained training in the area of SPHE-RSE. It can no longer be that the teacher draws the short straw when the timetable is being drawn up at the end of the school year that he or she is "on". Although the teachers are willing and always ready, they need to be equipped, resourced and trained. That is what is fair on the teacher and that is what is ultimately fair on the student. It is essential in equipping teachers, both in-service for all teachers and providing a specialist postgraduate qualification in SPHE-RSE, to best support students in this aspect of their education. Training should also be provided for boards of management and other bodies within schools. Similarly, supports need to be provided for parents in the area of SPHE and RSE because it cannot be up to the schools alone and parents must have the support and encouragement they need to assist their child in their learning. Engaging all of the various groups — students, teachers, parents and communities — is vital in creating a comprehensive approach to this issue.

The report before us acknowledges a need to move to a more nuanced and inclusive curriculum. The topics of relationships and sexuality are complex and students will come to the classroom with varying experiences and needs. Making sure that the programme is fully inclusive of the wide range of diverse human experiences is hugely important, not only in tackling discrimination and othering of non-heterosexual experiences, but also in helping students to understand their own feelings and those of their classmates.

The report also presents a realistic understanding of what students require from RSE, which is hugely important in equipping young people for the challenges they face. Issues about sexual consent or the negative impact of pornography are ones that affect everyone and it is high time that we discussed them in an educational space. It is particularly important that consent is taught consistently throughout a student's school experience and in terms of positive sexual relations, delivered in an affirming context where positively framed sexual experiences are the focus.

I strongly endorse the call in this report for strong oversight of external facilitators of RSE, either by the Department of Education and Skills or by the HSE. Ensuring that the programme is delivered at a consistent standard, with evidence-based teaching, is important for students.

Like previous speakers, I also draw the Minister's attention to recommendations Nos. 14 and 15. The former states: "The Committee recommends that the Education Act 1998 be amended or at least reviewed, so that ethos can no longer be used as a barrier to the effective, objective and factual teaching of the RSE and SPHE curriculum to which every student is entitled." That is why the committee requests that clarity is given by the Department as soon as possible "regarding how schools and colleges, under religious patronage, should implement a comprehensive RSE programme so that all children and young people are treated equally." Throughout our work on this report, it was apparent that the level of RSE varied hugely between schools. No student should have to miss out on a comprehensive RSE simply because of where he or she goes to school. The curriculum must be delivered in a consistent and inclusive manner to all students and from an earlier age.

Deputy Joan Burton: I join with others in thanking the Joint Committee on Education and Skills for the work it put into the report and for the thoughtfulness of the report which will be enormously helpful to many people who work in schools and to parents. When it comes to this area, none of us is necessarily particularly expert. We are all human beings with different experiences. Most of us would like to see happy, loving relationships for our young people, whatever their sexual orientation.

When most of us look back at how well we handled our own situations or, indeed, our own children, there is much food for thought in the report of how this is a constant learning experience, as new generations come along. Of course, with the influence of social media, much of the ground in this area has developed in a way that most of the Members could not have envisaged. When they were teenagers, even though we are talking about recent modern times, relationships were still often constructed in what by today's standards would seem an old-fashioned way.

In that context, as a lecturer over a long period in the now Technological University Dublin, I want to say a word of praise for student unions on all the work they have done down the decades to allow people space to explore, to learn and to get particularly vital information about different elements of their own personal life. In that context, I recall Senator Ivana Bacik taking on the powers that be, I think it was in Trinity College, at a time when there was shock and horror at the notion that condoms could become available in student unions. In fact, they were threatened with legal action. I think we have moved quite a long way, and the role that student unions and organisations of young people play in constantly informing people about their views and their experiences continues to be very important. Whatever arrangements the Department finally enters into, I do hope there is room for continuous consultation with voices of current experience, who can add to the understanding of the people framing and conducting the overall

curriculum. As Minister for Social Protection, I was responsible for having the legislation introduced which allowed trans people to have, for instance, a birth certificate in their preferred or acquired gender. I recall how much I learned, not particularly to do with politics but as a person, from the young trans people and particularly from their parents, about the journeys they had undergone in terms of identifying their particular sexuality. I think Ireland has actually changed. In the discussions in both the Dáil and the Seanad, there was nothing but very strong support and understanding from Members on all sides to seek to develop our legislation and regulations in a way that would allow people to lead happy, fulfilled lives in terms of their own particular situation. I agree with the Minister that this is really borne out of a very strong sense of respect for other human beings. As the GAA often says, “give respect, get respect.” In schools, which are particular communities, respect should underlie and drive the curriculum.

One of the areas that does need to be addressed is that of the dangers. I refer to the dangers associated with drugs, how things can go wrong, and good sexual health if it is not addressed and attended to. I refer also to the dangers relating to pornography. I think in some recent court cases, many of us have been very worried by the revelations about the availability of porn on social media and the fact that it can be accessed in very significant amounts by frighteningly young children or very young teenagers who are barely past being rather small children.

Another area is the issue of violence in relationships. I have long been involved with various refuge centres in my own area and with the national network of refuges. Violence is no respecter of class, status or wealth. For young people in school, if they are seeing that within their own family or if later on in life they find themselves, unfortunately, in a relationship where there is sexual violence, which is all about control rather than sex or love, it is important that they have a sense that they have the power to deal with this and address it. While people learn all the positives about loving relationships, they should also be told about when things can go wrong and what they may need to do to protect themselves.

In the context of the report having been published, I was talking to a couple of people about what they would like to see. They said that rather than a lecture-style class with the students sitting there and being talked down to from the top table in the classroom by the teacher, they would really like to see a workshop-based approach which would involve students and permit them to have some discussion around their feelings. I know particularly in secondary schools that we are broadly talking about 50-minute periods. It requires a lot of thought. As we all know, people can be quite tense when this subject is being taught and the class can descend into giggles, sneering and finger-pointing at what they may think about other people in the group. In terms of teacher training, a lot of thought should be put into how to take the potentially toxic elements out of a class and make it a shared experience in which people feel able to discuss their feelings or get information. Not every child in a class is as informed as some of the smart people who always seem to know everything. For teachers, that is a massive problem. How do they help the people who may not have had discussions at home with their parents, may not have been able to read but are really avid to try to get information? It is a tough job to be able to do all of that. Teacher training is important in this. As the Minister was suggesting, using the education centres to look at the difficulties and the positives of being involved in teaching the subject may be helpful.

It was also mentioned to me that while a lot of lessons may talk about how one gets into a loving relationship, unfortunately as everybody knows who has ever been a teenager, relationships also involve break-ups. One of the suggestions was to discuss how to deal with a break-up so it does not destabilise the person entirely, that they take some good experience out of it,

learn from it and move on. It is quite an important point to learn that he or she is not the only person who has ever been affected by a relationship break-up.

I am very glad to see the report before the House. There are some very good recommendations in it, which I hope as far as possible the Minister will implement.

Deputy Kathleen Funchion: I welcome the opportunity to speak on this report. I also pay tribute to the Chair of the committee, Deputy O'Loughlin. It is always difficult to chair any committee but particularly so for this topic with all the witnesses who came in and out. It is important to put that on the record. It is really good to be here for a debate that is positive and in which people are welcoming something. In general, most people are of the same view. It is clear that the model we currently have is not working effectively. There are some schools and teachers that do an excellent job in this area but it is very *ad hoc*. I describe myself still as a young person, although I do not know how long I will get away with that, but my experience was very much "here is a video, watch this and do not ask any questions." I see with my own kids that there is a totally different approach and it is really good and really positive. It is not a taboo subject as we were all made to believe. Most here are of the view that the report is to be welcomed, particularly given the significant contributions by stakeholders from parents' organisations, teachers' unions, youth organisations and advocacy agencies. There were so many views and voices heard which is very good and positive.

I just want to highlight a few points raised in the report. Currently, it is a requirement for post-primary schools to teach all aspects of the RSE programme including family planning, sexually-transmitted infections and sexual orientation.

The committee acknowledged the need for all elements of this curriculum to be delivered, which is welcome. Recommendation No. 4 notes that the committee believes that RSE and SPHE should be taught at primary level in an age and developmentally appropriate manner, with due regard for the integrated nature of RSE in the methodologies chosen. Consideration must also be given at post-primary to the methodologies chosen that will be most supportive and inclusive for students. It is very important and relevant that this starts at primary school. There is the potential for some negativity around that point and some people might say they feel their children are too young. Given the world we live in and the current reality, children have a right to be educated and to know. While some parents might disagree with that, it is important that children are educated in a safe and proper manner and with the actual facts rather than some people's views on the subject.

The committee was advised that primary schools are also required to implement fully the Stay Safe programme as part of the SPHE curriculum, which addresses physical, emotional and sexual abuse. We support the committee's view that the Stay Safe programme is a useful tool to safeguard the well-being of children and we are also concerned that this is not taught in all primary schools and that only 30 minutes per week is allocated to the teaching of SPHE in primary schools. We agree that in order to improve the protection and safety of children, this needs to be addressed by the Department as it does not adequately equip students for the significant changes that have taken place in Ireland in recent times, as many have noted. If we had more consistency and a universal approach rather than what is currently there, which is more of an *ad hoc* approach, we would see an improvement. In fairness, teachers are overstretched and are trying to get a lot into the day. It is important that we ensure the space is given to this and that it is not seen as a nuisance and a subject that has to be done. It should be given the priority it deserves.

Children are now more susceptible to being exposed to pornography and sexual violence at an incredibly young age due to access to the Internet, either by themselves or through their peers. Unfortunately, this is a fact and we all know terrible incidents of sexual violence, intimidation, extortion and aggression are on the rise exponentially among younger people. We know this through evidence and research conducted by children's NGOs and various organisations and we obviously cannot ignore this. If the issue of consent is not tackled effectively in schools, we can only expect this to worsen. Therefore, we support the essence of this report, which proposes improving the curriculum to address the issues around consent and respect, as well as other behaviours. This point around consent is important, given we have heard so much about it in the news in the last few years. If children get that at a young age and get people thinking in a different way, that is half the battle.

The Education Act 1998 should not be used as a barrier to the effective teaching of the RSE and SPHE curriculum. We believe that, with appropriate input from parents, young people, students and teachers, common ground can be found in regard to amending the current curriculum so that it better reflects Irish society today.

Deputy Peadar Tóibín: Sex education is a very important element of a child's life. It is critical for their understanding of themselves and their physical and mental health. It is also critical for their reproductive lives and for the foundation of the next generation. Sex and sexuality is a powerful and positive element in people's lives but can also be phenomenally challenging, especially for young people. Education around consent, respect and commitment are critical and sexual behaviour without consent and respect is extremely damaging, dangerous and criminal.

Many parents are wonderful when it comes to sex education and many provide an open space for discourse and debate around the issue. However, the truth is many parents are not and many have difficulties with regard to giving sex education to their own children. I believe that, as a society, we need to do a lot more to help parents be in a position to be open, honest, factual and informative with regard to sex education in their own families.

Every citizen in Ireland must be able to be who they are, everybody must be able to reach their full potential, without fear or favour, and everybody, no matter what their background, must be able to see themselves in the education they receive. However, Ireland was an extremely uniform place in the past. There were expected norms and moralities and there was no tolerance at all for people who stepped outside of these norms. Indeed, the law and stigma was used to control people and their behaviour and people were kept inside those accepted norms.

That uniformity was extremely dangerous and damaging to so many people and we need to be careful we do not repeat it. We should seek to live in a pluralist society where the diversity of everybody is welcomed and respected. Diversity is a two-way street. It would be a massive mistake to go down the route of uniformity with regard to ethos in sex education. It would be a massive mistake to remove parental choice with regard to the type of ethos that is taught to children. Parents should be able to raise their children within their own values and ethos. Forcing one value system on all parents, a mandatory ethos against the wishes of parents and children, would simply seek to replace the stifling uniformity of the past with the reverse now.

The Catholic Church should not determine the ethos of the sex education of all the children in Irish society but neither should Deputy Ruth Coppinger. Deputy Coppinger should be able to send her children to a school that represents her particular ethos but people who radically dis-

agree with Deputy Coppinger should also be able to find a school that reflects their own ethos with regard to education.

Fact-based information with regard to sex and sexuality must be given to children. The diversity of Ireland's ethos should not be erased. We should not seek to replace one marginalised group with another marginalised group. There are different value systems in Ireland. They should be allowed to coexist respectfully and we should not be seeking to force one value system on top of another. Where feasible, we should be able to have Catholic schools, Protestant schools, Muslim schools, Jewish schools, non-denominational schools and schools for atheists and agnostic children. We must ensure that pluralism is still at the heart of our education systems. Parents must be able to select what is best for their children. A mandatory, uniform proposal is likely to meet with great resistance among parents right across the country.

The Minister mentioned young people have access to highly sexualised material at a very young age. It is true that access to highly sexualised material on the Internet is currently rampant for very young children. Indeed, many studies and much work has been done which indicates that this type of access can be a very damaging element with regard to young children's understanding of their own sexuality and sex. It can even be an ingredient in sexual violence in the future. This was brought into the public domain in a really shocking manner recently when we saw the horrific murder and sexual assault of a young girl by two boys.

We know there is a radical need to deal with this. At the time, the Taoiseach said that something should be done and he referenced the fact that Britain has decided to make it illegal for children under the age of 18 to access highly sexualised pornography. However, there is nothing else happening with regard to the Government attitude towards this and there is no energy whatsoever with regard to trying to tackle it. I encourage the Government to have a focus on trying to sort out this issue. Children as young as ten and 11 should not have access to this type of material. I encourage the Minister to influence his colleagues at Cabinet level to see whether we can actually bring about a situation where children are able to enjoy their childhood.

Deputy Declan Breathnach: While listening to the other speakers, I could not help but note that the majority of those who spoke are teachers, including the Minister, with the exception of Deputies Tóibín and Funchion. That said, I could not help but think that if Members stood in this house 50 years ago and mentioned the word "sex" or "sexuality", they would either have been told to resume their seat or leave the Chamber.

I do not want to lighten this issue and I think it is important to set that context. For too long, it was taboo. If we look at past generations, certainly in my era, with the exception of the case of very open-minded parents, children, whether boys or girls, were provided with books to read about it. Indeed, the first introduction to the word for most young people was to take out a dictionary and look up the word, and giggle and laugh at it. Fortunately, however, as a primary teacher, I saw the introduction in 1999 of mandatory provision of age-appropriate training to all primary school children. It is important to say the programme of relationships and sexuality education and the Stay Safe programme, to which Deputy Funchion referred, were excellent in their time but need to be upgraded and modified to ensure we bring the issue into the modern world. My first time speaking to a Minister in this House was when I told the Minister for Children and Youth Affairs, Deputy Zappone, that unless we got to grips with the issue of learning for life and life skills, at both primary and secondary school, and treating them as being as important as mathematics, English, languages or science, we would be on a slippery slope.

It is important to set this discussion in its context. The European Expert Group on Sexuality Education positions relationships and sexuality education in a rights-based framework. As Members of the United Nations, we are obliged to comply with human rights, including the right to sexuality and reproductive education. More important to me, however, is Article 42.1 of Bunreacht na hÉireann, which has been mentioned by others. It recognises parents as the primary educators of their children. In that context parents are the educators but it falls to teachers to help to back that up.

It is important to refer not only to the committee's excellent report - I should have complimented the Committee on Education and Skills and its Chairman, Deputy O'Loughlin - but also to the Library & Research Service's production on this matter. It is important to highlight a number of issues raised in the latter, particularly the following:

- A national survey of primary and post-primary teachers, parents and schools found overwhelming support for school-based sexuality education, with teachers reporting a high level of satisfaction with the training they had received [but that is not to say they do not need more training];

- Mayock, Kitching and Morgan (2010) found that 66.6% of schools surveyed reported that RSE implementation levels had improved since its introduction in 1997 but the study identified significant variance in the quality of RSE delivery. The [Department of Education and Skills] Inspectorate (2013) also found significant variation in the quality of RSE provision;

- Mayock, Kitching and Morgan argued that the absence of explicit directives and teaching resources for specific and often sensitive topics means in practice that students do not have equal opportunities for learning, discussion and debate on some aspects of sexuality;

- A survey conducted among 13 to 24 year old LGBT+ young people in 2017 found that 39% complained of the absence of inclusive sex education in schools;

- Almost all of schools are providing a programme of RSE for senior cycle students [but] significant variation in the quality of provision has been identified: RSE was found to be good or very good in 70% of schools evaluated but weaknesses outweighed strengths in 27% of schools;

- In almost half of the schools evaluated by the Inspectorate (2013), practices and procedures that supported subject planning for RSE tended not to be as effective as planning for SPHE;

- There is a perceived failure of RSE to deal with a range of sensitive topics, while the programme's focus on sexuality as a subject precludes an understanding [that] sex [can be] pleasurable and desirable.

As I said, we need to upgrade the RSE curriculum. It is no longer fit for purpose and that is not a criticism of past programmes. It is a question of what many here have referred to, namely, the changing, complex society in which we find ourselves. The curriculum is in need of urgent overhaul. The Education Act should be amended in order that ethos cannot be a barrier to objective and factual relationships and sexuality education.

Finally, I commend the Committee on Education and Skills and ask the Minister to ensure

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that the necessary training and upgrading of the curriculum content give every opportunity to the children of this nation to have that learning for life. I often think, when I consider some of the psychological and emotional issues that pervade our society, that the taboos that were referred to at the outset of the debate could be responsible for a lot of those problems which people have suffered from in the past.

Minister for Education and Skills (Deputy Joe McHugh): I will be brief because I will not repeat what I have said and will certainly not repeat the contributions made. As usual, valuable input has been provided, bringing this debate to the right place, that is, to the centre not just of maturity but also of normality. We have a duty in this regard to ensure we put in place the proper curriculum that meets the needs of 21st-century Ireland. As for the questions about legislation, including legislating for ethos and so on, let us now focus on the consultation period, right up to 25 October. It is great to get the opportunity in Dáil Éireann, and to have got it in Seanad Éireann last night, to put the date out there again and I encourage people to use that consultation mechanism. We will produce the guidelines before the end of the year and then address issues surrounding ethos, legislation and whatever else needs to be done after that. No decision whatsoever has been made, but we have entered a period of mature debate. It was the same in the Seanad last night. Yes, there are different perspectives - that is the wonderful world in which we live - but we have to ensure that our young people are equipped with the proper information and, as many Members pointed out, that our teachers have the capacity to do this. We have the infrastructure and continuous professional development forums to do it through our education centres. We just have to keep moving on it. The most important point of support in reaching out to experience is that of the teachers, including those who have been involved in this and have been the practitioners over the past 20 years.

Once again, ba mhaith liom mo chomhghairdeas agus m'aitheantas a ghabháil leis an Chathaoirleach agus do bhaill an choiste, fá choinne a ndíograise i leith an ábhair seo. Tá dúil mhór agam sa toradh i ndiaidh an chomhairliúcháin agus na treorach maidir leis an NCCA.

An Ceann Comhairle: Go raibh maith agat, a Aire. Iarraim ar an Teachta.

Deputy Fiona O'Loughlin: I will make just a few brief comments. I thank the Minister for agreeing both to include our report as part of the package to the NCCA, as part of its review, and to come back to us with the recommendations of the review group so we will have that opportunity, having put this level of work in. I also appreciate the comments he and other Members have made on the work of the committee. I acknowledge Deputy Funchion as a former member of our committee who was involved in this, as was Deputy Burton, and Deputy Catherine Martin is a current member of the committee. This was a cross-party report into which everybody put a lot of work. That is why it is a really good report and there is a lot in it to take on board.

Deputy Tóibín singled out one Deputy who spoke on the report, but it is not about that Deputy, nor about any of us: it is about our young people, our children and our students who need support, guidance and a positive environment in which they can learn about relationships and sexuality in a factual way. It is not and should not be about ethos. Deputy Tóibín is absolutely correct in saying parents should have the right to bring up their children in the ethos and the faith in which they choose to do so. Nobody would interfere with that. However, this is not about ethos, it is about health, health education and equipping young people with the skills and confidence they need to navigate this world. It is about respect and dignity and equipping teachers in the schools as well.

I reiterate what the Minister said, that people can make submissions up until 25 October. It is important that we get as many as possible. The engagement we had was very valuable. I appreciate that parents can be nervous about this and that some of them have genuine fears. I met a number of them who contacted me about their fears. When recommendations such as these are made they can be seized on as a way of trying to enforce a more liberal view. I was accused of trying to promote promiscuity and sexual activity at an early age because I was Chairman of this committee, but nothing could be further from the truth. As I mentioned earlier, the Spotlight research work has shown quite the opposite. It is about equipping young people to make informed decisions on consent and contraception.

The Minister and other Members highlighted the need to be more vigilant. We all must be more vigilant about the exposure young people have now whereby they are gaining a great deal of misinformation about sex and relationships through smart telephones and social media. Indeed, there was a comment about one aspect that we had left out of our initial draft and when it was picked up we had much discussion about it. We had not used the word “pornography” in the initial draft. The draft was leaked to the press and one journalist questioned how realistic it was since we had not mentioned pornography in it. We had another discussion among ourselves and, to a certain extent, we were, perhaps, nervous about facing it. Then we decided we had to face up to the fact that young children are accessing pornography and we know from research that they are as young as 11 years old. It is shocking. In a way it was a wake up call that we had to do something about it. It is not something we want to think about or something we wish to see 11-year-old children accessing. We decided that the best way of dealing with it was to say it as it is and try to be clear and open that there can be very negative consequences to accessing pornography.

I was then contacted by people who did not like the use of the word “pornography” in the recommendations, but I was able to explain quite appropriately that the reason we included it is that we wanted to be realistic. There was no point in us spending five long sessions engaging with people who were very committed, sensitive and open with us about the issues and challenges and not recognising that and including it in our recommendations. The committee has learned a great deal as well.

I will leave the report with the Minister. I believe it is in capable hands. I fully endorse the change to the Education Act in one of our recommendations. We look forward to further engagement after the NCCA has completed its review. We hope it will refer back to the committee and that we will be able to comment further. I thank the Minister for this engagement and all the Members who contributed to it.

Question put and agreed to.

The Dáil adjourned at 4.25 p.m. until 2 p.m. on Tuesday, 1 October 2019.