



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Déardaoin, 03 Deireadh Fómhair 2019

Thursday, 03 October 2019

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

Paidir.
Prayer.

Ceisteanna - Questions

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Crime Prevention

1. **Deputy Jim O’Callaghan** asked the Minister for Justice and Equality if the findings of the recent study by the CSO on prison recidivism which found that almost half of prisoners here went on to commit another offence within three years of their release will be addressed; and if he will make a statement on the matter. [40229/19]

Deputy Jim O’Callaghan: The Minister will be aware that last week the Central Statistics Office published a report on recidivism in the Irish prison sector. It details the number of repeat offences committed by people after their discharge from prison. The results are alarming. What proposals do the Minister and the Government have to address our problem with repeat offenders?

Minister for Justice and Equality (Deputy Charles Flanagan): I thank the Deputy for the question. Public safety is an absolute priority for me as Minister for Justice and Equality. Working to reduce reoffending and minimising the risk of further harm to victims and society through the implementation of an effective and evidence-based penal policy is a key part of that task. I welcome the CSO’s publication of last week’s report, which is part of a series dealing with reoffending following imprisonment and probation interventions. It should be noted that this study shows a significant decrease in prison recidivism and clearly demonstrates that recidivism rates are on a downward trend.

The report covers a group of 1,000 offenders released from prison in 2011 and 2012 and follows them up to the end of 2014 and 2015, respectively. The recidivism rate stood at 55% in

2007, but the report shows it fell to 45.8% in 2012. Overall, this represents a decrease of 9.3% over a period of five years. I was also pleased to note that the CSO study published last June on offenders sentenced to probation also recorded significant reductions, with a drop of nearly 8% in reoffending rates recorded between 2008 and 2012. The report shows that those sentenced to a community service order were less likely to reoffend than those sentenced to a probation order.

I also particularly welcome the finding that community service continues to show very good outcomes. More than 350,000 hours of community service work were carried out around the country in 2018. This benefits communities nationwide and allows offenders a chance to make amends for their criminal actions in a tangible way. Moreover, the findings of the CSO's work clearly show that such orders can also help reduce reoffending rates among the individuals involved. While there is clearly scope for further improvement, this evidence is very positive overall. It means that more ex-offenders are turning their lives around and fewer are going on to reoffend, with all the negative consequences that brings for our communities.

I expect that future studies in this CSO series are likely to show a continuation of the downward trend. Since 2015 a range of enhanced prisoner programmes aimed at reducing reoffending behavior have been introduced by the Irish Prison Service and the Probation Service. These include targeting offenders with high recidivism rates, in particular through the joint agency response to crime, JARC. I wish to acknowledge the work of the Minister of State, Deputy Stanton, in that regard. This initiative ensures a multi-agency approach to prolific offenders which prioritises them for targeted interventions in order to reduce crime and victimisation in local communities. Independent evaluations have found that the JARC pilots are helping to reduce both the frequency and severity of reoffending among their clients groups.

Deputy Jim O'Callaghan: I thank the Minister for his answer. I would not be as positive as he is in my assessment of what is contained in the CSO report. It is important to look at the statistics that were revealed last week. They show that of the prisoners released in 2011, approximately 49% were convicted of another offence within three years. They also showed that 46% of the prisoners released in 2012 were convicted of another crime within three years. The Minister notes that this shows a reduction when compared to the statistics that were released previously, but it is still a very high level of repeat offending.

Looking at particular offences which very much affect communities throughout the country, we can see that the rate of repeat offending is still alarmingly high. We note that of those convicted of robbery and burglary offences who were released in 2011, 69% were convicted of another crime within three years of release. We note in respect of those convicted of robbery and burglary and released in 2012 that 72% were convicted of another crime within three years of release. There is a very significant problem in respect of robbery and burglary, with individuals who are released from prison committing offences again. It is noteworthy that in the area of sexual offences the level of recidivism is not as high as in other offences. The rates there are only 23% and 21%. That is still a significant amount and it still merits attention from the Government.

I would like to know what the Government intends to do about the ongoing levels of repeat offending. I know it is not an easy task but what are we going to do to try to deter these young men who find themselves imprisoned in their late teens or early 20s? What can we do to get them off the path of criminality at that stage rather than seeing them back in prison again shortly afterwards?

Deputy Charles Flanagan: There are many positive aspects to the report. I am not surprised, nor would I expect anything from Deputy O’Callaghan other than that he would concentrate on the negative aspects. I accept what he says in so far as the report clearly identifies that reoffending is highest among those originally sentenced in respect of robbery and burglary. Rates of recidivism within three years was 72.3% for the 2012 cohort and 68.9% for the 2011 cohort of those convicted of robbery. The corresponding figures for those convicted of burglary were 69.4% and 71.5%. These figures are very concerning.

In the period since then, the Government has taken a range of steps to address the issue, including reforming the law with the Criminal Justice (Burglary of Dwellings) Act 2015 and the denial of bail to repeat offenders. More generally, I point to the scale of Garda activity to tackle burglary and property related crime and to the significant results that flow therefrom. Up to May 2019, Garda action on burglary and property related crime led to 10,000 arrests and more than 11,500 criminal charges, including in the area of burglary, handling stolen property and possession of firearms. I expect these and other steps will lead to further improvement in these statistics.

Deputy Jim O’Callaghan: We need to do more in respect of robbery and burglary in particular to try to deter repeat offenders. In this regard, will the Minister reflect on the proposals put forward by Fianna Fáil in our Bail (Amendment) Bill 2017? In terms of the broader picture, all of us in the House need to recognise that if a young boy is incarcerated in a juvenile detention centre before he is 18 the likelihood is that when he becomes a man he will be incarcerated in a prison for committing criminal offences. We need to target boys and young men to try to deter them from a life and path of criminality. Unfortunately, it is the case that many of these young men come from disadvantaged communities and chaotic family backgrounds with parental addiction. They also get involved in the drugs business at a young age, in terms of distributing and following orders from serious gangland criminals in drug gangs. We need to start a campaign of education and information for young people to make them aware of the downside of being involved in a life of crime. We need to make them aware there are far more opportunities available for them, and that there should be opportunities available for them other than that life and the path of crime.

Deputy Charles Flanagan: There are a number of programmes and I acknowledge the work of my colleague, the Minister of State, Deputy Stanton, who is sitting beside me. He is working actively on a new youth justice strategy. I want to mention the success of the community return programme and the community support programme. In particular, in respect of youth crime, I acknowledge the importance of the Garda youth diversion programme. This is a statutory programme, amended in 2006, that focuses on the prevention of criminal behaviour as well as diversion from the criminal justice system and the rehabilitation of children between the ages of ten and 18. I acknowledge the work of the Garda Síochána in this regard.

I assure the House that we are seeing a series of positive results and a very positive impact on diverting many young people and children who commit offences and moving them towards a greater level or more positive area of life choices. In 2017, 77% of children in the programme were referred with regard to one incident. I acknowledge the expert steering group, which is developing a new youth justice strategy, including a review of the Children Act. I look forward to continuing to inform the House, along with Deputy Stanton, as we proceed with this most important aspect of the criminal justice programme.

Garda Reorganisation

2. **Deputy Martin Kenny** asked the Minister for Justice and Equality his views on whether An Garda Síochána has adequate resources to make the new model of policing a success; and if he will make a statement on the matter. [40174/19]

Deputy Martin Kenny: Is the Minister confident the Garda Síochána has adequate resources to make the new model of policing a success? Do the new divisional headquarters have their IT systems installed? Is an adequate number of civilian staff in place to make a success of this greatly heralded change? Will the Minister make a statement on this matter.

Deputy Charles Flanagan: I very much welcome the roll-out of the new operating model of An Garda Síochána, announced last month by the Garda Commissioner, Mr. Drew Harris. It meets a key commitment in the implementation plan, following publication last year of the report of the Commission on the Future of Policing in Ireland.

This model has been long recommended by independent policing specialists, including the Garda Síochána Inspectorate, the Policing Authority and the Commission on the Future of Policing in Ireland. While new to Ireland, the model is the norm in other countries and I am confident the new structure will lead to a more responsive policing service nationwide.

In developing the plan, the Garda Commissioner has listened carefully to policing experts as well as to the voices of local communities who have consistently made clear they want to see more gardaí on the ground. Reflecting this, the new model is specifically designed to provide a more positive responsive in respect of localised policing service to communities.

Deputy Martin Kenny: The Minister has not answered the question. I asked whether he has confidence because I am certainly not confident. I have spoken to gardaí in recent days and weeks who have told me the new headquarters do not have adequate IT systems in place. The level of new equipment that is supposed to be rolled out with this new plan is central to the new plan working. There is no point in rearranging how management operates unless we ensure the resources are in place to make the arrangements efficient and effective. The impression I am getting, which is a reflection of the reality of what is happening in the real experience of members of An Garda Síochána and community police, is that they do not have access to the level of equipment and structures they need to be in place to deliver this the way they want to deliver it. In fairness, for a long time the case has been made that there needs to be change and I welcome this change. Nobody here is saying we are opposed to it but we must understand that the change must be adequately resourced. For instance, if we go through the streets of Dublin and meet security staff at a doorway they are wearing body cameras. Gardaí do not have these. Gardaí should be leading and on the cutting edge of new technology and not lagging behind. Last week, I spoke to somebody who told me there are four gardaí at a particular Garda station that has one patrol car. When the car is out two of them sit in the station and if a call comes in or they are needed they have no patrol car to go anywhere. This is the reality in many places in rural Ireland, in particular in my very rural constituency where people are very concerned that the level of resources required is not being put in place.

Deputy Charles Flanagan: The Deputy asked me two questions, one of which was on headquarters. I assure the House the regional headquarters have been decided by the Garda Commissioner and his team having regard to a number of factors, including population, geography, projected growth, crime trends and the workload in various streams. The Deputy also

asked whether I have confidence in the new plan. I very much do have confidence in it. It has the support of the Government and I must acknowledge the support of most parties here in the House. We have been speaking about Garda reform for decades. We now have it and I urge communities and Deputies to embrace the plan and support it. The Government will resource it.

I agree with Deputy Kenny when he says he is from a rural constituency. So am I and so is the Leas-Cheann Comhairle. Policing plans and practices in these areas are different from the plans and practices that may be required in Deputy O'Callaghan's constituency. We need to acknowledge this.

I will draw on the remarks made by the Garda Commissioner last week at the joint committee. The plan will involve a greater level of activity on the part of the Garda Síochána at local level. The Garda Síochána is a growing organisation and it enjoys record levels of funding. I hope the latter will continue to be the case after next week's budget.

Deputy Martin Kenny: While I acknowledge that there are more gardaí and that new recruits are going into Templemore, which was closed for a number of years, officers are also retiring. One of the key commitments within the new model of policing is that there would be greater civilianisation of functions in the Garda Síochána. How much of that will happen?

The Minister mentioned rural areas. He represents a rural constituency. We do not see these civilians in rural Garda stations. They are to be found in the divisional headquarters, not ordinary police stations. If people are to have confidence in this new model, they need to see those resources. The Minister stating that more money than ever is being allocated does not deliver that to ordinary people when they have a problem. I spoke to a person who had difficulty with someone lurking near their property and acting suspiciously. The individual in question rang the Garda but it was almost three hours before somebody arrived. That is the problem we have in many rural areas. They want to have the confidence that when they look for a garda, he or she will be there. While I understand that the Minister is doing his best, somehow his best is not delivering for the people. Perhaps a little more than his best is needed.

Deputy Charles Flanagan: The record allocation to the Garda Vote will continue into the future. I have every confidence in the Garda Commissioner and his team to ensure the best use of the funding allocated. The new model means more sergeants and inspectors in communities. It means less bureaucracy and duplication at senior Garda level. It means more decision-making powers at local level. It means a greater level of community engagement. It means more expertise available in addressing forms of crime that we need to address in more innovative ways. For example, we have new laws in respect of domestic violence, sexual violence, economic crime, cybercrime and very fraud. We need to allow a level of flexibility on the part of gardaí in local divisions to carry out their duties in accordance with the needs of communities. I have every confidence that will happen. I am sure we will be in a position to debate this further as the plan is rolled out.

Asylum Seeker Accommodation

3. **Deputy Jim O'Callaghan** asked the Minister for Justice and Equality the number of asylum seekers being housed in emergency accommodation; and if he will make a statement on the matter. [40230/19]

Deputy Jim O’Callaghan: I am sure the Minister of State will agree that the asylum system is under considerable pressure and that has been added to by events of this week. When people come into the country looking for international protection, we obviously have an obligation to provide them with shelter. We do that through the direct provision system in centres. It appears now that we also need to avail of emergency accommodation. How many asylum seekers are in emergency accommodation at present?

Minister of State at the Department of Justice and Equality (Deputy David Stanton): I thank the Deputy for his question. My Department is responsible for offering accommodation and related services to international protection applicants while their claim for protection is being examined. These services are demand led and generally it is difficult to predict demand far in advance. Due to an unexpected rise in applications - figures have increased by 53% in the first nine months of this year - existing direct provision centres, which offer accommodation, food, utilities and a suite of State services, have reached capacity.

There are ongoing tendering processes for new accommodation centres. Pending the opening of such new centres and in order to ensure that we continue to provide accommodation for all applicants who require it, the International Protection Accommodation Services, IPAS, formerly the Reception and Integration Agency, RIA, has been accommodating applicants in emergency accommodation in hotels and guest houses.

As of 26 September, there are 1,389 applicants residing in 34 emergency accommodation locations around the country. My Department does not disclose the specific location of emergency accommodation centres in order to protect the identity of international protection applicants.

It is important to note that there is no obligation on any applicant to accept the offer of accommodation. Applicants may source their own private accommodation or choose to stay with friends or family and some do.

Every effort is being made to reaccommodate applicants, who are in emergency locations, to a dedicated accommodation centre as soon as possible. My Department is actively working on securing additional capacity, both in existing centres and through sourcing new centres. IPAS has sought expressions of interest from parties interested in providing accommodation and related services to people in the international protection process and has also launched a nationwide, regional tendering process to secure new accommodation centres.

Deputy Jim O’Callaghan: I am concerned that 1,389 people are staying in hotels and guest houses while their applications for international protection are being processed. We have a problem in the direct provision centres with people who have been granted international protection not moving on because of the shortage in the housing system. What is the Government’s plan to provide further accommodation for the increasing number of people coming and seeking asylum? We have obviously had difficulties in establishing direct provision centres as we saw in Oughterard this week. We need to be careful. We have generally dealt well with the issue of immigration. It is apparent that some people from outside the country are opportunistically going to places such as Oughterard for the purposes of drumming up a racist agenda. We need to be careful that we do not allow their populist and racist appeal to spread in the country. One way to ensure that does not happen is by the Government having a clear plan in place to ensure people seeking asylum are accommodated in the future.

Deputy David Stanton: The Deputy is correct. As I stated, we have had a very large increase on the number of people looking for international protection this year. We have sought expressions of interest from parties interested in providing accommodation and related services. A combination of factors have led to this, including the rising demand for bed spaces and the high volume of residents who have status who continue to live in accommodation centres. There are 855 persons with permission to remain residing in accommodations as of 25 September. The State has a legal obligation to provide reception conditions to applicants for international protection, including bed and full board. The use of emergency accommodation is an interim measure while we seek to assist those with status in accessing mainstream housing. We work in partnership with agencies such as Depaul, the Peter McVerry Trust and others to secure permanent accommodation for people who have status here. They are working very hard in that regard. They are very reputable agencies with expertise in this area.

Deputy Jim O’Callaghan: We need to look at other options because the system is creaking at the edges. We need to look at using State-owned accommodation. We have a considerable number of State properties that could be converted into a centre where people could be housed. We should also look at a system of fostering. Many well-intentioned people want to help those who are seeking asylum. If we had a system in place similar to the fostering of children we could get some uptake in respect of it. People could be paid for taking in and putting up a small family or individuals who are seeking asylum for a limited period. Obviously, they would need to be very carefully vetted. It is an option that we need to consider. Unless we get a hold of this issue, it will be manipulated and people from the far right will take advantage of it. Fortunately, we have avoided the worst excesses of far-right politics. Just because we have avoided that in the past it does not mean we will always be able to avoid it in the future. Opportunistic people are trying to use this issue for their own right-wing political agenda.

Deputy David Stanton: I share the Deputy’s concerns about the right-wing agenda. We have avoided that and do not want it to take hold. We have 38 centres working very well and the local communities have welcomed people looking for international protection in those centres. They have acknowledged that the people who have come to live in their areas have added positively to their areas. They have got involved, have integrated and have worked with the community in tidy towns and other such ventures. Their children are going to school. People can work after nine months and we may soon reduce that further.

11 o’clock

It will improve the diversity and wealth in areas in a big way. We have 38 centres working very well. If people around the country are interested in assisting and supporting us please contact us. We have considered what the Deputy has suggested, State-owned property, and we have improved standards enormously in these centres. They are unrecognisable now. Almost half of the people have self-catering accommodation. Many also have own-door accommodation. I have recently launched a new set of standards that these centres will have to adhere to under law. We have improved the conditions. The Ombudsman and the Ombudsman for Children can also visit these centres and have an oversight role. I thank the Deputy for his support in this matter and we continue to work as hard as we can to improve the situation.

Garda Reorganisation

4. **Deputy Mattie McGrath** asked the Minister for Justice and Equality if he is satisfied that sufficient consultation with members of an association (details supplied) occurred prior to the Garda restructuring proposals being published; and if he will make a statement on the matter. [40299/19]

Deputy Mattie McGrath: Is the Minister satisfied that sufficient consultation with members of the Garda representative associations occurred prior to the Garda restructuring proposals being published and will he make a statement on the matter? I am told by the organisations that there was no consultation with them.

(Deputy Charles Flanagan): As the Deputy will be aware, the new Garda operating model, announced last month by the Garda Commissioner, has been long recommended by independent policing specialists, including the Garda Síochána Inspectorate and in the expert Commission on the Future of Policing report published last year.

I very much welcome and support the roll-out by the Commissioner, Drew Harris, and his team of the new operating model. It has the support of Government. It is not my plan, it is a Garda plan. It meets a key commitment in the four year implementation plan which is giving effect to the commission's recommendations.

As the Commissioner has said, the new operating model is specifically designed to reduce bureaucracy and devolve power and decision making from Garda headquarters to the local level. Streamlining administration and bureaucracy in this way, alongside the ongoing process of civilianisation, will result in more frontline gardaí in Tipperary and elsewhere. This also involves the deployment of more Garda sergeants and inspectors to the front line, where they can lead and supervise their teams.

I understand that, while developing the new model, the Commissioner engaged widely within the organisation, holding 67 workshops which captured the views of over 400 Garda personnel from a cross-section of urban, suburban and rural divisions, as well as all specialist and support sections and their respective chief superintendents. I am informed that the Commissioner also met with the GRA and other representative bodies which were of course also consulted by the commission which developed the proposals.

These changes have been welcomed by the Garda Inspectorate, the Policing Authority, members of the Commission on the Future of Policing and many others, including people from the Deputy's constituency and the Irish Farmers Association. The Commissioner has also made clear that he and his team are willing to meet joint policing committees all over Ireland, including in Tipperary, in the weeks ahead for detailed local engagement.

My clear view is that, in delivering this new model, the Commissioner has listened carefully to policing experts and, crucially, also to the voices of communities in Tipperary and beyond who have consistently made clear they want to see more gardaí available on the ground and I assure Deputy McGrath in that regard.

Deputy Mattie McGrath: I heard the Minister speaking earlier about Garda reform. Garda reform without Garda support is a nonsense and he must know that. I will cite a statement issued by the Garda Representative Association, GRA. It stated that Government appears to be oblivious to the right of the gardaí and the communities they police to have been consulted

about the location of new divisional headquarters, HQs. In case the Minister thinks I am making that up, that was in a letter from the GRA president Jim Mulligan. It said it had no confidence in Government commitment to policing reform after the announcement of the HQ downgrades. There has been no regard whatsoever for workers who found out through the media that they could soon have a new workplace 100 miles away from home. Parts of my county are 120 miles from Ennis. "Members are also hugely concerned that the lion's share of resources will be allocated to HQs." We have a huge and excellent HQ in Thurles with great staff. Where are they going to go? We will lose between ten and 20 jobs there. GRA members fear that places furthest away will be under-resourced. We will be, because Shannon will draw the gardaí from Tipperary to police Shannon in times of war all over the world.

The GRA went on to say that Garda management has also failed to follow the requirement for engagement contained in the policing reform plan of which the Minister speaks. This is what the GRA has put in its statement. For instance, the effect of the changes on the integration of policing with public and community services cannot have been subject to consultation.

Deputy Charles Flanagan: I hope I was mistaken when I heard Deputy McGrath on his local radio station last week say that the people of Tipperary and his constituents would have to go to Ennis to report crime.

Deputy Mattie McGrath: That is not true.

Deputy Charles Flanagan: Nothing could be further from the truth. Garda stations in Tipperary will continue to be supported, augmented and strengthened as a result of this plan. An Garda Síochána is a growing organisation. There are 14,200 gardaí nationwide supported by over 2,700 Garda staff. Since the reopening of the Garda training college in Templemore, in the Deputy's constituency, approximately 2,800 new Garda members have attested and have been assigned to frontline policing duties. Garda deployments in all areas of the country have benefited from this increased recruitment, including the Tipperary division where gardaí increased from 359 at the end of 2014 to 385 at the end of August this year. This represents a 7% increase in the Tipperary area over the past five years. At the same time Garda civilian staff in Tipperary have almost doubled from 32 at the end of 2015 to a total of 62 today, which further supports the redeployment of operational Garda members from administrative and desk duties to operational policing duties where their training and expertise can be used to best effect. This model, which results from listening on the part of the Garda Commissioner and his team, will serve Ireland well by providing more agile, more responsive and more localised service in Tipperary and around the country.

Deputy Mattie McGrath: That is all wishful thinking. The Minister supposedly had five categories for making this decision: population - we are double the size of Clare; geography - I have told him that Ennis is 120 miles away; crime levels - they are way higher in Tipperary than in Clare; future growth - there is a huge expansion in Tipperary; and workload - the Minister read out numbers of gardaí but he did not account for the number out sick or those who have left the service. The decision to remove the Garda HQ from Thurles is a travesty of justice for the people of Tipperary. The Minister has neglected to support them. He will not give them a new Garda station in Clonmel. The one that is there is a Dickensian kip. We have no numbers in Carrick-on-Suir, Roscrea or many other areas. The proud history of dedication of the Tipperary gardaí has been dismissed in the pursuit of a restructuring model that will only escalate the crisis we already have in Tipperary for appropriate and timely access to gardaí.

I never said people will have to go to Ennis to report a crime. The Minister is trying to twist the story. I am saying this is a retrograde step. I have given the Minister the five categories. The GRA and the gardaí on the ground do not want this. Will there be two joint policing committees, one in Tipperary and one in Shannon or does the Minister expect the councillors to travel to Ennis for meetings as well? This is a disgrace, a travesty and an insult to the proud history of the Garda service in Tipperary.

An Leas-Cheann Comhairle: The Minister is not administratively responsible for the new operating model. He is responsible for resourcing the Garda Síochána adequately. Locations are not the Minister's brief.

Deputy Charles Flanagan: I will use the example which the Deputy has repeatedly referred to in the House and beyond, since the Garda Commissioner announced the new model. Under the new model the existing Tipperary and Clare divisions will be merged and will form part of the new southern region. The Commissioner has decided that the divisional HQ will be in Ennis, County Clare. This is an operational issue. I assure the Deputy that policing services and superintendents will continue to be deployed across Tipperary and Clare and will not be centralised only in the new HQ in Ennis. Each division nationwide, including the new division of Tipperary and Clare, will have up to 800 garda members. There will be less and less bureaucracy at senior level. The chief superintendent leading the division will have greater decision-making powers for County Tipperary. In support of the people of County Tipperary, I ask the Deputy to reflect on the positives in the plan-----

Deputy Mattie McGrath: I ask the Minister to consult gardaí. He might also consult the Garda Representative Association, rather than insulting it.

Deputy Charles Flanagan: -----and to continue to support me in my endeavours to fund adequately the Garda service in County Tipperary-----

Deputy Mattie McGrath: The service is starved of funds.

Deputy Charles Flanagan: -----and throughout the country.

Deputy Mattie McGrath: The service is starved of funds. We need 20 additional gardaí in Clonmel.

Deputy Charles Flanagan: I look forward to seeing him in Templemore, where 200 new gardaí will be attested.

Ceisteanna Eile - Other Questions

Garda Operations

5. **Deputy Jim O'Callaghan** asked the Minister for Justice and Equality if consideration has been given to the establishment of a statutory cross-Border multidisciplinary agency to tackle crime in the Border regions; and if he will make a statement on the matter. [39986/19]

Deputy Jim O'Callaghan: The recent savage attack on Mr. Kevin Lunney shocked everyone in the country. Unfortunately, it did not come as a complete surprise to the people of

the Border region because the company for which the man works, including its executives, has been subjected to a campaign of violence and harassment for years. I regret to say that in the Border region, it seems a certain degree of lawlessness is being accepted. What will the Minister say in response to the Fianna Fáil proposal, put forward by Deputy Micheál Martin and me, that a statutory multidisciplinary agency on both sides of the Border should be established to tackle crime in the region?

Deputy Charles Flanagan: I join the Deputy in condemning unequivocally the horrific attack on Mr. Lunney in recent times. It is my hope, as I am sure it is of every Deputy, that those responsible will be brought to justice. Policing in the Border region has always presented particular challenges that necessitate a collaborative approach to policing between law enforcement agencies North and South of the Border. There is close ongoing cooperation between An Garda Síochána and the Police Service of Northern Ireland, PSNI.

As I outlined in the Seanad yesterday, while I have no objection in principle to the establishment of a statutory cross-Border agency, the existing multi-agency co-operation in place to tackle cross-Border crime is quite structured and successful. The Deputy will be aware that in November 2015, the British and Irish Governments and the Northern Ireland Executive agreed a series of measures in the Fresh Start agreement, as part of a concerted and enhanced effort to tackle organised and cross-jurisdictional crime. The measures included the creation of the joint agency task force, which is led by senior officers from An Garda Síochána, the PSNI, the Revenue Commissioners and the UK's HM Revenue and Customs. A number of other relevant bodies, including the National Crime Agency and the Criminal Assets Bureau, CAB, are also closely involved.

The objective of the task force is to build on existing law enforcement frameworks and increase the collective effectiveness of operational actions. In this format, the senior management level of the two police services provides strong strategic direction and oversight to front-line operational activities. The task force has had some notable success in tackling cross-Border criminal activity in a range of crime areas. These include not just traditional smuggling activities but also rural and farm crimes, organised burglary and drug crime. The regrettable absence of an Executive in Northern Ireland means that the work of the task force is less visible than it might otherwise be. It was designed to report to justice ministers North and South and it is my hope that the restoration of power sharing in Northern Ireland will allow the task force to reach its full potential.

Deputy Jim O'Callaghan: It is fair to say that wherever there is a border between two separate jurisdictions, there will be increased levels of criminal activity. That has been the case historically on this island since the placement of the Border there in the 1920s. Fortunately, as a result of our membership of the European Union and customs union, and in recent years the Single Market, we have been able to overcome many of the disadvantages of having two jurisdictions on the island. I am sure the Minister will be concerned about any proposal that we would put back some form of customs infrastructure on the island, which would simply add to the problem of lawlessness faced in that part of the island.

We need to recognise that greater co-operation is needed between CAB and the National Crime Agency. All crime is fuelled by one primary issue, namely, the desire to accumulate money. Most crimes are driven by that. In the case of the criminal activity on the Border region, there is no doubt it is fuelled by that desire. Perhaps in this part of the jurisdiction we have been too sympathetic to allowing certain entities along the Border to operate as they did

previously but we need to be much more forceful in that regard. What is the Minister's view on establishing a joint statutory agency here and in the UK, involving the co-operation of the British authorities? Perhaps he should raise the idea with the British Secretary of State for Northern Ireland.

Deputy Charles Flanagan: While I am not opposed in principle to the establishment of a CAB-style cross-Border agency, I am satisfied the existing co-operative arrangements are effective. Advancing any new proposal would require detailed negotiation and, as the Deputy noted, engagement with the British Government, which has responsibility for some of the agencies involved and would have to be a party to conclude any new international agreement on the issues. Furthermore, the creation of a new multi-agency body would also require the support of the political institutions in Northern Ireland to succeed. In this regard, the Fresh Start agreement was agreed by the British and Irish Governments and the Northern Ireland Executive in 2015. It goes without saying any proposal would need to be discussed in detail with the Garda Commissioner and his counterparts in Northern Ireland and Great Britain and given careful consideration in the context of the UK's withdrawal from the EU.

I am sure the Deputy will join me in welcoming the Garda Commissioner's decision to establish an additional armed support unit, ASU, in County Cavan, which became operational this week. The ASU will complement the work of those based in Ballyshannon, County Donegal, and Dundalk, County Louth, in the northern region.

Deputy Jim O'Callaghan: I welcome that. Previously, when there have been issues in places such as County Longford or Drogheda, there has been a concentration of policing attention in the areas. Much of that has to do with the fact there is a great deal of media attention on the difficulties the areas experience. My concern is there is a lot of action in respect of the savage attack on Mr. Lunney, to which the State is responding. We have known for more than two years, however, that such aggression and intimidation against Quinn executives was taking place. We need to ensure that this type of policing continues in the region and that the Garda is fully resourced in order that individuals can be brought to justice. We also need to change the mindset of people living in the Border region in order that they will be aware the type of intimidation to which Mr. Lunney and other company executives have been exposed is unacceptable and that to stamp it out the public will need to co-operate with members of An Garda Síochána.

Nevertheless, there will have to be a statutory, legislative response. I mentioned CAB and the National Crime Agency, but perhaps the Government needs to consider the legislation that was brought forward a number of years ago by Deputy Brendan Smith to deal with issues such as fuel smuggling on the Border. We have tolerated such activity for too long but it now needs to be tackled seriously.

Deputy Charles Flanagan: I spent a day on the Border last week in Counties Fermanagh and Cavan. I acknowledge the advice and public contributions of Members such as Deputies Brendan Smith and Niamh Smyth, and my colleague, the Minister for Business, Enterprise and Innovation, Deputy Humphreys, as well as the challenge of Border policing. I reiterate the excellent level of ongoing co-operation between An Garda Síochána and the PSNI, the importance of which has been emphasised in recent weeks following the abhorrent attack on Mr. Lunney, to which the Deputy referred. As all Deputies will be aware, a joint investigation is ongoing, the object of which is to bring those responsible to justice. This is a classic case that will require collaboration. A businessman was abducted in County Fermanagh and abandoned in County Cavan. The joint investigation involves the sharing of information and evidence,

which is ongoing between An Garda Síochána and the PSNI and I was pleased to have a first-hand opportunity to observe that at the Garda station in County Cavan under the direction of Chief Superintendent John O'Reilly.

More generally, the two police services work closely together on a broad range of policing responsibilities, such as the joint cross-Border policing strategy operating between the two services. Irrespective of the political outcome of Brexit, the excellent ongoing co-operation between An Garda Síochána and the PSNI must and will continue.

Crime Prevention

6. Deputy Thomas P. Broughan asked the Minister for Justice and Equality the steps his Department and An Garda Síochána have taken in response to an upsurge in crime and anti-social behaviour in parts of Dublin 3, 5, 13 and 17 (details supplied) in 2019; the preparations that have been made to ensure that the Halloween festival will not be used as a pretext by miscreants to return to such behaviour; and if he will make a statement on the matter. [39750/19]

Deputy Thomas P. Broughan: Yesterday, while the Minister's colleague was taking the debate on the Firearms and Offensive Weapons (Amendment) Bill because the Minister could not attend, I raised again the upsurge in appalling crime that occurred in parts of my constituency earlier this year, with murders in broad daylight and so on, and asked what steps were being taken. The second matter is the great anxiety people are feeling in the run-up to Hallowe'en that the festival will be used as an excuse for anti-social behaviour and the creation of general mayhem on estates.

Deputy Charles Flanagan: Working with communities to tackle public disorder and reduce anti-social behaviour is a key priority for an Garda Síochána whose approach includes a strong focus on quality of life issues and collaboration with local authorities to help address the causes of anti-social behaviour in communities. With specific reference to the forthcoming Hallowe'en period, I am advised that gardaí will put measures in place in every division, in particular in the Dublin metropolitan region and Border divisions, to prevent and detect the organised importation and sale of fireworks. This work will be carried out through a specifically designed operation, namely, Operation Tombola. The operation focuses also on preventing associated public disorder and anti-social behaviour through the incremental deployment of resources, including the Garda public order unit, to augment local plans as appropriate. A number of strong legislative provisions are available to gardaí to combat anti-social behaviour, including the Criminal Damage Act 1991, the Criminal Justice (Public Order) Act 1994, the Criminal Justice (Public Order) Act 2003, and the Intoxicating Liquor Acts 2003 and 2008.

The report of the Commission on the Future of Policing placed a particular emphasis on the importance of community policing, in which front-line gardaí are highly visible and engaged in communities, developing partnerships with other public agencies and services to deliver a multi-agency approach to community safety. The new Garda operating model and revised divisional structure, which was announced recently by the Garda Commissioner, meets a key priority of the future of policing report, namely, the four-year implementation plan to give effect to the recommendations of the Commission on the Future of Policing. In line with the ethos of community policing, the new model is intended to provide more visible gardaí on the front line and devolve more power and decision-making responsibility to chief superintendents leading divisions nationally. That will ensure a more localised and responsive community police ser-

vice reflecting local needs, including those of Deputy Broughan's constituents. Garda visibility is a key element in tackling anti-social behaviour. In that context, I note the growing numbers joining the Garda in our ongoing recruitment process.

Deputy Thomas P. Broughan: We are grateful for Operation Tombola and the work of An Garda Síochána, Dublin City Council and Fingal County Council and, indeed, all of the local community groups and volunteers who work so hard at this period to make the festival of Hallowe'en safe and enjoyable. There is obviously a special responsibility on business to ensure materials such as pallets and tyres do not end up in the wrong hands. The Minister listed the legislation available to An Garda Síochána, but he told me before the summer that there were no Garda members in the north division of the Dublin metropolitan region who are assigned to full-time public order duties. He told me that the north Dublin division received ten new inspectors and 20 sergeants but there appears to remain a major gap in that area. The Minister told me also that €15.3 million had been allocated for the youth diversion programme in 2019 and referred me to 106 related schemes. However, he has an action research project at the University of Limerick and we are wondering if the experience of that project comes down to our area on Dublin's north side. I refer finally to behaviour warnings issued to children for the period 2007 to 2019. There has been almost no activity in that area. While there was such activity approximately a decade ago, it seems to have lapsed entirely as a way to address problems with children in the area.

Deputy Charles Flanagan: I had the opportunity to visit the Deputy's constituency a few months ago. I assure him of the full support of my Department and others in ensuring that there is a community response to the issues involved. I was pleased to engage in collaboration with ministerial colleagues and I refer to the contribution in that regard of Deputy Broughan and, from the Government, the Minister, Deputy Bruton, and the Minister of State, Deputy Finian McGrath, as local public representatives. Community policing remains at the heart of Garda work. It provides a means to recognise that every community, including those in the Deputy's constituency, has its own concerns and expectations. Gardaí have a role to play in community policing. In practical terms, the new model which is being rolled out will mean less duplication, less bureaucracy at senior level and greater decision-making power locally for superintendents. That is because, as I said earlier, a policing plan in my constituency or that of the Leas-Cheann Comhairle should be very different from a plan for Deputy Broughan's constituency. That is what we need to get from the new plan and I am confident we will do so.

Deputy Thomas P. Broughan: The reality is sometimes very disappointing. We all walk around and visit all areas of our constituency constantly. I was very disappointed last Friday, for example, to visit an open space amenity area in my constituency, which Dublin City Council tries to look after, and to see a burnt out vehicle in the very middle of it. There was debris and other evidence of the mayhem which had taken place the night before. That took place five weeks before Hallowe'en. There are clear issues to address. As the Minister knows, there is a long-standing demand for a new divisional Garda headquarters in the burgeoning north fringe of the city. I might raise the issue later today in another debate. There is a massive population of perhaps 25,000 to 50,000 people with no Garda station. While it is the Commissioner's call ultimately, it is a matter we will have to address. I note also that the quarter 1 crime figures were disappointing. We heard recently of increases in the numbers of attempted murders and threats to murder, assault, harassment and related offences, sexual offences, damage to property and so on. There have been disturbing increases in crime. For example, our journalist colleague, Conor Lally, has drawn attention to the series of wanton assaults that has been taking place

across the city and in other parts of the country and which has left people with serious injuries.

Deputy Charles Flanagan: The Deputy raised a number of issues, one of which he has raised with me previously, namely, the matter of a Garda station for the Clongriffin-Coolock area. I am advised that An Garda Síochána has had preliminary discussions with Dublin City Council on the possible provision of a site for the development of new facilities in north Dublin. My Department has been informed by Garda management that the question of developing a Garda station in the Clongriffin area will be the subject of further consideration. It is an issue to which we can return as matters develop. Another issue that has previously been raised with me by the Deputy is the need to tackle anti-social behaviour on our rail network. In that regard, I acknowledge the establishment of Operation Twintrack, which sees An Garda Síochána involvement in a new community engagement and rail safety initiative. It involves gardaí travelling on DART, Luas and commuter rail services in the greater Dublin area, in particular in Deputy Broughan's constituency, to ensure there is a Garda presence at major and busy train stations from time to time. I welcome the initiative, which is one I am sure we will have an opportunity to engage on further as we continue the Garda recruitment drive into next year on foot of the forthcoming budget.

Garda Reorganisation

7. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent to which it is anticipated that the new Garda operational structures and divisions will improve policing in general with particular reference to bringing the operation of the force here into line with best practice in other countries, making adequate provision for community policing, juvenile liaison personnel and the rapid response in both urban and rural areas and incorporating the maximum use of technology; and if he will make a statement on the matter. [40165/19]

Deputy Bernard J. Durkan: My question seeks to ascertain the extent to which the recently announced operational restructuring will impact on the services provided by An Garda Síochána, with particular reference to quick response, local and community policing and the need to ensure rapid deployment to areas in which anti-social behaviour is taking place.

Deputy Charles Flanagan: I welcome Deputy Durkan's support for the new Garda plan which, I reiterate, is not a ministerial, Government or political plan but is rather a Garda plan designed and drawn up by the Garda Commissioner and his team. I support it, as does the Government, and I ask for support for the plan from every Member of the House in circumstances in which the functional model now proposed has long been recommended by independent policing specialists, including the Garda Síochána Inspectorate and in report of the Commission on the Future of Policing in Ireland. The roll-out of this model meets a key commitment in A Policing Service for the Future, which is the four-year implementation plan giving effect to the recommendations of the Commission on the Future of Policing in Ireland.

While new to Ireland, the model is the norm in other countries. It is designed to reduce bureaucracy and will shift real decision-making power from Garda headquarters to chief superintendents. It will ensure that decisions are made closer to the communities that they serve and will result in significantly more sergeants and inspectors on the ground where leadership, supervision and mentoring are crucial.

The Deputy asked about the impact of the model in making adequate provision for com-

munity policing, juvenile liaison and rapid response. The new model is specifically designed to provide a more responsive, localised policing service. It reorganises resources around the delivery of front-line policing, placing an increased emphasis on engaging with communities and supporting victims of crime. There will be much greater community engagement in the new model, including a dedicated superintendent leading the community engagement team in the new divisions. By contrast, in the old district model, superintendents would have been balancing this important work with competing priorities such as the investigation of major crime. In terms of that engagement and speed of Garda response, the bottom line is that there will be more gardaí on the front line, more sergeants and more inspectors will be on the ground and more streamlined administrative structures will allow Garda senior management to focus more directly on policing tasks. Overall, this new model will mean a more responsive, visible policing presence on the ground in communities.

Deputy Bernard J. Durkan: I thank the Minister for his reply. Can I further inquire as to the extent to which it is anticipated that patrols will be mobilised and increased throughout urban and rural areas? We have experienced significant instances of repeat crime committed by people on bail. To what degree will the new structures be able to intervene in a positive way from the point of view of the general public?

Deputy Charles Flanagan: I am sure they will intervene positively. The Garda Commissioner and his team are willing to meet joint policing committees across the country to further discuss the issues raised by Deputy Durkan, all of which are important, and address any other questions about the implementation. It is important to note that these changes are being introduced and this is the nub of the Deputy's question when he speaks about ensuring the availability of, and need to ensure, ongoing resources. Current investment in An Garda Síochána is €1.76 billion as well as capital investment amounting to €92 million this year. Capital investment in ICT will amount to €342 million between 2016 and 2021. A wide range of ICT projects are being pursued. Deputy Durkan may be particularly interested to note that a new computer aided dispatch programme is one of these projects and will provide a modern integrated system for Garda command and control. Investment of €46 million is also being made in the Garda fleet between 2016 and 2021 to enable gardaí to be mobile and responsive in line with operational demand. As we come towards the end of the year, I advise the Deputy that, by the end of the year, 300 new Garda vehicles will have been deployed on our roads and in our communities this year. I am confident that this ongoing investment in Garda resources, together with the ongoing reform process, will result in improved policing services in Kildare and beyond for all communities.

Deputy Bernard J. Durkan: I welcome the changes and wish the Garda administration well in the operation of those changes. Will the deployment of gardaí to trouble spots in rapid response to calls become a feature of the new system? I ask that question in light of recent events that all of us in this House have spoken about and everyone in the country has read about. Will modern technology be utilised to the extent that it is required in the pursuit of criminality? To what extent will there be ongoing review throughout a given year whereby cognisance may be taken of issues that arise that require attention and a response?

Deputy Charles Flanagan: The common theme in all of this programme of reform is a greater level of community engagement and a more responsive and localised policing service. The model reorganises resources around the delivery of front-line policing. That will involve the level of investment in ICT that I mentioned earlier. We are coming from a pretty low level in An Garda Síochána. The Garda service was constricted and constrained during the financial

crisis of some years ago but we are now rebuilding through investment and greater recruitment. Side by side with that, we have the programme of reform which will result in a greater level of community engagement, including a dedicated superintendent specifically engaged in community relations tasks. The bottom line will be more gardaí on the front line, more sergeants and inspectors and more streamlined administrative structures for An Garda Síochána. All of this is predicated on the need to continue with the type of investment we are seeing in the Garda fleet and infrastructure, for example, the hand-held devices that are being rolled out to aid with road traffic policing. Every division will have a Garda inspector available 24-7 which is not the case currently. There will be more available expertise in specific, new types of crime, including cybercrime and other fraudulent activity, which will meet the needs of communities.

Traveller Community

8. **Deputy Joan Collins** asked the Minister for Justice and Equality his views on a report (details supplied); and the way in which he plans to implement it. [37708/19]

Deputy Joan Collins: The original question I submitted to the Minister for Housing, Planning and Local Government noted that the report of the task force on the Travelling community of July 1995 featured 340 recommendations, of which few, if any, have been implemented. There has been no review or statutory oversight to ensure the report was implemented. What is the Minister's view on the report and how does he plan to implement it?

Deputy David Stanton: I thank the Deputy for her question and her interest in this area. The report of the task force on the Travelling community, published in 1995, was a groundbreaking analysis of the needs of the Traveller community and made some valuable recommendations in a range of areas designed to improve the status of Travellers in Irish society. In 1998, a monitoring and co-ordination committee was established and it produced two reports, in December 2000 and December 2005, respectively, on the implementation of the recommendations. Thereafter, the then Government pursued other approaches to address Traveller disadvantage through the high level group on Traveller issues and the National Traveller Monitoring and Advisory Committee.

However, we cannot revert to 24 years ago and we must take our frame of reference from the present day. Much has happened since 1995. In 2011, the national Traveller and Roma integration strategy was drawn up and this has been followed by the national Traveller and Roma inclusion strategy which runs from 2017 to 2021. This latter strategy represents a whole-of-Government approach to bringing about meaningful change and progress for the Traveller and Roma communities in Ireland and is a development of the approach taken in the task force on the Travelling community report and its aftermath. The strategy contains 149 actions grouped under ten themes, including cultural identity, education, employment, health and accommodation. The strategy is a living document which will be reviewed and adjusted as required. Traveller and Roma interests were involved in its development and are members of the committee monitoring its implementation which is chaired by me. This is the framework within which we can continue progress for Travellers and Roma to the end of 2021. This type of strategic approach with Traveller and Roma representatives at its centre is the one that will pay dividends in the longer term.

In addition to the strategic framework, the Department of Justice and Equality provides significant amounts of funding to Traveller projects. Projects funded this year include additional

funding to the Traveller and Roma initiatives of €500,000, of which €391,210 was prepaid in 2018. The budget supplies funding to seven Traveller projects, six non-governmental organisations, NGOs, including the Traveller counselling service and the education pilot. The Traveller mediation service was approved funding of €250,000 for 2019 from the Dormant Accounts Fund. Some €25,000 was allocated from the budget to fund the Traveller Pride awards and concert event. The education pilot received €350,000 funding for 2019. The special initiative for Travellers has seven locations around Ireland and overall funding for these projects in 2019 is €410,000.

Deputy Joan Collins: I acknowledge that the report dates from 1995. I am a member of the Committee on Key Issues affecting the Travelling Community. Our first meeting was attended by cultural Traveller awareness trainees who told us that the 1995 task force report was probably the most progressive piece of analysis on Traveller issues. They made the point that it had not been implemented. I accept that matters have moved on but are we saying that task force report is no longer relevant and that it has been superseded by all other Traveller and Roma inclusion reports? The trainees are concerned because, since the 1995 report, there have been measures such as the Housing (Miscellaneous Provisions) Act 2002, which was effectively anti-trespass legislation that made it illegal for Travellers to go on land, as well as other subsequent legislation.

Deputy David Stanton: I agree that the task force report was a major accomplishment at the time. It differed from similar reports in preceding decades, which tended to see the issue as one of adapting Travellers to settled norms, and focused instead on the need to make specific provision for Travellers and target their requirements. I fully accept the report. It is the philosophy that continues to guide us today. With respect, however, I do not think that we can go back to 1995. Things have moved on, as the Deputy has acknowledged, and we must take our frame of reference from the present day. Much has happened in the interim. I see the National Traveller and Roma Inclusion Strategy, NTRIS, as the starting point. I am concerned with how we can progress its actions and whether we can add to or change them. The strategy is a living document. The Traveller community and its representative bodies are very much part of that and are playing a very strong role in making it work.

On housing, an expert group was appointed in 2019 to review the “effectiveness, implementation and operation of the Housing (Traveller Accommodation) Act 1998, with a view to examining whether it provides a robust legislative basis for meeting the current and future accommodation needs of the Traveller community which takes effective implementation into account in the context of the recognition of Traveller ethnicity in 2017.” The report completed by the expert group is currently being reviewed. It was made available to the Minister in September and is under consideration. The report is a matter for my colleague, the Minister for Housing, Planning and Local Government.

Deputy Joan Collins: Many matters have moved on. Having heard from the Traveller cultural awareness trainees to whom I refer, it seems that the community has gone backwards a great deal over the intervening 24 years. They are concerned about both culture and accommodation. Even when I was a councillor in 2004, over ten years ago, moneys allocated for Traveller accommodation were not used. That is why the 2019 report was commissioned. I am very interested to see that Traveller accommodation report because it will be crucial in progressing Travellers’ rights. I do not think things have progressed in the Traveller community in the past 24 years. There is great concern regarding problems with drug use and in the context of accommodation, culture and the survival of the Traveller community. I hope the committee will be

able to feed into and support legislation on this.

Deputy David Stanton: I share the Deputy's concerns on these matters. I emphasise that the strategy is a living document. NTRIS is an inclusion strategy. It is not an integration strategy. There is a subtle difference. It runs until 2021 and includes 149 recommendations. Cultural identity is a big part of that, along with education, employment, health and accommodation. Those are the most important themes but there are others. I do not know if the Deputy has had the opportunity to review the strategy but I invite her to do so and would be interested in hearing her views. The Traveller organisations were every much involved in drawing up the report and are heavily involved with the monitoring committee. They are having a major impact and we value it greatly. They are very much part of what is happening.

The Deputy mentioned cultural heritage. In July, two elements of Traveller culture were inscribed in Ireland's national inventory of intangible cultural heritage, specifically the Cant-Gammon language and tinsmithing. This is evidence of a Government commitment to protect, promote and celebrate these living cultural heritage practices, customs, crafts and traditions. The Department of Culture, Heritage and the Gaeltacht is responsible for the delivery of funding to practices recognised on this list, through its cultural projects funding. The specifics of the allocation of funding however, is a matter for my colleague, the Minister for Culture, Heritage and the Gaeltacht, Deputy Madigan, and her Department.

I welcome the Deputy's interest in this matter. We are working very hard with the Traveller organisations to progress all the actions in the strategy.

Question No. 9 replied to with Written Answers.

Traveller Culture

10. **Deputy Joan Burton** asked the Minister for Justice and Equality his plans to establish funding for artists, projects and institutions dedicated to highlighting the place of Traveller culture and history in Irish society; and if he will make a statement on the matter. [37909/19]

Deputy Joan Burton: In his final reply to the previous question, the Minister of State noted that the Minister for Culture, Heritage and the Gaeltacht is responsible for the budget relating to Travellers and Traveller culture. I tabled a question to the Minister for Culture, Heritage and the Gaeltacht in which I inquired about her plans to establish funding for artists, projects and institutions dedicated to highlighting the place of Traveller culture and history in Irish society. The Minister refused to take the question and transferred it to the Department of Justice and Equality. That tells us what some people in this Government think. The Minister, Deputy Madigan, has form when it comes to objecting to Traveller housing. Is she also objecting to Traveller culture? I do not know if the Minister and the Minister of State opposite are aware of this. I tabled my question out of respect for the Traveller community and addressed it specifically to the Minister for Culture, Heritage and the Gaeltacht.

(Deputy David Stanton): I support the highlighting of the place of Traveller and Roma culture and history in Irish society. The primary mechanism for this is Traveller and Roma Pride Week. I recently opened the Traveller Pride Awards, a wonderful event that celebrates Traveller and Roma culture. This event marked the beginning of Traveller Pride Week.

Action 1 of the National Traveller and Roma Inclusion Strategy 2017-2021 states “The Department of Justice and Equality will support, strengthen and expand Traveller Pride Week and increase national awareness of the event.”

Funding is made available to a range of organisations, in grants of up to €2,000, through an open call for proposals to assist the Traveller and Roma communities to mark Traveller and Roma Pride Week. Applications for funding are granted for activities satisfying the following criteria: that they involve the active participation of members of the Traveller and-or Roma community at all stages of the project, planning, implementation, etc.; celebrate and promote Traveller and-or Roma culture; promote a positive image of Traveller and-or Roma Culture to the wider settled community; members of the settled community must be included and invited to the event; and that the event must be accessible to an open public audience where possible.

Funding has also been provided for a number of horse projects throughout the country. These projects are reflective of the Government’s acknowledgement of the importance of the horse culture for the health and wellbeing of the Traveller community and for the horses in their care.

In 2019, some 39 projects were approved to receive support from my Department as part of Traveller Pride Week. These include Galway Traveller Movement, Blanchardstown Traveller Development, Meath Travellers Workshops and Foróige Ballyhaunis Youth Service.

In July 2019, two elements of Traveller culture were inscribed on Ireland’s National Inventory of Intangible Cultural Heritage, specifically the Cant-Gammon language and tinsmithing. This represents a Government commitment to protect, promote and celebrate these living cultural heritage practices, customs, crafts and traditions. The Department of Culture, Heritage and the Gaeltacht is responsible for the delivery of funding to practices recognised on this list, through its cultural projects funding. However, the allocation of funding is a matter for my colleague, the Minister for Culture, Heritage and the Gaeltacht, Deputy Madigan, and her Department.

The pride week is amazing. I am sure that the Deputy has attended pride week events and will join with me in acknowledging that.

Deputy Joan Burton: This is a question of principle. I served as Tánaiste in the Government that recognised and acknowledged the ethnicity of Travellers. That was celebrated by all parties in the House. As Deputy Joan Collins mentioned, the all-party Joint Committee on Key Issues affecting the Traveller Community has been established. It is a matter of recognising the significance of Travellers in Irish culture. The Minister of State just indicated that the Minister for Culture, Heritage and Gaeltacht is responsible for the the budget. Will the Ministers, on behalf of the Government, apologise to Travellers for the fact that their colleague did this? She has form when it comes to Traveller housing and objected to such housing being provide in Mount Anville some time ago because the land in the area was too valuable to allow people such as Travellers to be housed on it. Will the Minister of State and the Minister for Justice and Equality apologise for this? This is what apartness and separation mean. Traveller artists are treated differently from other artists. I will not provide a list of such artists’ names, I will simply draw attention to the achievements of Travellers in music, painting, art and the theatre in particular. Why did the Minister with responsibility for culture refuse to answer a perfectly valid question about Travellers and their culture when she is responsible for the budget relating to both? This is a perfectly valid question about Travellers and Traveller culture. The Minister

is responsible for that budget. I want an apology on behalf of the Traveller community.

An Leas-Cheann Comhairle: I call Minister of State, Deputy Stanton.

Deputy Charles Flanagan: Nobody has a better record than the Minister of State, Deputy Stanton.

Deputy Joan Burton: I recognise fully the record of Minister of State, Deputy Stanton, and I do not associate the Minister for Justice and Equality, Deputy Flanagan, with any negativity that I am aware of in respect of Travellers.

An Leas-Cheann Comhairle: The Minister of State, Deputy Stanton, will clarify the issue.

Deputy Joan Burton: I am talking about his colleague, who sits at the Cabinet table.

An Leas-Cheann Comhairle: There are other Deputies waiting and they have been here for some time.

Deputy David Stanton: As I said earlier, the national Traveller and Roma inclusion strategy is the current strategy we are implementing, in partnership and in conjunction with representatives of the Traveller community who sit on the steering committee that I chair. They are doing amazing work and part of that work is identifying how we can recognise, strengthen and engage with the history, culture and heritage of the Traveller community. It is really exciting work in many ways. What they are bringing to the table is very important not only in this area but in the area of education, housing, health, mental health and so on, right across the board. The officials from all Departments represented on it are really engaged. We recently had a report on accommodation, which the Minister for Housing, Planning and Local Government was very anxious to receive, and it is being considered by him at the moment. He received it in September and we are expecting positive results from the implementation of that report.

The Minister for Health has been doing a lot of work in this area. I am particularly interested in education and ensuring children can go to school and celebrate their culture in school. The Minister for Education and Skills has been doing work that area, as the Deputy knows.

Deputy Joan Burton: The Minister for Education and Skills, in fairness to him, has been willing to answer questions on Traveller children and education. Why is the Minister for Culture, Heritage and the Gaeltacht, who holds a very honoured title in the Government, nationally and internationally, refusing to answer a question about Travellers and culture. It is a very simple question. It is an insult that she would refuse to take it. I have no problem with Minister of State, Deputy Stanton, who is dedicated to the work he does for Travellers, but this House, as a collective, recognised Travellers as a separate ethnic group in March 2017. It was one of the proudest days in this House and the Visitors Gallery was filled with people from the Traveller community. A significant member of the Cabinet refuses to take a question, notwithstanding the fact the Minister of State said twice or three times that she is responsible for the budget in respect of Travellers and culture.

An Leas-Cheann Comhairle: The Minister of State, Deputy Stanton, can only speak for himself and maybe the Deputy will get an opportunity at a later stage to speak with the Minister for Culture, Heritage and the Gaeltacht.

Deputy David Stanton: I thank the Leas-Cheann Comhairle and I will be guided what he just said. I acknowledge that the Deputy opposite recognised the important work being done

by the Minister for Education and Skills and the former Minister, Deputy Bruton, on Traveller Culture and History in Education Bill 2018, which was produced by Senator Kelleher. That tries to recognise Traveller culture in our schools. That Bill has gone through Second Stage in the Seanad and it is being progressed.

Deputy Joan Burton: Can I-----

An Leas-Cheann Comhairle: The Deputy cannot come in again.

Deputy Joan Burton: Can I take this issue to the Ceann Comhairle's office-----

An Leas-Cheann Comhairle: This issue possibly concerns the Minister.

Deputy Joan Burton: -----because it was wrong of the Minister to have done what she did?

An Leas-Cheann Comhairle: We have a policy of an open door.

I call on Deputy Kenny to introduce his question.

Domestic Violence

11. **Deputy Martin Kenny** asked the Minister for Justice and Equality his plans to address the issues raised in a report by an organisation (details supplied) particularly the call for an urgent audit of the criminal and family law systems to develop a better process to deliver justice, safety and a consistent experience for victims of domestic violence; and if he will make a statement on the matter. [40128/19]

Deputy Martin Kenny: How does the Minister intend to address the issues raised in the Women's Aid report, Unheard and Uncounted, and in particular the call for an urgent audit of the criminal and family law system to better develop a process to deliver safety and a consistent experience for domestic violence victims. One of the key aspects of the report is that each case is taken on its own in the criminal justice system. A person may be a perpetrator of domestic violence and have numerous convictions but each case is considered separately.

Criminal behaviour is not taken account in the family law court. A person may have a conviction for attacking and beating a woman and may end up in the family law court and be given access to the children without any note being taken of the fact that the person has a criminal record. This is putting women in danger and many of the issues raised in this report need to be addressed urgently.

Deputy Charles Flanagan: I welcome the publication of the latest Women's Aid report referred to by the Deputy Kenny. I am familiar with the very good work done by Women's Aid to highlight, as it does on a regular basis, the impact of domestic violence. The report referred to provides important first-hand accounts of the abuse suffered by victims of domestic abuse. Understanding such victims is important to me, as Minister, and it greatly assists in the development of Government policy in this important area. My Department will study the report carefully in that context.

As Deputies will be aware, the Government has already considerably strengthened the law and structures which target domestic violence, as part of the second National Strategy on Domestic, Sexual and Gender-based Violence 2016-2021.

Central to this is the landmark Domestic Violence Act 2018, which came into force on 1 January of this year. Other developments in this area include the enactment of the Criminal Law (Sexual Offences) Act 2017, which introduced a statutory definition of consent, and the Criminal Justice (Victims of Crime) Act 2017, which provides a wide range of measures and services to protect and inform victims during the progress of their case through the criminal justice system.

Moreover, An Garda Síochána is continuously improving its specialist services. Responding to the needs of victims has seen the roll-out of divisional protective services units, DPSU, with specifically and specially trained officers responsible for investigations, including engagement with victims. These units will support the delivery of a consistent and professional approach to the investigation of sexual and domestic crime.

The introduction of these measures last year and early this year supported Ireland's ratification earlier this year of the Istanbul Convention, the Council of Europe Convention on the prevention and combating of violence against women and domestic violence, which I announced on International Women's Day last March.

I note that the report refers to sentencing in this field. Deputy Kenny will appreciate that the Judiciary is independent in matters of sentencing. However, the recently enacted Judicial Council Act 2019 will provide for the development of sentencing guidelines by the Judiciary itself.

Deputy Martin Kenny: I recognise the work being done by the Garda, often in very difficult circumstances, and that needs to be acknowledged. The difficulty is not really about legislation or the work of An Garda Síochána but is about the court process and how this very often lets the victim down. The Minister would acknowledge that there are difficulties in respect of that.

In other jurisdictions, there is a one court system for domestic violence, where family law court and criminal law court come together, recognising that there is a serious connection between the two. It would be very worthwhile for the Department to look at that and see how it can be addressed. This is one of the key recommendations in this report. It talks about legal and procedural defragmentation of the court process in dealing with domestic violence.

The issue is that there is not sufficient communication between the criminal and family law courts and we need to see that happen. This cannot simply happen through a scheme, where both communicate with each other better. I think one would have to have the one court and one system. That needs to happen as quickly as possible.

Deputy Charles Flanagan: One of the most disconcerting aspects of this report which causes me considerable concern is the fact that it states that women said that they did not feel justice was carried out and that they would not go through the justice system again. That militates against the reporting of often serious crime.

In the earlier part of my reply I set out the wide range of legislative steps. There are practical steps also being taken to ensure that the system is as supportive as possible for victims of domestic and sexual crime. I encourage all victims - women, in particular, as the vast majority of victims in these cases are women - to come forward and to contact the An Garda to ask for help.

I acknowledge, as I did earlier, the training by and expertise of An Garda Síochána. By the end of this year, there will be a divisional protective services unit of specifically and specially trained gardaí in each of the new divisions, as recently outlined by Garda Commissioner Drew Harris.

12 o'clock

I initiated a review of the protections for vulnerable witnesses in the investigation and prosecution of sex offences through the courts. That group is chaired by Professor Tom O'Malley in NUI Galway who, I believe everyone will agree, is a leading expert in this area. A significant number of submissions were received by Professor O'Malley and it is taking some time to complete this sensitive report. It is a complex report and it will be a comprehensive report. I expect to have it by the end of the year. This will inform further on the very valid points raised by Deputy Kenny.

Written Answers are published on the Oireachtas website.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Dara Calleary: Yesterday, we finally saw a proposal from the United Kingdom Government to amend the withdrawal treaty. Now that we have a written position, much of the speculation, bluff and bluster of recent weeks can be consigned for analysis of this position. The context of the position, however, leaves an awful lot of questions. There is a lack of detail and clarity. It is clear that there would be some element of customs checks on our island under whatever context results from this proposal. It is very difficult to see in the proposal where lies the respect and belief which the British Government has always stated with respect to the Good Friday Agreement. Some of the proposals would undermine and weaken the key provisions of the Good Friday Agreement.

Does this proposal protect the all-island economy? Does it guarantee that there would be no hard border? Does it protect the EU Single Market? These are the other three key principles, along with protecting the Good Friday Agreement, that need to be assessed and measured against this proposal. It is Fianna Fáil's view that the proposal fails on all four issues. Despite their vagueness, the direction of the proposals does not seem to be travelling towards protecting those four key principles. They provide for a customs border, a regulatory border and a change in the regime of Northern Ireland.

I understand that a process is getting under way with the EU to analyse those documents. Will the Tánaiste update the House on where that process is this morning? Engagements took place last night between the Taoiseach and Prime Minister Johnson and between the Taoiseach and President Juncker. Have any substantial issues arisen from those engagements that the House needs to know about?

I want to focus on one aspect of the proposal, namely, the position of the Stormont Assembly and the ongoing participation of Northern Ireland in the proposed so-called all-island regulatory body. The detail around that is very vague. What is the Tánaiste's understanding of those proposals? Having listened to the commentary this morning, is it the Government's understanding of the position that one of the political parties in Northern Ireland - it does not matter which one - would be able to veto ongoing participation, notwithstanding what the As-

sembly believes and the will of the people of Northern Ireland? As currently framed, does the proposal potentially give one party a veto? Is it acceptable to the Government that that would be the case? I want the Tánaiste in particular to give his understanding of and clarity on this key sequence.

The Tánaiste: I thank the Deputy for giving me the opportunity to respond to what is the issue of the day, despite storms, rugby matches and so on. These are very serious issues. The British Prime Minister has put forward what we regard as a serious proposal. We are taking it seriously and so is the EU. That is why the response will be a cautious one until we have had an opportunity to study the detail of the three documents. These are the letter to President Juncker, the detailed explanatory memorandum in terms of what is being proposed, and the legal text which has been given to Mr. Barnier's task force for consideration. We have had discussions with the Barnier task force already on the detail of that and there is probably discussion happening right now with our ambassador in Brussels. We had a conference call this morning in my Department in which we went through in some detail our initial assessment, which is as follows.

There are some positives in this proposal. The British Government is now proposing, effectively, full regulatory alignment for goods and agrifood products on the island of Ireland. That is consistent with the backstop. There is a whole series of technical issues that I believe will be a problem with this, and which would need to be the subject of discussion and negotiation. There are two significant problems with this proposal that are very clear from the outset, one of which is in relation to customs. If one is insisting on Northern Ireland being in a separate customs territory from the rest of the island of Ireland, then despite this paper saying that the British Government wants to try to avoid customs checks, it raises the prospect of customs checks somewhere, not just in premises and businesses. We believe this will be a real problem.

Deputy Calleary asked if this proposal deals with the commitment for no border infrastructure on the island of Ireland. No, it does not with regard to customs. Does it allow for an all-island economy to function, as we had been given a commitment on in December 2017 and in the withdrawal agreement, with the backstop? No, it does not. The customs proposal is, therefore, a problem.

The second significant issue is whether and how an Executive in Northern Ireland or Northern Ireland could be given a consultative role in how these proposals would take effect. We cannot support any proposal that suggests that one party, or a minority in Northern Ireland, could make the decisions for the majority in terms of how these proposals would be implemented in the future. That would not be consistent with the Good Friday Agreement and is not something that we could possibly support as part of any final deal.

Deputy Dara Calleary: I welcome that commitment. Will the Tánaiste clarify that it is his understanding of the current proposal in its current wording that there is potential for one party to veto this, regardless of which party that is?

I am becoming increasingly frustrated by commentary from British politicians of all hues and commentators who do not seem to understand that the Border is not just an economic issue. It is far greater than that. It is about society, this island - so many different things rather than just the economy. In his discussions over the next hours and days, how does the Tánaiste propose to get across, once and for all, the understanding of the importance of not having any border checks on this island and that this is not just an economic issue but far broader and far

more important than that?

The Tánaiste: I believe the Deputy and I are at one on this. I thank the other parties in the House for their co-operation on these issues. We share a concern because all parties in the House understand the complexity of this challenge but also the fragility and vulnerability of Northern Ireland and relationships North and South in the context of what we are trying to do here. Jonathan Powell, a former adviser to Tony Blair in the build-up to the Good Friday Agreement, put it very well in the past couple of days in the British media when he said that people just do not get this. It is not about facilitating trucks crossing the Border in terms of removing checks. It is about something much more fundamental than that, namely, identity. That is what the Good Friday Agreement tries to address in the context of a unionist identity and a nationalist identity, and allowing both to live together in the context of an island of Ireland that functions, with two jurisdictions but with real convergence between the two so that the Border is largely invisible. This fundamentally disrupts that. That is why the customs element of the proposal is a technical problem in terms of the integrity of the EU Single Market and how it would work because it would require checks somewhere. It is also a problem in the context of this identity issue, which we in Ireland understand only too well.

The response from the Barnier task force will be to engage. It is not going to go into some sort of secretive tunnel process, which some people have referred to. The task force is anxious that there be full transparency in respect of the discussions and how they work. I hope that we will enter a period of serious discussion and negotiation in terms of whether we can work with the UK to move the proposals, which currently are not the basis for agreement, to a place where we can find a landing zone for agreement. We do not have much time to do that. I hope that the British side will be willing to do it.

Deputy Martin Kenny: Yesterday, Boris Johnson presented the so-called workable alternative to the backstop. The reality dawning on most people is that it amounts to little more than a set of dangerous and reckless propositions that play loose and fast with the Good Friday Agreement. Many people living in my constituency and elsewhere in the Border region stretching from Cavan to Leitrim, Sligo and Donegal and who have benefitted greatly from the Good Friday Agreement are very concerned at the prospect of a hard border being put in place. North or South, we do not want a hard border on the island. The all-island economy is under threat and needs to be protected and the Good Friday Agreement must be defended. As far as we can see, what is on the table does none of these things. That is the reality.

There is cross-party support in the Oireachtas and, except for the DUP, a cross-community consensus generally on the island in respect of most of these issues. That was well presented yesterday evening when Manufacturing Northern Ireland, an organisation that represents many businesses in the North, stated:

For us, it's moving from the best of both worlds to the worst of all worlds. Only logical conclusion from this ... is that the UK deliberately wants this offer to be rejected. It's simply an exercise at shifting blame.

The Tánaiste will agree that this is an assessment that many of us did not want to say so quickly, but it is the reality. It is probably a sound assessment. While I accept that the EU and Irish Government did not want to rule the proposals from the British Government out straight away, a sense of reality must be brought to bear. What Boris Johnson has presented is unworkable in its present form. That needs to be said now. It entails time-limited arrangements and

provides for a DUP veto. The DUP will exercise that veto because it has always exercised vetoes in the past, which has created many problems.

It is ironic that the British Government has cloaked all this in the language of the democratic consent around the Assembly in the North without recognising that no part of Ireland has consented to Brexit. The people of the North voted to remain. That cannot be said often or hard enough. It is the reality. The proposal to give the Assembly the power to decide the types of arrangement to be put in place and how long they will last will give the DUP a veto. Abusing the petition of concern has caused many problems in the past. The DUP has used the petition of concern to flout every positive and progressive programme of Government that has come before the Assembly in the past ten years. We must recognise that what has been proposed is unacceptable and an abuse of the Good Friday Agreement. Any arrangement that can be voted on, vetoed, blocked or stalled by the DUP is a non-runner for Sinn Féin. Will the Tánaiste dismiss this element of the proposal and make it clear that it needs to be taken off the table and that the proposals, as constituted currently, are not workable?

The Tánaiste: I thank the Deputy. The first judgment call that the Irish Government and the EU collectively have to make is on whether the Boris Johnson Government wants a deal and what the evidence, language, conversations and phone calls between Dublin and London suggest. My judgment is that Boris Johnson does want a deal and that the paper published yesterday was an effort to move us in the direction of a deal. However, I agree with the Deputy that, if it is the final proposal, there will be no deal. There are a number of fundamental problems with the proposal.

It is also true to say, though, that there is a progression towards the space where we need to be in terms of other elements of the proposal. We have moved from a verbal commitment regarding an all-island approach to agrifood and sanitary and phytosanitary, SPS, conditions towards a written commitment, with a legal text behind it, to all-island alignment with the rules of the Single Market in respect of all goods, including agriculture. That is a good thing and we need to recognise progress, since it is difficult to find progress at the moment.

As I pointed out to Deputy Calleary, elements of this proposal simply will not be part of any final deal. Of the two most obvious ones, first is the approach to customs, which we believe does not work from a technical and legal operability perspective. However, we will test it more fully with the task force in the coming days. Second is the issue that has been referred to in London as “consent”, but whether it is consultation or a role for an Executive in Northern Ireland in terms of how proposals are implemented, we cannot support any proposal that essentially suggests that a minority will determine what the majority has to live with. It is just not going to work. If that is the proposal, it will be very difficult to get an Executive up and running. Why would other parties buy into an Executive if they believed it could essentially prevent solutions linked to Brexit?

These are serious issues that we need to deal with in a serious, calm and competent way through the EU task force and direct conversations with our counterparts in the UK. I will be in Belfast tomorrow meeting the Secretary of State, Mr. Julian Smith, and I am sure that we will have discussions around this space. It is important that we be clear, calm and respectful, but also honest about what is possible and what is not. There is no point in having a series of proposals, even if they all make sense and work, if they can essentially be vetoed by a minority or one party in Northern Ireland to the frustration of the majority.

We have heard what business leaders are saying across the spectrum in Northern Ireland. There is deep frustration. They want solutions that work and on which they can rely. That is what we are looking for, too. Even though yesterday's proposals are not the basis for a final deal or agreement, I hope that they are the basis for a serious discussion and negotiation that can progress those proposals into a landing zone that might work for everyone.

Deputy Martin Kenny: I thank the Tánaiste. Although I understand that the Irish Government has to be open to trying to find a solution, most people looking on would be in the same space as Manufacturing Northern Ireland in believing that the British Government is trying to give the impression of being reasonable while hoping that the proposals will be rejected and it can return to what all of this is really about, that being, best positioning itself for a UK general election. That is a dangerous situation for the people not only of this island, but of Britain, and its conclusion will lead us into a bad space.

Regardless of whether we have a backstop or agreement, there are a range of elements on this side of the Border on which we need to work. An example was provided to me a few days ago. When a person who was born in the North and now lives and works in the South but who has a Northern Ireland driver licence went to get it changed, that person was told it would have to be surrendered and there would be a wait of three months before an Irish one could be provided. If that person is stopped by the Garda, the person will be prosecuted for not carrying a licence. People across the country are dealing with practical issues like this on a day-to-day basis. While the big politics is going on, ordinary people on the ground are having major problems. The Government needs to make a better effort to acknowledge those problems and do something to alleviate them.

The Tánaiste: We certainly acknowledge the problems. That is what this is all about. We have spent three years trying to address the problems, and the complexity of those problems, in the context of the UK as a whole leaving the EU and all that flows from that. We continue to hold out for the solutions that can respond to the practical problems that people living on the Border and the island generally want us to try to solve. We will be calm and respectful, but very firm, on these issues. This is not about cutting some kind of deal at the last minute. Ireland has been very consistent and transparent in its asks, and we will continue to be as the pressure builds to try to get a deal. As stated, I believe the British Government wants to get a deal, but I would forgive anyone for being sceptical. Ireland has not been treated well at different periods during the negotiations because the policies, proposals and approach of the UK has shifted towards Ireland at different times. That said, we need to work with the negotiating team and that is what we are doing. There is a serious proposal now on the table. It will not be the basis of a final agreement but I hope it can be a stepping stone in that direction.

Deputy Thomas P. Broughan: However much we reject Boris Johnson's letter and his proposals, the Tánaiste has stated that it is a more serious effort to negotiate. Could we take it that, up to Hallowe'en, that this House will be kept informed at every turn in the negotiations?

I mainly want to ask the Tánaiste about his previous portfolio. As he is aware, yesterday, the Raise the Roof-Homes For All coalition stood outside Dáil Éireann. This time last year, the House passed a motion which called for affordable rents and security of tenure, ending eviction into homelessness, doubling national housing investment, the creation of a legal constitutional right to housing and the declaration of a housing emergency. Fine Gael was the only party to vote against the motion and to refuse to do anything about it in the past year.

While we have had an expansion of housing output at a snail's pace, we still have homelessness and the deficit in housing supply is now embedded into our culture and society. As the Tánaiste is aware, for most of this year almost 10,000 people have, disgracefully, been homeless. Like many other Deputies, week in and week out I meet families in my constituency who are in great distress and who live in emergency accommodation, in overcrowded conditions in family homes, who sofa surf between the homes of relatives and friends and who even live in cars and vans. In my constituency, which is Dublin City Council's housing area B, more than 5,000 households are waiting to be rehoused, with nearly another 3,000 on transfer lists. In the Howth and Malahide areas of Fingal, there are another 2,000 in the same predicament. Yet, the monthly housing supply reports from the city and county councils provide just a trickle of accommodation for those families in desperate straits. The same is true of many other constituencies. The vast bulk of Dublin City Council's housing output, 70%, which is the same as last year, will be for housing assistance payment, HAP, tenancies. We know that very few people in HAP tenancies go on to social housing. The Tánaiste's colleague, the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, told the Simon Community recently that his responsibility is to secure a budget that will see more homes being built and more housing output for the remainder of 2019 and into 2020. The Tánaiste has sated that Rebuilding Ireland needs an injection of adrenaline to get housing supply moving.

Like Deputy Boyd Barrett, I was not surprised either to learn from Killian Woods' article in *The Sunday Business Post* that two thirds of the fast-track housing approved by An Bord Pleanála has not been built. In my constituency, there is a major proposal to build 2,000 housing units but 1,200 of them are build-to-rent units and fewer than 200 will be social homes. My experience from watching the planning process and making submissions for almost 30 years is that developers' stories of planning delays are total fiction. Hundreds of planning permissions were granted in recent decades. Developers built 250,000 homes in just three years in the early 2000s. The planning process worked well enough; we did not need the changes. The Government must take action urgently, particularly on Tuesday next.

The Tánaiste: We will keep the House informed on the Brexit issues. Next week will be really important, not just because we will be dealing with the budget, which is, understandably, being put together on the basis of a pessimistic outlook due to the fact that we need to be cautious but also because I hope to see progress in terms of the British proposal developing into something that is fit for purpose. We will keep the House up to date on developments.

In many ways, I share Deputy Broughan's frustration with regard to housing. It is not acceptable to me or to this Government that more than 10,000 people who are homeless and living in emergency accommodation. We again increased, by 25%, funding for homelessness in last year's budget. The amount involved now stands at €146 million a year, which is predominantly spent through local authorities to make sure that we can provide people with the emergency supports that they need. However, that is not the solution in the context of housing. The solution in that regard is to increase supply right across the country, particularly in places where the greatest pressure exists. That is why we, when I served as Minister for Housing, Planning, Community and Local Government, looked at how we could get adrenaline into the house-building system. It was a system that was fundamentally broken across multiple areas. We looked at planning, infrastructure, finance, capacity and location. I looked at how long it was taking, on average, to get planning permission to build an estate comprising more than 100 houses. From memory, the figure was about 75 weeks. We put in place a new system, which I would argue is just as robust in terms of testing the quality of planning applications and making

the right decisions. The planners in An Bord Pleanála make the decisions. They consult with local authorities as part of the process. They have refused quite a few planning applications through that system because they demand high standards, but they do make decisions more quickly. We have seen a dramatic increase in the number of planning permissions that have been sought and in the number of permissions granted. We have also seen a dramatic increase in terms of commencement notices. Up to June, there were 24,226 commencement notices for new houses being built. That is a 30% increase on the situation 12 months previously.

Let us please start dealing with the facts. We introduced a change to the planning system in recognition of the fact that we had a housing crisis and we had to start getting homes built. One cannot get homes built unless one gets planning permission to allow that to happen. Changing the planning system does not solve everything. I accept that the 16,000 planning permissions that have been given through the new fast-track system have resulted in 6,000 homes being constructed so far but two thirds of those decisions were made in the past six months. The first decision through the new system only happened in January 2018.

An Ceann Comhairle: I thank the Tánaiste. The time is up.

The Tánaiste: There is always a time lag between planning permission being granted and a developer getting the finance together to be able to start building houses. Let us start talking about the real world.

An Ceann Comhairle: The time is up.

The Tánaiste: One cannot instantly deliver houses, one must obtain planning permission first. We have a new and better system to do that and we need to deal with the other issues too, which are part of the Rebuilding Ireland strategy.

Deputy Thomas P. Broughan: The facts are simple. When the Tánaiste met the developers about the strategic housing development, did they tell him that they had hundreds of extant planning permissions and that they just were not building because they were hoarding the land in order to flip it and make the best conceivable profit? Is that not the reality? It used to take eight weeks for a local authority to make a decision and then four weeks for An Bord Pleanála. The system used to work. We built 400,000 houses. Previously, we built more houses than the UK built and that could be done again, but the Government is not doing it. Unfortunately, that is the reality. Fine Gael has shown that it cannot be trusted with housing. Gene Kerrigan has stated that we should not leave housing to developers. The time has finally come to get the Land Development Agency or a new national housing executive into action with local authorities and to start building houses with the aim of having 35,000 to 40,000 homes being produced year in and year out. That is the kind of production that we need. I asked the Minister for Housing, Planning and Local Government when we would have equilibrium in the housing market. He could not tell me whether it would be 2030 or 2040. That will be the case if Fine Gael stays in power.

The Tánaiste: I am not quite sure what the question is there.

Deputy Thomas P. Broughan: It relates to whether the Tánaiste questioned the developers.

The Tánaiste: We have taken the level of delivery of new homes from approximately 12,000 to well over 20,000 this year. That happened in the space of three years. We need to get to a figure of more than 30,000 per year, given the current and predicted population growth in

this country. To do that, we need to build a lot of social houses, which we are doing. We will add more than 10,000 to the social housing stock this year. I suspect it will be about 12,000 next year and that needs to continue. We also need to ensure we have a building sector delivering affordable private homes for people to buy across the country. That means working with builders, understanding the market and trying to ensure we make the appropriate policy decisions to make that happen. If people are sitting on and hoarding land, we are now fining them with the vacant site levy, which increases annually.

Deputy Richard Boyd Barrett: It is derisory.

The Tánaiste: We are doing as much as possible within the legal parameters. Deputies should understand that if they were part of the debate on this issue when we introduced that legislative measure. We are, therefore, doing much on the provision of public infrastructure by ensuring public funding is in place, for example, though the local infrastructure housing activation fund, LIHAF, which I hope people understand. It is making sites work and getting houses built. We are doing things in the area of finance-----

An Ceann Comhairle: The Tánaiste is way over his allotted time.

The Tánaiste: -----and capacity and we have done much on planning. This does not happen overnight. We are seeing a dramatic increase in house building, planning permission applications and commencements and-----

An Ceann Comhairle: I thank the Tánaiste.

The Tánaiste: -----we will see the Rebuilding Ireland plan come to fruition.

Deputy Danny Healy-Rae: I highlight the lack of vital infrastructure projects in County Kerry. We have been waiting for many years for these projects, despite promises year after year. The village of Kilcummin has been waiting at least 15 years. A project was promised several times but the road to the village has been delayed for at least ten years because we have been told repeatedly that the sewerage scheme will be constructed the following year. Scartaglen was third in line for a project back in 2008. The village does not have a sewerage treatment plant and nor does Currow. The county council is drawing sewage in Currow into an old tank and bringing it to the treatment plant in Killarney. Castlecove, beside the sea, has no treatment plant either and nor do the towns and villages of Caherdaniel, Kilmoyley, Knockanure, Cromane, Beaufort and Currans.

We are also waiting for sewerage plants to be upgraded, including the one in Kenmare. It is possible to get planning permission to build a house in the town, but then it is stated that commencement of the building work will have to wait until the sewerage treatment plant has been upgraded. Similar treatment plants in Glenbeigh, Abbeydorney, which is in a shocking state, Kilflynn and Rossbeigh also need to be upgraded. Castleisland, meanwhile, has been waiting for an extension to the sewer for 33 years. One third of the town is not connected to the sewer. That is the honest truth. In the kind of weather we are experiencing now, people with septic tanks have to empty them once a month.

The rural water programme was to be put in place to bring us from 2019 to 2022. We are still waiting for that to happen and this year is nearly gone. A contractor is in place in Glenflesk, finally, but we are waiting for approval from the Minister's Department to sanction the €1.3 million needed for the project to progress. When we put all of those projects on a list, it

is shocking to see the way that Kerry has been let down over the years. This involves the Government and Irish Water, but the commitment needs to come from the Government. There is a Minister with responsibility for the environment and we are talking about the environment and protecting it every day. Kerry has been let down in this regard. Many of the villages I named are falling down because they cannot expand. It is not possible to get planning permission. Scartaglen, a grand village in the middle of everywhere, is zoned but people cannot get planning permission for a development there because there is no public sewerage system. I ask the Tánaiste to do something about this situation.

The Tánaiste: The Deputy knows only too well that I am not going to approve sewage schemes for individual villages in Kerry during Leaders' Questions.

Deputy Louise O'Reilly: Go on.

Deputy Danny Healy-Rae: We have been talking about this inside here-----

The Tánaiste: If the Deputy would listen----

Deputy Danny Healy-Rae: -----and I am entitled, as a representative of the people of Kerry, to raise this matter.

The Tánaiste: The Deputy is entitled to raise it and I have not said otherwise. I am stating that I am not in a position to sanction expenditure on individual programmes. That is not how politics works.

Deputy Mattie McGrath: That is not what was said.

The Tánaiste: How politics works now is that we now have Irish Water. It is planning to spend €1.9 billion on wastewater projects in the next five years. About €10 billion has been spent over the last two decades on water infrastructure generally and we need to continue to spend heavily so that villages, such as those mentioned, can grow and expand if that is appropriate from a planning and zoning perspective. We need to work with and talk to Irish Water regarding how it prioritises expenditure to ensure we are facilitating the right types of developments in the rights parts of the country where there is housing demand. That conversation is ongoing between the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, his Department and Irish Water to ensure we can deliver on the capital plans needed in Ireland. Those plans have to be consistent with the national planning framework and Project Ireland 2040.

We will have to accommodate between 1 million and 1.5 million more people in the Republic of Ireland in the next two decades. That requires the building of many houses, as well as other infrastructure. Irish Water needs to be part of those discussions in Kerry as well as other parts of the country, and it will be. Irish Water is already undertaking a significant capital investment programme. It will be possible for it to do that in a more efficient way than it was done in the past through local authorities because of economies of scale. That is how these decisions are made now. If Deputy Danny Healy-Rae wants to send me individual requests, we can try to revert to him with answers from Irish Water.

Deputy Danny Healy-Rae: I do not apologise to anyone for raising this matter today. Irish Water will state that it is only obliged to bring its existing treatment plants up to an acceptable standard. The company will tell me, others and the local authority that it has no obligation to

build new treatment plants. That is where we are. I ask the Tánaiste to talk to Irish Water about that. He is the Tánaiste of the country and Deputy Eoghan Murphy is the Minister for Housing, Planning and Local Government.

How are people in places like Kilcummin, Scartaglen and all of the places I named previously going to prosper? How are they going to build houses if there are no sewage treatment plants? That is a fact. Caherdaniel and Castlecove welcome thousands of tourists every year. Tourism is the only business in the area and these places do not have treatment plants. The local authority tells us that there is no obligation to build new treatment plants, only an obligation to bring the ones in place up to an acceptable standard. At the same time, the plants in Kenmare, Glenbeigh and even Killarney need to be upgraded. There is a lack of funding and a lack of will to ensure the provision of vital infrastructure that is so badly needed in our county.

The Tánaiste: I know some of the towns and villages mentioned by the Deputy well, in particular Caherdaniel. It is one of the most beautiful parts of this island. Irish Water has to prioritise how and where it spends funds. Sometimes that means investing in upgrading existing facilities and at other times it will mean the construction of a brand new treatment plant. It has to prioritise those areas with pressures for developments. It will spend close to €2 billion in the next four or five years on wastewater treatment facilities. That is a significant amount of money and I expect there will be significant expenditure in County Kerry. Money will also be spent in other parts of the country. I could name many rural villages that need new wastewater treatment facilities.

Unfortunately, we did not see investment by local authorities when they were in charge of water systems. That was because they did not have money in many cases. We now have a different system of delivery which is more efficient and makes more sense. It is going to take time to address much of the infrastructure that is not fit for purpose. There have been many good examples of investment by Irish Water that has been effective and has facilitated significant development. There must be an ongoing discussion between Irish Water and the Department so we have consistency between the national planning framework and water investment.

Deputy Danny Healy-Rae: A snail going to Jerusalem would travel faster than the speed at which we are making progress with this.

Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation

An Ceann Comhairle: We move to questions on promised legislation, including the questions carried forward from yesterday. We have 26 Members offering so our success in getting through this will depend on Deputies sticking to one minute and on having brief answers.

Deputy Dara Calleary: I and many other Deputies have raised with the Tánaiste the issue of home help hours. The Tánaiste and the Minister for Health, Deputy Harris, keep telling us there is extra money going into the service, yet the number of people on waiting lists are increasing. There are 7,300 people on national waiting lists for home help hours and it is causing massive delays in our health service. The Minister of State at the Department of Health with special responsibility for mental health and older people, Deputy Jim Daly, fessed up about this on Tuesday when he said he was ashamed and embarrassed any time he met somebody on the street. Does the Tánaiste share that sense of shame and embarrassment about those waiting lists? Will the Government get to the bottom of these delays and deal with them once and for

all?

The Tánaiste: The waiting lists are too long. Many people who need, want and should get home help are not getting sufficient home help hours. That is something the Government wants to correct. We are putting significantly more money into home supports each year. I can reel off the figures for the period from 2015 until 2019 for the Deputy if he wants but close to €150 million of extra expenditure has been provided in that time. There has also been a significant increase in demand, however. We are seeing many more elderly people who want to live at home and need supports. They are getting family support and deserve and need the financial support of the State to do that. We will continue to put more money into this area to try to reduce the waiting lists.

Deputy Martin Kenny: Last night, RTÉ showed the documentary “No Stone Unturned”, an excellent documentary that exposes the depth of collusion between the Ulster Volunteer Force, UVF, killers of six men in a bar in Loughinisland, and the Royal Ulster Constabulary, RUC, and British intelligence agencies. The Loughinisland Justice Group has campaigned for many years for truth and justice for their loved ones and against state collusion. It won a recent case in the High Court of Justice in Belfast, where the Police Ombudsman for Northern Ireland had to apologise for failing to investigate these killings. Like all families who are bereaved in the conflict, they are entitled to access to truth about the deaths of their loved ones. There have been numerous agreements, from the Good Friday Agreement up to the more recent Stormont House Agreement, on having legacy mechanisms put in place, but the British Government continues to block these legacy mechanisms. While the Assembly is not working, and Deputies may throw that at Sinn Féin, those agreements and their legacy mechanisms can be implemented regardless of whether the Assembly is up and running. These families need to get access to truth and the British Government is standing in the way of that. Will the Tánaiste use his influence to ensure they get access to that truth?

The Tánaiste: These families deserve the truth. This was an appalling attack and I am sure many of the families still carry the scars of that. That is why we need to have legacy structures up and running, consistent with what was agreed in the Stormont House Agreement. I continue to prioritise this issue in my conversations with the British Government and I continue to raise it with the British Secretary of State for Northern Ireland. There are many families from different backgrounds who deserve truth and justice, if that is possible, through the legacy structures that have been agreed. We need to get on and do that but to do so legislation needs to be passed in Westminster. That is controversial because in many ways the British Parliament is finding it difficult to pass any legislation as the British Government does not have a majority. We will continue to strongly advocate for the progression of the legacy structures, consistent with what was agreed in the Stormont House Agreement.

Deputy Brendan Howlin: We recently saw the collapse of the Thomas Cook Group, which placed 22,000 jobs at risk and resulted in the repatriation of more than 150,000 holidaymakers, the biggest ever peacetime repatriation. The cost of that operation is estimated to be greater than the sum Thomas Cook Group sought to maintain those jobs and keep the company afloat. We are likely to see many similar cases, maybe some of a similar scale, in just four weeks’ time if a no-deal Brexit becomes a reality. Clearly, the British Government was not prepared for that eventuality but are we prepared? Do we have a decision-making mechanism to immediately support companies that are under that pressure in four weeks’ time? Do we have access to liquid cash that would be able to support such companies? The Taoiseach told me last week he would much prefer early intervention to sustain jobs than to seek to support unemployed

people or to find replacement jobs. We do not know what the mechanism is yet. When will the Government spell that out for us?

The Tánaiste: The Deputy will get a lot of clarity on that on Tuesday because it is budget day. I do not want to talk about the budget too openly today for obvious reasons but we are preparing a budget for a no-deal Brexit. That means preparing a budget for virtually no growth next year and it also means ensuring we set a significant amount of money aside to deal with the kinds of issues the Deputy has raised. The Taoiseach is right that we should spend money in those difficult circumstances to protect jobs, rather than to accept their loss and support people through social welfare. That is why we will look to support State agencies that can protect jobs and businesses through the disruption of a no-deal Brexit as best we can.

Deputy Richard Boyd Barrett: I believe that for the past six months, the Government, specifically the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, and Dún Laoghaire-Rathdown County Council, have been in breach of their legal obligation to produce audited accounts for the Dún Laoghaire Harbour Company and to lay those accounts before this House. The transfer of Dún Laoghaire harbour into the ownership of the county council under the Harbours Act 2015 happened exactly one year ago to the day. Six months after that transfer, there is a legal requirement for those accounts to be published, given to the Minister and laid before this House. Some six months to the day since that was required, it still has not happened. The Government and Dún Laoghaire-Rathdown County Council are in breach of a law the Government wrote. I want this urgently looked into because this carry-on has gone on for far too long in Dún Laoghaire Harbour.

The Tánaiste: I will ask the Minister to get back to the Deputy.

Deputy Mattie McGrath: I want to ask the Tánaiste and the Minister for Agriculture, Food and the Marine, Deputy Creed, a question. As the Tánaiste knows, farmers and their families spent eight weeks outside the meat plants. An agreement was reached somewhere in Kildare whereby the Minister would set up a task force. What is the delay? That was a month ago and the task force has not been populated yet. Above all, we need an independent chairman there also to ensure that task force has teeth. We do not need all the usual suspects on it. I want to know when the task force will be populated. I also want to know about the injunctions that were promised to be lifted from all those affected when the last protesters left the plants. Why are there still injunctions in place against two men in a Longford plant, one of whom is a Fine Gael councillor? What is going on? The task force needs to be convened immediately and some bit of interest needs to be shown in the farmers of rural Ireland.

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Andrew Doyle): The Minister has written to the various organisations asking for their nominees. He will outline the details in respect of the independent chairman. I cannot answer the question on the two people against whom injunctions allegedly remain in place.

Deputy Seamus Healy: I appeal to the Tánaiste to intervene immediately to have additional special needs assistants posts approved for Scoil Aonghusa special national school in Cashel, County Tipperary. Six children with special needs are at home today, unable to avail of education, because there are not enough special needs assistants at the school. The school has places, teachers and transport available but there are not enough special needs assistants available. The school applied for additional posts as far back as last March and there is still no decision on those additional posts today. These children are entitled to education. I appeal to the Tánaiste

to contact the Department and to have these posts approved.

An Ceann Comhairle: That is not really appropriate to the Order of Business.

The Tánaiste: I will ask the Minister's office to contact Deputy directly.

Deputy Eamon Ryan: I welcome the fact that the UK Government is moving towards regulatory alignment for agricultural and manufactured products in a possible Brexit deal, but we need other regulatory alignments. I cite the example of regulations for the environment, which knows no borders. Do we know whether regulatory alignment will apply to the likes of the habitats directive, the water framework directive and the nitrates directive? Will those directives be justiciable on all of this island via the Court of Justice of the European Union? The waters of the Shannon rise in Fermanagh. The water that arrives in a house in Dundalk crosses the Border three or four times on its journey from its source. Slurry coming from certain Northern Ireland farms will be spread in the South. Are we certain that this regulatory alignment is also now agreed?

The Tánaiste: I am slow to get into too much of that detail, but I note that if we have full alignment then we have to have a level playing-field and agreement on the rules of the Single Market. We obviously cannot have farmers in Northern Ireland producing food according to a totally different set of rules and regulations to farmers south of the Border and expect there to be no requirement for Border checks. Regulatory alignment means that we operate by the same rulebook on both sides of the Border. That goes beyond rules of origin and labelling rules. It applies across the board. That is part of the UK's proposal, but nothing is agreed yet. We simply have a proposal that is the focus of discussion and hopefully will soon be under serious negotiation. As I said earlier, it is not the basis of what an agreement will be if it happens, but it certainly needs to be the basis of a discussion.

Deputy Peadar Tóibín: The Tories know very little about Ireland and they care much less. People across the country are starting to realise that. We have realised that because of the Border they have an influence on whether or not we can move people, products and services across Ireland, and that they can also determine whether we have a peaceful future in this country or not. Brexit has highlighted in flashing neon lights the influence the Tories have and how they determine our future here in Ireland. The opinion polls have shown that for the first time in history, the majority of people in the North of Ireland and in the South of Ireland believe that the best solution to this is an all-Ireland solution. However, there is no Government planning for this at all. A new Ireland forum would provide an opportunity for people across the 32 counties of various civil and political views to work in partnership and map out how Irish people can determine our future together, without negative influence from London. Will the Minister develop such a forum?

The Tánaiste: First, I note that we are trying to find all-island solutions to the challenges posed by Brexit. That is exactly what we have been doing for almost three years now. That is why we are looking for alignment; to protect the functioning of an all-island economy. That is why we are trying to protect the Good Friday Agreement and its institutions, even though those institutions are not up and running right now. The all-island approach is central to finding solutions to the challenges Brexit throws up. However, we also have to recognise that there are different perspectives on this island, particularly in Northern Ireland, and we also have to listen to and understand the concerns and fears of unionism as well as nationalism. That is what we are trying to do. I do not believe that now is the time to set up a forum on Irish unity, which is

how this would be seen. There is already enough tension and difficulty between communities. There is a lot of fear and we need to provide certainty and calm. That does not mean we will not think about these issues in the future.

Deputy Pat The Cope Gallagher: I came to this House in 1981. Today I want to raise one of the most serious issues since that time, that of home help hours. I know the Deputy leaders raised it but I am focusing on my county. The number of people waiting has gone up from 161 in January to 226. When the director general of the HSE was appointed, he said he was going to wipe out the deficit. That meant he would wipe it out at the expense of the old, the weak and the vulnerable. I know the Tánaiste said earlier that more money is going into it. That is no good to the people I represent, such as the 94 year old and the 92 year old in Donegal who were approved 20 weeks ago but have still not had their care hours implemented. I ask the Tánaiste not to tell us that there will be money in the budget. Something has to be done quickly. I suggest that people now have to die before their neighbours are allocated home help hours. I hope I am wrong. I ask the Government not to let that happen during our watch, when there are billions of euro available in the country. Let us look after those who helped to build up our country over the years. I am extremely concerned about all of these cases. Could the Tánaiste at least suggest to the relevant Minister that he should meet with interested Deputies during the course of next week, budget or no budget?

The Tánaiste: The Minister concerned is more than aware of this issue and has already met Deputies to discuss it on various occasions, but I am sure he would be happy to meet them again. As I said when answering this question earlier, we are significantly increasing resources in this area, but demand is also significantly increasing. We will continue to try to improve the number of help hours.

An Ceann Comhairle: Will the Tánaiste ask for a meeting to be arranged?

The Tánaiste: I will certainly raise that with the Minister.

Deputy Imelda Munster: I want to raise the housing crisis in my constituency with the Tánaiste again. There are 170 people in emergency accommodation in Louth and 111 in Meath. It is unprecedented. We also have a housing waiting list that is heading towards the 5,000 mark. It has never even approached that before. Nobody is coming off the housing waiting list. It just increases all the time. Meanwhile, as I have raised before, we have 50 acres of council-owned landbanks in County Louth that are lying fallow, unused in any social or affordable housing building programme. The Minister has the data on the council landbanks because he had it collated last year. Despite the number of times I have raised the issue, the Government has still not released funding. Doing so will only make a small dent in the numbers but it will make a dent and it will help those people through the misery of the housing crisis. When will the Government roll out funding for the building of social and affordable homes on council-owned landbanks?

The Tánaiste: The Government is rolling out billions of euro of expenditure to do that right now. That is why we are going to deliver an extra 10,000 social houses this year. I can ask the Minister to come back to the Deputy on the specific cases she raises. From my experience in that Department, the delivery of social housing is primarily a capacity issue rather than a funding issue. That is self-evident when one looks at the increased budgets for housing in the last two years. I will ask the Minister to come back to the Deputy on that directly.

Deputy Charlie McConalogue: I have a question to the Minister of State with special responsibility for the Office of Public Works and flood relief, Deputy Kevin Boxer Moran. I know he has committed to travelling to Donegal in the near future to meet with residents of Ellen Park in Buncrana with regard to funding for flood defences along the Crana river. As the Minister of State saw, very serious damage was done in August 2017 and Elm Park was very badly flooded as well as Cockhill Celtic Football Club and many businesses and homes in the area along the Crana river. The flood review has identified the need for a flood defence there but it needs to be funded. Can the Minister of State confirm today that he will be coming to Donegal in the near future? Can he also confirm that he will look at the need for funding for this project and several others in Donegal, which has experienced extensive flooding? I note this particularly in light of the storm coming this evening. As the Minister of State well knows, the residents will be exceptionally nervous at such a time and it is essential that funding is allocated to this.

Deputy Eugene Murphy: My question is also addressed to the Minister, Deputy Kevin Boxer Moran, and concerns flooding. It is only 3 October. As the Minister of State knows from his own part of the country, there is widespread flooding. Several farmers are already in major difficulty. People are extremely nervous. I live in the real world and I know that the Minister of State cannot stop the rain from falling. However, I note that the rainfall has been incessant and its pattern has completely changed. The total rainfall of two or three weeks in years gone can now happen in half a day.

I o'clock

This is the reality. On this basis, is it time we changed the goalposts? We will have huge problems unless we tackle this matter head on. Many people will be left in distress. In County Roscommon, 35 or 40 farmers near Lough Funshinagh who had never been affected now cannot farm. They cannot do their daily business because roads are blocked. Houses and sheds will be in serious bother because they will be flooded. We need some type of action very quickly.

Minister of State at the Department of Public Expenditure and Reform (Deputy Kevin Boxer Moran): I thank the Deputies for their questions. With regard to the Donegal region, Deputy McConalogue knows I was up there when the flooding took place and he knows the level of funding we secured for the local authority. We announced a great number of schemes that are being led by local authorities. Since then, I have asked the local authorities engineers to speed up the process of delivering the schemes. Given the number of schemes already on their books, it would be impossible for local authorities to secure those people's homes merely by being given more funding. The funding is there but they do not have the resources to do the work. We have to be fair to the local authorities by letting them do the work they are doing under the scheme we have announced. They have appointed engineers and are getting on with the job. I will visit Deputy McConalogue's area very shortly and we are fixing a date. We have a date in mind and I will let the Deputy know in due course.

To respond to Deputy Eugene Murphy, what course can we change? In the past two months, 450 mm of rain fell in the Athenry area. Other parts of the country had 220 mm or 250 mm of rain. Since I came into Government we have announced €1 billion in funding. No Government in the history of the State has announced such money to protect people. We announced 95 schemes. We appointed engineers and consultants. We have gone through the planning process. In some cases, I will hand back money at the end of this year because of people objecting to the delivery of schemes. Take the Tánaiste's area of Cork. A total of €200 million that was

to be invested in the area has faced objections.

Deputy Eugene Murphy: Maintenance of the River Shannon.

Deputy Kevin Boxer Moran: We should be on site.

Deputy Eugene Murphy: The capacity of the rivers is gone.

An Ceann Comhairle: We cannot get into this.

Deputy Kevin Boxer Moran: Deputy Eugene Murphy knows well the work that is happening on the Shannon.

Deputy Niamh Smyth: On many occasions, I have called for improved public transport for the Border region and specifically Cavan, Monaghan and Meath. Numerous Deputies have called for a rail line to connect Dublin and Navan. I have often called for the reopening of the rail line from Navan to Kingscourt. The rail line exists so this is not about building new rail line. It is about improving timelines for commuters. The vast majority of people living in Cavan, Monaghan and the Border region need connectivity to the capital city because, unfortunately, they must commute every day. I opened the *Meath Chronicle* to see that a Fine Gael councillor is applauding the fact Irish Rail will begin lifting the tracks to replace them with a greenway. This is not very ambitious for commuters. It is not very ambitious for public transport. It is certainly not very ambitious for climate action. I have asked the Department of Transport, Tourism and Sport for a feasibility study. Will the Tánaiste and the Government ensure no rail lines are lifted? It is terrible.

The Tánaiste: I will ask the Minister to come back directly to the Deputy on the specific project.

Deputy Michael Moynihan: I wish to raise an issue with regard to the Disability Act, the disability appeals office and disability compliance officers. A very serious case has arisen and I do not want to mention names on the floor of the Dáil. A complaint was made in March and the disability compliance officer made a recommendation. A family was waiting for disability services and the compliance officer outlined a schedule of dates that was agreed with the HSE regarding commitments and therapies. The family did not take the case to the disability appeals office because they believed the dates would be met given that the compliance officer had agreed them the HSE. Of course, the dates were not met; as with everything in the disability sector there was total disarray. When the family went to the appeals officer under the Act they were told they were too late and that they would have to start the process again. Surely to God it is a disgrace that a compliance officer, as one arm of the State, states the dates have been agreed and then those dates are dismissed by another arm of the State.

The Tánaiste: It sounds like a case where mistakes were made and a family suffered as a result. I ask the Deputy to send me on the details and I will make sure the Minister of State with responsibility for disability gets a copy of it.

Deputy Bernard J. Durkan: The land development agency Bill is promised legislation that will have a bearing on making available land for building houses. At what stage does it now stand? Have the heads been cleared and is it ready to come before the House?

The Tánaiste: The heads has been cleared and it is a priority for this session.

Deputy Danny Healy-Rae: Licensed hauliers feel they are very exposed to a no-deal Brexit. The budget for 2020 should not make the situation worse for the sector. It asks that we do not increase carbon tax or at least that we provide for its offset for licensed hauliers. The sector also asks for measures to be introduced to reduce fuel costs for licensed hauliers by doubling the rebate level allowed under the diesel rebate scheme from 7.5 cent to 15 cent, reducing the floor at which the rebate starts from €1 to 85 cent and not increasing motor tax, VRT or other taxes on the licensed haulage sector.

The Tánaiste: The first thing to say about hauliers is they are very well served by the representative body and its president, Verona Murphy. The Deputy is right to say that potentially Brexit will create significant disruption in a no-deal context. I encourage all businesses linked to the haulage sector to take the advice available to them to ensure their paperwork is in place for the consequences of a no-deal Brexit and the changes in trading conditions that would flow from it. We are working closely with the sector but with regard to decisions on the budget the Deputy will have to wait until next week to see.

Deputy John Brady: For the 2017 to 2018 fuel season 31,565 people living in Ireland received the winter fuel payment from England. For some who do not qualify for the fuel allowance in this State it is the only financial support they receive towards their fuel costs. I have been raising concerns with regard to this payment with the Minister for a number of months. Twice in the past week I submitted questions to the Minister on this issue but twice I received a reply that did not answer the question. It is a massive concern for the more than 30,000 people living in this State who receive the payment. Will the winter fuel payment continue to be paid to people in this State if a deal is reached between Britain and the EU 27 and if there is a no-deal Brexit? A simple “Yes” or “No” answer will suffice.

The Tánaiste: I would like to allow the line Minister to give the Deputy a full answer. Certainly my understanding is that under the memorandum of understanding for the common travel area and the omnibus legislation we passed social welfare payments and supports will continue as they have been. I do not want to say this definitively. If the Deputy has asked questions of the Minister I would like her to give him the answer.

Deputy John Brady: I am not getting any response.

The Tánaiste: I will make the inquiry for the Deputy and come back to him.

Deputy James Browne: Page 67 of the programme for Government refers to ensuring support for those in crisis with regard to mental health services. Last weekend, a 16 year old was admitted to the emergency department of University Hospital Waterford. He suffers from autism and was admitted after a very serious incident arose. He spent 40 hours in the emergency department, 26 of which were spent on a chair with a blanket over his head to block out noise and sound. Another 11 hours were spent on a trolley. No CAMHS inpatient bed or adult bed was available for him. He was finally seen by a child psychiatrist who had to write six different referrals with regard to various child inpatient beds throughout the country. There are only 72 inpatient beds in the country and an average of 43 of them are active at any one time. Does the Tánaiste believe that this is ensuring support in crisis? Is it not possible to put a bed manager in place rather than wasting a child psychiatrist’s time writing so many referrals?

The Tánaiste: In this area there has been enormous pressure from the perspective of recruitment and funding. The HSE has successfully recruited 114 assistant psychologists and

20 psychologists in primary care. Ten new posts for advanced nurse practitioners have been specifically directed to child and adolescent mental health services. We are recruiting in this area and investing much more in it because of the kinds of cases the Deputy has just outlined.

An Ceann Comhairle: Three Deputies remain and if they ask their questions in 30 seconds, I will take each of them.

Deputy Louise O'Reilly: Phil Ní Sheaghda, the general secretary of the Irish Nurses and Midwives Organisation, INMO, has described the trolley situation as escalating beyond crisis. September was the worst month this year. Last year, the winter initiative was not published until winter was well under way. We know winter is coming. I ask the Tánaiste to confirm it will be published before winter.

Deputy James Lawless: I wish to raise the issue of transport in my constituency of Kildare North. Since schools returned Maynooth has been at a virtual standstill, with traffic worse this year than any previous year. It has been mooted that the National Transport Authority, NTA, and Transport Infrastructure Ireland will examine the feasibility of a second motorway interchange at Maynooth. I ask the Tánaiste to ask the Minister for Transport, Tourism and Sport to prioritise that project and revert to me with an update.

Deputy Fiona O'Loughlin: The spectre of unmet housing needs faces us both here in the Chamber and in our constituencies. Until meaningful intervention is taken on affordable and social housing, 40% of people have to rent and that is if they can actually get a house or an apartment to rent. Rents are increasing all the time, particularly in Kildare which is a commuter county. Rent pressure zones, RPZs, were introduced to try to control rents. They were welcome as an effort to contain the problem. They were spread throughout electoral districts. However, in Kildare, Monasterevin has been moved from one area to another. I submitted several parliamentary questions about this, but the Department refuses to allow Monasterevin to be included in an RPZ. Rents are increasing in the town all the time. Athy is in a separate electoral area. There has been a refusal to add Athy to the RPZs. I appeal to the Tánaiste to include Monasterevin and Athy in the RPZs.

The Tánaiste: A consultation on the winter initiative is under way. It will be published when it is ready and the sooner the better for obvious reasons. I do not have an exact date.

I will ask the Minister for Transport, Tourism and Sport to come back to Deputy Lawless on his issue.

I was the person who introduced RPZs. It is really important to apply rent pressure zones on the basis of data and not on the basis of political pressure. I do not mean that in any kind of negative way in terms of the Deputy's question. The Residential Tenancies Board provides the recommendations which are purely driven by the data on rent inflation and how rents compare with the national average. That is what determines whether an area falls within a rent pressure zone. Approximately two thirds of rental properties are now in rent pressure zones. In a town like Monasterevin, if the numbers determine it, rent pressure zone status will be triggered.

Reappointment of Members of the Legal Services Regulatory Authority: Motion

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

That Dáil Éireann, noting that the Government agreed on 1st October, 2019, to propose, for the approval of Dáil Éireann, the re-appointment of the persons concerned to be members of the Legal Services Regulatory Authority, and pursuant to sections 9 and 10 of the Legal Services Regulation Act 2015, approves the re-appointment, with effect from 1st October, 2019, by the Government of the following persons to be members of the Legal Services Regulatory Authority, who shall hold office for a further period not exceeding three years from the date of his or her appointment in accordance with that Act: Sara Moorhead, Geraldine Clarke, Stephen Fitzpatrick, Dermott Jewell and Deirdre McHugh.

Question put and agreed to.

Development of a Liquefied Natural Gas Facility in Ireland: Statements

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): I am pleased to have the opportunity to speak on this issue. The climate action plan the Government has published sets out an ambition to have 70% of energy on our grid from renewable sources by 2030. The current figure is 30%. In practical terms that will require us to build five times the volume of renewable energy capacity we now have. In terms of operating the grid, it means that the peak load that can be taken from renewable sources, which now stands at 65%, must be increased to 95%. The implication is that for times when the wind does not blow and the sun does not shine, we must have quick and flexible systems of introducing supplementary capacity to ensure supply. That will become particularly important as we finally exit from coal and peat generation as set out in the plan.

Having requested advice from the Climate Change Advisory Council, I received advice that, while it was appropriate that Ireland should cease to have new exploration for oil, we should continue exploration for gas because gas provides that quick and flexible capacity to supplement our ambitions to build our grid based on renewable sources. It confirmed that in transition to a low-carbon economy it was appropriate to rely on gas as the most effective way to provide that supplement. It also pointed out that technology will change and that we need to keep a close eye on the opportunity for carbon capture and storage as a supplement to the use of gas.

The liquefied natural gas, LNG, proposal has arisen in the context of the need to provide security of supply for gas for this transition given that the Corrib field will run out or start to decline very significantly during the next decade. At that point, we will be solely reliant on interconnection with the UK, which will no longer be a member of the European Union, meaning that Ireland will be exposed to security of supply issues. The LNG project has been on the projects of common interest for six years because access to LNG provides additional security, as confirmed in studies by Gas Networks Ireland, EirGrid and the International Energy Agency. This the backdrop to why this project continues to be on the list of projects of common interest and of importance for security during the course of the transition to a network largely based on renewable sources.

Being on the EU list of projects of common interest does not dilute in any way the requirement for such a project to get regulatory approval under Irish and EU planning and environmental requirements. The issue here does not in any way undermine the obligation on the sponsor - in this case, a private sector sponsor - to obtain all the necessary regulatory compliance certificates to go with such applications. That is a very important context for this. We are not alone in needing or relying on the potential of LNG imports to provide security of supply. Thirteen

EU member states have such import terminals. LNG represents 14% of Europe's energy supply and is an important source of security within a sector that is exposed to uncertainties. That is why, in a European context, such facilities are of significance and it is also why there is a desire to see them included in a list of projects of common interest.

I am aware of the concerns that some sources of natural gas, such as fracked gas, can contain higher levels of fugitive gases which generate additional greenhouse gases in the form of methane than other sources of natural gas. This is based on certain research papers published by Cornell University. While there is debate about that research, we should be conscious of those in the use of projects of common interest. I have instructed my officials to ask the European Commission whether the implications of importing LNG, both conventionally or unconventionally extracted, into the European Union has been examined in terms of a sustainable, secure and competitive European energy policy and if not that should be undertaken. Being on a list of this nature does not confer any ability to override any of the planning and regulatory requirements, nor does it confer any automatic entitlement to support. In the event of an application being made for financial support for such a project, the Government would have a further role.

I have initiated within my Department a study of the position relating to the security of our energy supply in order to ensure that as we exit fossil fuels, we can be confident in the sources of other energy and their reliability and that these are consistent with the transition to a low-carbon economy. I hope the study will be completed early in the new year.

There is a tendency for people in this House to be very focused on where we source different fuels, particularly fossil fuels. The real challenge for Ireland lies in the fact that it is one of the most fossil-fuel dependent countries in Europe. The plan I have set out is a roadmap to dealing with that and to making the necessary changes. It involves taking cars run on fossil fuels off our roads by 2030. No coal or peat will be burnt in our power stations by that time. Fossil fuels will not be used in new homes. We will refit 500,000 homes in order to make them low-energy consumption dwellings. We will increase the supply of renewable energy on our grid to five times what it is today. Those are the real challenges we have to meet but we must not expose ourselves to potential interruptions of supply that could have significant effects on our economy and society. My approach is to be prudent and to make the correct decisions while being aware of evolving science and ensuring that it will be brought to bear on any decisions we make.

Deputy James Lawless: Fianna Fáil very much welcomes the debate this afternoon on LNG development in Ireland. It is only right that this House has the opportunity to address all aspects of this approach to gas supply and also take into account the State's climate and energy responsibilities. In the few weeks since the new parliamentary session began, we have had many debates on climate change and climate action. That is only right because climate change is the defining global challenge of our time. We on this side of the House very much recognise that and we are committed to ensuring that Ireland does its collective fair share and meets legally binding commitments at EU and UN level. I hope the Government will adopt this mindset also. I am reminded of the Taoiseach's comments a year ago when I asked about the State making provision for budgetary fines that would accrue if we did not change course. His rather glib response was that the Government would consider the matter in 2019 and that it was not a budgetary worry for the last year. I hope he has matured and made progress in the context of his attitude.

The current rate of fossil fuel use is unsustainable and must be reduced in the coming years in order for Ireland to meet its climate change commitments. Despite the Fine Gael Govern-

ment's pledge to decarbonise the economy by 2050, Ireland is completely off track. Fossil fuels account for over 90% of all energy used in this country. As an Irish parliamentarian, I was embarrassed when, at a conference on energy in Copenhagen two years ago, I saw that Ireland was listed pretty much at the bottom of the league table of EU member states in terms of its reliance on fossil fuels and its failure to get sufficiently on board with switching to renewables.

With climate breakdown in full view, we have not only to reduce our dependence on fossil fuels, we must also look beyond the next ten years when the risk of stranded fossil fuel assets as a result of misguided investments will become very real. Responsible government does not merely involve making announcements and setting targets as this Administration has done, it also involves ensuring a just transition away from fossil fuels and taking firm action. It is in this context that all aspects of LNG development should be fully considered and examined before a brick is laid.

By far the best way to improve Ireland's energy security is to follow the Danish path of energy efficiency and renewables. This includes community gain and ownership and a shared resource in the renewable sector. Fianna Fáil believes that the focus must be on developing Ireland's indigenous renewable energy, particularly from offshore wind and local community energy. There is a huge technology dividend to be gained from a new green economy. We must also be mindful that energy security is not the same as gas security. It is a more complex web which must encompass renewable sources of energy, storage solutions, interconnectors and much more. However, the people expect the Government to be clear in the context of outlining any risk to energy security. We must be mindful that gas supply, particularly from our fully twinned subsea interconnectors to Scotland, is key for electricity generation. Those interconnectors were put in place on foot of significant State investment. Ireland has a 70% target for electricity from renewables by 2030 and fossil gas will play an important role in supporting this development. Further electricity interconnection will also support security of energy supply. We also very much welcome the announcement yesterday that a significant EU grant has been secured for the Celtic electricity interconnector to France. The Joint Committee on Communications, Climate Action and the Environment has considered that project in some detail. We are very pleased to see it progress. It makes perfect sense in a continental energy market that wind energy will be harnessed on the west coast of Ireland while solar energy will be connected to the grid on the southern shores of Portugal and Spain. When the sun shines in one place and the wind blows in the other, we can share and trade accordingly. This is a very positive step and it is also an important Brexit mitigation measure.

Taking into account Ireland's climate obligations, it is important that we have an independent analysis of our energy security. This should be facilitated by the Department and the energy regulator, with input from relevant State agencies. All policy in this area must, as in all others, be evidence-based. A full, objective, evidence-based analysis of our energy security risks and requirements must be conducted.

It is also important that our approach will not be focused on or limited to dogmatic decrees. This Parliament needs to include citizens, industry and communities on this journey towards decarbonisation. It must also encourage and pressurise the Government into leading the way. We need an inclusive approach, and issues, such as the one before us today, need to be fully debated. Every party has a right to bring proposals, motions and statements issue to the floor of this House and have them analysed, scrutinised and discussed here. It is appropriate that this House has the opportunity to address the matter in light of the decision on EU projects of common interest, which I understand will be forthcoming tomorrow.

Regarding the need for an inclusive approach, it is extremely disappointing that the Fine Gael Government has so far not progressed with an examination of LNG through the national dialogue on climate action, despite including this as a commitment in the programme for Government. I am also conscious that responsible government in this area is not limited to future projects. It also taking real measures now to influence behaviours and help citizens. There are many steps that can be taken to incentivise, reward and demonstrate to our citizens how we can do this in small and large ways, from rooftop solar on farm or community buildings, micro-generation, grants and incentives for retrofits. There are a myriad initiatives which should and could be achieved and rolled out but the Government has been too slow to do so.

Fianna Fáil has been clear in its opposition to hydraulic fracturing in Ireland since as far back as 2015. We strongly supported the 2017 legislation to introduce a national ban of onshore fracking in recognition of the health and employment impacts of exporting shale gas reserves. That legislation also has implications for the taking and storage of fracked gas, which is a further issue the Government must closely consider in the context of LNG.

As part of its recent advice to the Taoiseach on the subject of possible exploration, the Climate Change Advisory Council indicated there are proposals to develop significant energy storage capacity in Ireland, which would address some energy security concerns about the current reliance on a limited supply chain. Nevertheless, issues with the embedded greenhouse gas emissions associated with the production, compression, distribution and storage of natural gas sourced from a more diverse range of regions and production techniques would need to be addressed. On the basis of the advice, the Government should undertake a strategic environmental assessment and emissions analysis of the possible importation of fracked gas.

As my party and I have stated many times in the House, the need and mandate for greater climate action is clearer and stronger than ever. Climate impacts are a major security concern. Any doubters should look out the window in approximately two hours when Storm Lorenzo hits. It will be hot on the heels of Storms Emma and Ophelia and every other freak weather episode we have witnessed in recent years. The Government should progress with the designation of EU projects of common interest only when a proper assessment of all projects has been carried out. It is also suggested the Oireachtas Joint Committee on Climate Action must examine the risks further.

Deputy John Brassil: I will outline a brief history of the project, which is in my constituency. It was first announced in 2006 and was fully supported by the local communities, local industry, and every politician and political party. It had received full planning and licensing by 2012 and was supported by the EU as a project of common interest in 2013, which was renewed in 2015 and 2017. In 2016, during the most recent general election campaign, every candidate from Fianna Fáil, Fine Gael, People Before Profit, Sinn Féin and the Labour Party, as well as Independents, fully supported the project, while many mentioned it in their election literature and committed to delivering it if elected. Today we face a debate on whether it should proceed based on the fact it may or may not involve fracked gas. I remind the House we already import gas from the UK, which has an LNG facility. Are we now to ban the importation of gas from the UK and endanger an already precarious energy supply system? There is a ban on nuclear energy, under the Electricity Regulation Act 1999, although we import it from the UK and are building a 500 km line to bring electricity from France to Ireland. When it is built, we will import 750 MW of nuclear energy from other countries.

I ask the House to be consistent. If we want to have a debate, let us have it on the issues.

This week, the Climate Change Advisory Council, an independent body under the leadership of Professor John FitzGerald, stated we will need some form of gas as a transition fuel for the next 30 years. From where will get the gas for the next 30 years if we are to provide the necessary transition, which we all support, from fossil fuels to 100% renewable energy? We need a functioning economy, security of supply and to deliver policies that will have an impact on the climate change agenda we all support.

Deputy David Cullinane: I thank the Ceann Comhairle for his assistance in ensuring that the debate was held, and the Business Committee and the Government for scheduling it. As the Minister will be aware, Sinn Féin is fully opposed to fracking, which has been our position for years. It lines the pockets of multinational corporations while contaminating the ground and drinking water, threatening public health and national biodiversity. We supported the Bill to ban fracking and we work with local community groups in counties Leitrim, Roscommon, Sligo and Fermanagh on the issue. We do not support the Government's attempt to import fracked gas into the State. The previous speaker, from Fianna Fáil, spoke about consistency. The consistency of which we should be aware relates to the fact we cannot on the one hand say we are against fracking and ban it while we import fracked gas from other countries. That would be hypocritical and would lack consistency.

It is important we do not confuse energy security with gas security. That is part of the problem with which some in Fianna Fáil have a difficulty. It is interesting there are vastly different opinions within the party, which is fair enough, but we need to be consistent-----

Deputy John Brassil: The Deputy should ask Deputy Ferris for his opinion on the matter.

Deputy David Cullinane: Deputy Ferris is not in the Chamber and he can speak for himself. I am speaking for Sinn Féin and we have one voice on the issue, namely, that fracking is an environmental disaster. All our policy in the area is evolving. The science is clear and the debate is moving on. One has to be guided by the science on the matter. We also have to be consistent. If we say on the one hand that the State is against fracking, that should be the end of the matter. We should not, as some people try to do, confuse energy security with gas security.

On the proposed Shannon LNG terminal, a meeting of the EU high-level decision-making group will be held tomorrow regarding the projects of common interest list. The Government wants the Shannon LNG project - a fracked gas project - to be confirmed on the list and, to do so, is actively trying to bypass the Oireachtas. That is what it was trying to do when it learned about the many debates being scheduled in the House, including a sitting of the Joint Committee on Climate Action, which will examine the matter next week. Deputy Bríd Smith has invited a number of experts from the United States to testify before the committee. Why were all the hearings scheduled given that the Government had full knowledge the high-level decision-making group would meet in Brussels on Friday? Will the Minister inform the House whether the group will make decisions and, if so, what input has there been from the Government? If it is the Government's position that the project should go ahead, how will that sit with the Government's stated policy that it is against fracking in the State?

There are many issues for the Government to address. Despite all the concerns that were raised, the Government scheduled all discussion on the approval by the State of the projects of common interest and the consequences of US fracked gas in the Irish energy mix for dates after the approval would be given. It did so even though no strategic environmental assessment of the energy plan to import US fracked gas had been undertaken by the State. The Joint Commit-

tee on Climate Action is due to meet next week and we will hear from experts. The EU Agency for the Cooperation of Energy Regulators stated all the proposed Irish gas projects are “projects, which did not prove that their overall benefits outweigh costs”. On the LNG terminal, Sinn Féin is a signatory to Deputy Bríd Smith’s Private Members’ motion on the issue, which is due to come before the House soon.

I have no difficulty with Deputies, including those who represent Shannon or County Limerick or elsewhere, having their own views. Nevertheless, we as an Oireachtas have to be consistent, as does the Government. I reiterate there is much hypocrisy in the Government’s approach to climate change. We saw it in the case of Mercosur and we see it again now. It is simply not acceptable that on the one hand we say we are against fracked gas in the State and ban it while saying it is okay for us to import it. How is that anything other than hypocrisy? We should listen to the experts and the science, which should underpin and form the basis of policy in the area.

Deputy Martin Kenny: The issue of fracking is pertinent for my constituents in Sligo-Leitrim and for those who live in County Fermanagh because there was a significant campaign for many years to ban fracking. In that context, people in the community, politicians and much of the wider public became experts on what the impact of fracking would be on the ecology, the ground water, the geology of the area and so on. We had a steep learning curve over a couple of years. I remember attending a public meeting in Drumshambo where 99% of people did not know what fracking was. Within six months, people could give one details of mini earthquakes and other things one could hardly believe would be visited on a community in rural Ireland. They were getting this information from other countries in which these things were happening. One of the main places was Pennsylvania along with other parts of the USA. That is exactly from where it is now proposed we should use this terminal to import gas.

Gas is currently being imported and used in Ireland all the time and we do not have this terminal. While people can quote science on both sides and there will be different scientific views, just as there will be different political views, one has to be able to assess those positions and determine the most logical approach to set us on the right trajectory with regard to where we want to be in future. Anyone looking logically at this will recognise that the stated policy of the Government and the House is to move to a situation in which we no longer deal with any fossil fuels, including gas. We are supposed to be removing these fuels from our sources of energy. The proposal to build a new terminal to import fossil fuels flies in the face of that logic. If we are to spend money in the State on anything, it should be to build the infrastructure to source renewable energy and eliminate fossil fuels. Such infrastructure should not require the importation of any gas, in particular fracked gas. That is something that has been put forward by all the community and environmental organisations which are keen to see the Government stand by its word on this.

I note the many Ministers who wear the little badge associated with the UN’s sustainable development goals. Those goals are about many things which many of the policies of the Government and its counterparts internationally fly in the face of. One of those things is looking after our environment and the future of the planet. If we are going to look after the future of the planet, fossil fuels cannot be part of our energy production. That means we must stop looking down for our energy and start to look up for it. If we are going to start looking up for it, we must consider solar, wind and other forms of energy supply which do not have that negative impact on our environment. This debate is really about where the emphasis will be. Will it be on continuing to use fossil fuels under the guise that it is part of some kind of transition or will it

be on making the clear switch to renewable sources and energy development? If it is the latter, this proposal for the Shannon Estuary is not a sensible one. It might have ten or 15 years ago, but that is not where we are now. We are in a different place. We have declared a climate emergency and, in that context, it is time to recognise that this proposal must be taken off the table.

Deputy Bríd Smith: I wish to share time with Deputies Boyd Barrett and Barry.

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

Deputy Bríd Smith: I thank the Business Committee for allowing this debate to take place. There is a certain irony in the fact that the people to my left in Fianna Fáil voted against holding this debate earlier in the week. I am glad that some of them at least are being positive about what we are trying to achieve here, namely, expose the horrors of the Government signing off without proper understanding or knowledge of the positions of Deputies, Senators and the Climate Change Advisory Council itself. The council, by the way, is made up mostly of economists with very few scientists sitting with them. There is not one climate scientist on the council, which represents a problem from the get-go if that is where our advice is coming from. I thank the 30 Irish and US organisations and individuals who have written to the Taoiseach and the Department, including actor Mark Ruffalo, film maker Michael Moore, and the chief of the Powhatan Renape Indian nations, Dwayne Perry. I hope they will be listened to.

There should be no mystery about whether Shannon LNG will be about fracked gas, but there appeared to be when the Taoiseach said it could be any kind of gas. That is absolutely not the case. New Fortress Energy, the company that owns the project, has stated this explicitly. It told its shareholders, potential investors and the Security and Exchange Commission in the USA that it is going to be fracked gas. Further, the Pennsylvania EPA tells us clearly in its annual report that the bulk of gas from the state comes from unconventional wells. I have a map on which the blue lines represent fracked gas and the green lines represent conventional gas. What is coming out of North America is fracked gas and the company doing the LNG deal in Shannon makes no bones about that. Why, then, does the Taoiseach seek to obfuscate? It is for the same reason the Government did not want us to have this debate in the first place.

I refer to the idea that there is environmental vandalism in energy security. It is important to understand that this is a ruse to justify the continued reliance on and support for fossil fuels by the Minister and Department. Shannon LNG, Cork LNG and the reverse-flow interconnector are not essential to our energy security. We have enough gas for the time being and we have two interconnectors, not one, to Britain and Europe. Therefore, LNGs are not essential to our energy security. Rather, they are essential to those forces that want to profit from the continued use of fossil fuels, in particular fracked gas. The only avenue to secure energy security after Corrib and Kinsale is the legislation about which the Minister spoke last night. That legislation should be brought before the House next week to allow massive investment in offshore renewable energy development to take place. Imagine what we could do with Shannon as a hub for renewables. Imagine what we could do with the Port of Cork as a hub for renewables. The Minister referred to the wind not blowing but I doubt there is a single day when the wind does not blow off the west coast of Ireland. We can destroy the use of fossil fuel in Ireland if we approach it systemically and with the will of the people.

The context of this debate is important. The west of Ireland is hunkering down because of Storm Lorenzo. We have seen extreme weather conditions all year across the planet. The CO2 and methane we are pumping out will ensure that rapid destruction will continue for decades.

We need a commitment from the Minister today that this project of common interest will not include the Shannon LNG until it is scrutinised next week and the House gets a chance to vote on it.

Deputy Richard Boyd Barrett: The only reason this is being discussed is that climate activists, Deputy Bríd Smith and People Before Profit badgered the Minister and forced the debate. Now that we have forced the debate on the Minister, he should refrain from putting forward this terminal for liquid natural gas from fracked sources as a priority project to the European Commission tomorrow. He has no democratic right to do so. He has not told the House the truth. As recently as yesterday, the Taoiseach misled the House by saying it was not necessarily going to be fracked gas that would come in through this terminal. That was not true, as Deputy Bríd Smith has just outlined. The company that will bring the gas through the terminal has said it will overwhelmingly be fracked gas. Unless Government members wish to be guilty, as I believe they are, of being complete climate hypocrites, how can they say fracking is unacceptable here as it would poison our environment and human health but is fine where it poisons the health and environment of people in Pennsylvania? It is rotten hypocrisy in terms of the Government's claimed commitment to addressing the climate emergency.

If this terminal goes ahead, we will be locked into importing fracked gas, which is the dirtiest of all fossil fuels when one takes into account the methane it produces. That methane holds in heat and warms the planet by a multiple factor when compared to what CO₂ does. It is actually more damaging. At the very least, the Government should allow a vote on this proposal. It is outrageous that we would sign up to and approve a major infrastructural project tomorrow when the Government is not telling the truth about it, when the House has not discussed it and while the Government is being absolutely hypocritical about the damage it will do to the climate and people in the United States of America. Of course, there is a considerable opportunity cost to this when the Minister says this is a transitional fuel. If we allow hundreds of millions of euro to be spent on building a terminal to bring in toxic, fracked gas, that is hundreds of millions that are not being spent on developing the renewable energy we actually need to deal with the climate emergency.

Deputy Mick Barry: Methane emissions from the drilling for fracked gas in the US are responsible for one third of the total recent increase in methane emissions worldwide. Methane is second only to carbon in terms of endangering the climate. It is even more dangerous than coal.

Last week, the Taoiseach presented himself as a champion of the environment when he addressed the United Nations in New York but the Irish State will tomorrow support Shannon LNG as a project of common interest at a key EU meeting. Shannon LNG will be, without question or doubt, importing fracked gas from Pennsylvania. How hypocritical is it possible for the Minister and Government to be? If it becomes a project of common interest, Shannon LNG will be eligible for fast-track planning permission and public funding. If the Government gets its way tomorrow, it opens up the door for liquefied natural gas, LNG, projects in Ireland using fracked gas from the US, not just in Shannon.

This development must be opposed by all who care about our environment. Shannon LNG should be taken off that list for approval at tomorrow's meeting.

People in Cork have a particular interest in this issue. The privatised Port of Cork has signed a memorandum of understanding with a US company to explore the question of importation of LNG from the US to Cork. This LNG would also include fracked gas, without a question

or doubt. That fracked gas would come from the Rio Grande project in south Texas, near the Mexican border, which could be operational by 2023.

Ireland has its own energy sovereignty. The issue here is, do we want fracked gas to be let into our Irish energy mix? We say the answer is that we cannot and that this proposal must be withdrawn now.

Deputy Joan Collins: I firstly thank the Ceann Comhairle for allowing this debate, under considerable pressure from both the campaigning activists and Deputy Bríd Smith, who has pushed this issue for the past week and longer.

If democracy is to mean anything at a time of climate crisis, an opportunity must be allowed to discuss and debate important policy developments. One of the most subtle and devious ways of making a bad decision is to pretend that no decision has really been made. The Government thought it would get these LNG projects on the projects of common interest, PCI, list without having to tell anyone they were putting them there. The Government is acting dishonestly and without regard to the common interest in recommending these projects. Ireland's energy policy is at a turning point. The Taoiseach has already admitted that we are laggards but things could get worse if these PCI projects are approved.

For years, we have been criticised by environmental organisations, the European Commission and other international bodies for our approach to climate action. When faced with mitigation targets, the Irish Government has negotiated loopholes, flexibilities and opt-outs. We have prostrated ourselves before our European partners time and time again, seeking extra time, resources and flexibility. We will miss our 2020 climate and energy targets by a mile and are also a long way off target to meet our 2030 targets. According to the SEAI, Ireland gets less than 10% of its total energy from renewable resources and the remaining 90% comes from fossil fuels, the bulk of which are imported. Meanwhile, the Oireachtas Joint Committee on Climate Action heard that the Government has not made any effort to lift the real obstacles to community-based renewable energy projects, such as solar energy on rooftops. While peat and coal are being phased out, there is no commitment to phasing out gas. In fact, both the Government and Gas Networks Ireland are planning to expand the gas infrastructure network and lock in more investment and carbon emissions to our energy system. The Corrib and Kinsale gas fields currently supply 65% of Ireland's natural gas needs and the supply will be completely exhausted within 15 years. We know that fossil energy, including gas, is the primary cause of global warming so why would we look for any more gas? Why would we want to invite the most polluting and climate destroying type of gas into our energy mix?

Ireland ratified the Paris Agreement in 2015 and committed to holding global warming to below 2°C and to pursue efforts to keep global warming at 1.5°C. As signatories to the 1992 United Nations Framework Convention on Climate Change, we are also obliged, as a developed nation, to commit to doing our fair share of global climate mitigation, consistent with our capabilities as a rich nation.

The Irish Government's response to date to our commitments under the Paris Agreement and EU directives has been nothing short of shameful. According to the Environmental Protection Agency, EPA, figures, Ireland's emissions are still higher than 1990 levels. We have failed miserably to make the transition to a low carbon economy and, not only that, we are continuing to head in the opposite direction. Experts have predicted that Ireland's national Paris-aligned CO₂ quota will be exhausted by 2024. Adhering to this limit would be necessary if Ireland was

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to contribute its fair share to the global effort to reduce emissions. After that, there would have been an implied moral obligation for Ireland to urgently clean up all of its further CO₂ and, ultimately, take carbon out of the atmosphere over the following decades.

If the Taoiseach was honest, instead of saluting the young climate strikers at the UN summit last week, he should have apologised for using up the atmosphere and leaving those strikers with nothing. It will be up to them to figure out solutions to clear up our mess.

It is the Government's intention to adopt the list of projects of common interest tomorrow. I ask the Minister to postpone and not to do that and allow proper debate in this House and at next Wednesday's sitting of the Oireachtas Joint Committee on Climate Action where we will hear from experts who can play a key role in explaining exactly how this will impact us.

I want finally to highlight that this policy is not only an Irish one but one being pushed by the US fossil fuel industry which has more or less captured the Republican Party and the presidency of Donald Trump. US activists have travelled to Ireland this week to ask us not to import fracked gas because of the devastating impact it is having on communities across the US. Instead of taking on the role of the world climate leader, the US oil and gas companies must begin rapidly decarbonising to avoid runaway climate disaster. The United States is moving further and faster than any other country to expand oil and gas extraction. Not content with destroying the world with nuclear weapons and proxy wars, the US is also exporting a pollutant which will remain in the atmosphere, just like nuclear fall-out, more or less forever. We cannot decarbonise our economy with fracked gas and should not import it.

Deputy Catherine Connolly: Gabhaim buíochas don Teachta Bríd Smith as ucht an bhrú a chur sí ar an Dáil chun an t-ábhar seo a phlé.

There is a danger here if the Minister listens with closed ears and thinks this is just the same old stuff from the Opposition on the radical left. It is a serious problem for democracy if that is the approach he is taking. I have repeatedly spoken on climate change since I came into this Chamber; indeed, I could quote any speech I have made since May 2016. Ireland has the third highest greenhouse gas emissions per capita in Europe and, for the past three years, we have been bottom of the scorecard. I could pick any statistic but I do not wish to. What is really important for me here today is that, last night, the Minister stood up and talked about more engagement with young people. I said that the time for engagement has passed. It is time to show leadership and to show young people they can trust us. The Minister does not even have to agree with me, but if we give across a message that we are hypocrites who are saying one thing and doing another, that is a serious difficulty, but it is exactly what is happening here.

Ireland's emissions are the third worst in Europe and have risen since 1990. The Minister is waving an action plan at me, yet he is going to give a thumbs up to this initiative tomorrow. There is something seriously wrong somewhere.

I am pleased this will be debated at the committee next week.

2 o'clock

I welcome that. I hope the Minister will tell us that no decision will be made tomorrow because that is what a rational, intelligent human being would do based on scientific evidence. I keep repeating that many Deputies were hauled into the audiovisual room to hear about the importance of making decisions based on science. Science Foundation Ireland told us how

important that was. We know that the scientific evidence is beyond dispute. I feel like a broken record repeating that message and that the window of opportunity continues to narrow. I wonder how the Minister, as a human being, responds to the fact that as the window narrows, he is still trying to stand over a decision such as the one to be taken tomorrow without debate. The Minister has had words such as “hypocrite” hurled at him? These are not helpful words, and I, too, have used them, but this is the space we are in we see what the Government is doing and its denial of climate change. On the one hand, it produces report after report while, on the other, it plans to state tomorrow that this is a vital project of common interest that does not even need to be discussed in the Dáil because the Government knows what is best.

The Government promised an energy review. That will be crucial because we rely on energy to keep our people alive and the economy going. The Minister should fast-track that review and should not make decisions that pre-empt it. When will we get that review? To describe gas as essential pre-empts the review and amounts to a complete denial of the scientific evidence. The Minister should read the biodiversity report and the latest report on our oceans adopted by the Intergovernmental Panel on Climate Change before asking himself how he can possibly live with the cognitive dissonance he and his Government are displaying in having plan after plan on climate change while doing the complete and utter opposite. The Opposition has a duty to highlight that. We should not get personal with the Minister but hold him to account. We are holding him to account and telling him that, as Deputy Boyd Barrett noted, he has no democratic mandate to make this decision tomorrow or to allow it to go ahead. We are asking the Minister to see sense by not proceeding, which would give the young people of Ireland and the world some hope in our leadership.

Deputy Catherine Murphy: We banned fracking in this country after significant public and political debate. The argument was clear. Fracking is a dirty way of obtaining gas and we agreed that on public health and environmental grounds its impacts were too serious to ignore. We do not even know the full environmental consequences of fracking, yet we face the prospect of gas that has been obtained by this method becoming available here. We are not okay with fracking in our own back yard but we have no problem with the environmental damage being done in another country and we will actively support that. This is an example of double standards.

The 2015 White Paper on Energy set out a roadmap for the State to reduce greenhouse gas emissions by between 80% and 95% by 2050. How can the Minister realistically hope to achieve that target by importing fracked gas which will increase emissions when burned? That approach does not make sense. In reply to a parliamentary question on this subject late last year, the Minister tried to keep his hands clean by telling me the Government’s stated aim was to move from a fossil fuel based system. The LNG project was, he said, a private commercial project and decisions were the concern of the parties involved. That ignores the point that the importation of this gas fundamentally undermines all the stated climate plans to which the Department pays lipservice. I am not the only Deputy who has been inundated with correspondence from constituents expressing dismay about this. I am sure the same applies to the Minister. This is not the last time we will hear from people who are active and keeping a very close eye on this issue and other issues on climate.

The proposed LNG deal, like the Government’s flawed national development plan, does not take account of the declaration of the climate emergency. It is proof positive that this Government is happy to greenwash for media purposes but environmental actions are severely lacking in the trade-off between Fine Gael choosing between big business and the environment. Big

business cannot always win. We have one planet and we cannot differentiate between it and some notional corporate planet. This issue must be viewed in that context.

As previous speakers stated, there is no mandate to sign this deal. We cannot be critical of what happened in the UK when parliament was ignored, while doing exactly the same here. I hope the Minister will pay close attention to what Deputies have said.

Deputy Eamon Ryan: When this project was originally put forward in 2008 it was not opposed. We lived in a completely different world then. It was in the middle of a Russia-Europe gas crisis when people across eastern Europe were freezing in their apartments after the gas supply had been cut off. Fracked gas was only in its infancy at the time and we did not have renewable power supplies at the cost competitive rates that are available now. Since then, everything has changed and the Department and Minister must now change their position. The first change was that the European Union responded to the Russia-Europe gas crisis by improving its systems of energy security to ensure gas will flow across the European Union efficiently and securely given the risk that Russian gas supplies will be cut off.

The Minister said that Britain's exit from the EU might increase risk. Our gas supply comes through Northern Ireland and I cannot see any possibility in any type of Brexit of that gas flow being shut off. One area of agreement across all the Brexit talks is that we will maintain an all-Ireland energy market and the energy links between the UK and the rest of Europe. The UK is also exposed because its security of supply depends on gas imports from the Continent. For this reason, I do not buy the argument on security.

Having observed the proposed LNG project over the years, I understood that it was dead in the water years ago because there is no economic case for it. I recall that the regulator made various calls related to the allocation of costs for the gas grid network which effectively scuppered the project. Nothing has changed in that regard. The only potential change is in respect of the only other project Ireland has on the projects of common interest list, namely, the reverse flow on the Moffat interconnector. In that case, it is important to listen to the European Agency for the Cooperation of Energy Regulators in Europe, ACER, which stated that there had not been a clear cost-benefit analysis done on the project and that the calculations for it had not been explained. That project should not go ahead. Without that project and without change in the Department or the regulatory position whereby the full cost of the grid will not be applied to this terminal, the project will not proceed on economic and environmental grounds.

On a radio programme this morning, a gas industry representative spoke about the opportunities presented by carbon storage. Back in the day, we did a very detailed assessment of the storage potential near the Shannon Estuary. After very detailed analysis by the Geological Survey of Ireland was that we do not have any storage location in the area. Contrary to what the gas executive said today, the economics of carbon capture and storage are completely unproven and the process would cost much more any alternative cost system we could get from developing offshore wind or solar power. There are other ways that we could provide storage and security. The development of hydrogen using electrolysis from wind power to turn into stored hydrogen will probably be how things will develop. Moreover, as the Minister noted, we will have Corrib gas coming in for the next ten or 15 years, which gives us time to make the switch and invest in the renewable zero carbon future. We cannot bet on or invest in gas. There is already a massive oversupply and an overextension of the numbers of new applications for LNG terminals and pipelines in Europe, which if they are all built and used, will completely blow the European climate plans and budget.

This is key issue in Brussels. There are real issues as to whether the European Investment Bank, EIB, will fund this kind of gas infrastructure. I hope that the Minister's Department and this Government, contrary to the rumours I hear, will take a position within the European Union and say that we will take the money out of that sort of fossil fuel investment and we will keep it in the ground and develop the alternative renewable supply, which is the only secure, safe and safe for the planet energy system we should turn to. We should stop this project in its tracks. It makes no economic or any other sense.

Deputy Seamus Healy: I confirm my support for the motion circulated by Deputy Bríd Smith on this matter and I commend her on her tenacity in ensuring that at least some debate took place in the Chamber on this issue. Nothing shocks me any more. The manner in which the Government has gone about this issue shows a very brass neck - effectively, pulling the wool over the eyes of the public and the Dáil. Imagine scheduling a debate at Oireachtas committee level next week while actually dealing with this issue tomorrow at European level. That is certainly not democracy. It is not what we are about in this House. There needs to be full and informed debate on this issue among the general public, in the Oireachtas committee and in the Dáil Chamber and a decision should be taken following an informed and full debate.

The question of fracked gas terminals must be removed from the list of projects of common interest immediately. This proposed project should not go ahead until that has happened. We know that fracked gas is a very dirty gas. Methane is the second most important greenhouse gas, behind carbon dioxide. It is 87 times more potent than carbon dioxide. We know that the latest peer-reviewed scientific studies have shown that shale gas production in North America may have contributed to approximately one third of the total increased methane emissions from all sources globally over the past decade.

The manner in which this matter has been dealt with is anti-democratic. We need a full and informed discussion in this House, in the committee and among the public on this issue. This project should not go ahead and no decision should be made by the Government in the EU tomorrow.

Minister for Communications, Climate Action and Environment(Deputy Richard Bruton): I thank Deputies for participating in this debate. This is a very important issue in that we now need to embark on an accelerated programme of removing fossil fuel from our energy mix. Unfortunately, we are starting from a position, as Deputy Lawless said, where we are north of 90% dependent on fossil fuels. This journey is going to require us to use natural gas. That is the reason behind the advice from the Climate Change Advisory Council that we should continue to explore for natural gas. That is the reason the liquefied natural gas, LNG, projects have been on the European projects of common interest for six years and continue to be a concern. Security of supply of natural gas continues to be a very important European concern.

In the context of the projects of common interest, as I said in my opening comments, I have instructed my officials to ask the European Commission whether the implications of importing LNG, both conventionally and unconventionally extracted, into the European Union have been examined as to the sustainable, secure and competitive energy policy. If not, we have asked that such an examination should be undertaken.

I can also give an assurance to the House that being on the list of projects of common interest confers two benefits. One is the potential for a quicker planning process. As the House knows, this Shannon LNG project is already in its planning process and this benefit does not

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confer anything fresh on this project. The second potential benefit that this would confer is that this project could apply for funding under the common European funding mechanism. As I indicated in my opening comments, this will come back to the Government for consideration, if such an application is made. I will consider such an application against the backdrop of a review of energy security and sustainability, which I am undertaking. Only if I am satisfied, in the context of that review of energy security and sustainability, would I consider supporting funding for this private sector project.

While this is a European process, which has been under way and on the list for a very considerable period, I would only consider supporting an application for funding if I am satisfied that it represents a correct approach, both in the context of our ambition to move away from fossil fuels and of energy security, both of which are important.

It is important for Deputies to be aware that no country can decide the energy mix of another state. We cannot decide what China's or the US's energy mix is. It is also important to realise that when the UN examines the energy mix of different states, from the point of view of climate, it includes fully within its evaluation any greenhouse gases created by fugitive gases. That must be accounted for within the system.

We cannot, as a country, pick and choose which products we take based on their environmental profile.

Deputy Bríd Smith: Yes, we can.

Deputy Richard Bruton: That would have to be decided at European level. As I indicated to the House, I will be undertaking a review of energy security and sustainability. It is only in the context of such a study and where I am satisfied that such a project fits in with that, that I would support an application for funding. All the advice I have received from experts is that having access to LNG is an important supplement to our security of supply and that we should have that.

As Deputy Brassil pointed out, there can be fracked gas in any gas resource. There are limits on our ability to dictate what other countries do in regard to the supply-----

Deputy Richard Boyd Barrett: This is all fracked gas.

Deputy Richard Bruton: -----they put through their energy mix. The position I am adopting is reasonable against the background of all the advice I received in terms of the security of supply, International Energy Agency, IEA,-----

Deputy Gino Kenny: It is stroke politics.

An Leas-Cheann Comhairle: Allow the Minister to finish, please, without interruption.

Deputy Richard Bruton: -----EirGrid and Gas Networks Ireland, GNI. I am indicating to the House that I am conscious of the concerns and I will be undertaking a proper study of those issues and it will be against that background that I will judge any consideration of funding of such a project.

Deputy Bríd Smith: Will the Minister remove this project from the projects of common interest, PCI, tomorrow?

An Leas-Cheann Comhairle: There are no questions and answers.

Deputy Peadar Tóibín: I ask for just one minute because I wanted to add my voice in opposition-----

An Leas-Cheann Comhairle: I know the Deputy was late coming in, but he has already done that.

Deputy Peadar Tóibín: I wish to add my voice to those in opposition. Sometimes there is a chasm between the language that the Government uses around climate change and then its actions. Fracked gas is one of the most dangerous gasses there is, not only in terms of the CO2 it emits but also in the level of methane that is created when it is extracted from the ground and the damage it does to the societies from which it is taken. One of the greatest problems we have relates to the plans to extract gas by means of fracking in Fermanagh and other parts of the North of Ireland. The projects in this regard are proceeding. It would be bananas for the Government to state that it is serious about climate change and then to proceed to import fracked gas from another jurisdiction.

Deputy Bríd Smith: Absolutely.

An Leas-Cheann Comhairle: I was not complying with the orders of the House because I wanted to be a wee bit flexible and allow the Deputy to speak.

Deputy Peadar Tóibín: I appreciate that.

Deputy Bríd Smith: Can we come back to the Minister on some of the points he raised?

An Leas-Cheann Comhairle: I did not interrupt the Minister during his five-minute reply. He has done his wrap-up. That concludes the statements on the development of a LNG facility-----

Deputy Bríd Smith: Will the Minister answer just one question?

An Leas-Cheann Comhairle: No. There is no provision.

Deputy Bríd Smith: The Minister just has to say “Yes” or “No”. The people deserve an answer. Is the Minister willing to remove-----

An Leas-Cheann Comhairle: No. The House-----

Deputy Bríd Smith: -----Shannon LNG from the projects of common interest tomorrow and give the House an opportunity to scrutinise, debate and vote on the project?

An Leas-Cheann Comhairle: Does the Minister wish to respond?

Deputy Richard Bruton: I have just stated, if the Deputy was listening, exactly the position. There is no point in my repeating it.

Deputy Bríd Smith: It is not clear from what the Minister stated. Will he remove it?

An Leas-Cheann Comhairle: The Deputy will have to get the blacks and see what the Minister stated. That concludes statements on the development of a LNG facility in Ireland.

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Message from Select Committee

An Leas-Cheann Comhairle: The Select Committee on Foreign Affairs, Trade and Defence has concluded its consideration of the Prohibition of Nuclear Weapons Bill 2019 and has made amendments thereto.

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 Niamh Smyth - to discuss funding for cancer supports in Cavan town; (2) Deputy Joan Collins - to discuss the issue of the projects of common interest, PCI, list and concern that this list includes the proposed Shannon LNG plant; (3) Deputy Seamus Healy - to discuss additional special needs assistants for Scoil Aonghusa, special national school, Cashel, County Tipperary; (4) Deputy Mary Butler - to discuss the waiting lists for home care supports in Waterford; (5) Deputy James Browne - to discuss the waiting lists for home care supports and home help in Wexford; (6) Deputy James Lawless - to discuss traffic congestion in Maynooth, County Kildare; (7) Deputy Louise O'Reilly - to discuss the need for additional school places in north county Dublin; (8) Deputy Fiona O'Loughlin - to discuss the need for additional supports for respite and residential care in Kildare and nationwide; (9) Deputy Mattie McGrath - to discuss a ring road for Tipperary town; (10) Deputy Martin Ferris - to discuss the Fáilte Ireland and Tourism Ireland decision to cease promoting greyhound racing; (11) Deputy Maureen O'Sullivan - to discuss the licensing issues relating to the fast ferry, *Dun na Sead II*; and (12) Deputy Eoin Ó Broin - to discuss the decision to cut the funding for the Get Ahead Club school service in north Clondalkin, Dublin 22.

The matters raised by Deputies Niamh Smyth, Maureen O'Sullivan and Martin Ferris have been selected for discussion.

Sitting suspended at 2.25 p.m. and resumed at 3.05 p.m.

3 o'clock

Broadcasting (Amendment) Bill 2019: Second Stage (Resumed)

Question again proposed: "That the Bill be now read a Second Time."

Deputy Éamon Ó Cuív: This is an extraordinary Bill. I understand that many people have gone home today because of Storm Lorenzo, but after the Minister's contribution last night, there was no Government speaker. That shows either a lack of interest on behalf of the Fine Gael Party or that there is nothing of significance in the Bill. There was a time when, if a broadcasting Bill was before the House, there would have been a queue of speakers.

Much of this Bill is technical. It corrects a number of small, technical issues with the funding of the Broadcasting Authority of Ireland, BAI, and so on. However, I am not sure that it addresses the great changes that have happened in broadcasting in recent years or the nature

of new technologies. We can all receive material on handheld devices called telephones and, furthermore, there is widespread dissemination of knowledge outside of the formal media. I am disappointed the Bill has not examined some of the fundamental issues of broadcasting. The current Government has been in place for seven years and has had a lot of time to think about broadcasting.

Nuair a d'fhoilsigh an tAire an Bille, chuardaigh mé é le haghaidh an focal "Gaeilge". Seachas tagairt do TG4, níl aon tagairt don Ghaeilge ann. Níl aon mhíreanna faoin nGaeilge ann. Chuir sé sin iontas orm mar i mí na Bealtaine seo caite d'fhoilsigh coiste tuarascáil. Ba choiste é a raibh an Ceann Comhairle an-chuidiúil lena bhunú, is é sin Comhchoiste na Gaeilge, na Gaeltachta agus na nOileán. D'fhoilsigh an coiste sin moltaí áirithe maidir le craolachán trí Ghaeilge. Istigh sa mholtaí bhí dhá mholadh a bhain go sonrach le reachtaíocht. Is é an chéad mholadh a bhí ann ná "Go dtreiseofaí le práinn na míreanna faoin nGaeilge san Acht Craolacháin 2009 chun cur ar chumas Údarás Craolacháin na hÉireann (ÚCÉ/BAI) polasaithe Gaeilge gníomhacha a fhorbairt i bpáirt le craoltóirí an Stáit." Is é an dara moladh a bhí ann ná "Go n-aithneofaí 'Craoltóireacht na Gaeilge' mar phríomhdhualgais in aon sainmhíniú nua de 'craoltóireacht sheirbhísí poiblí' agus in aon reachtaíocht chumarsáide leasaithe nó nuadhreachtaíthe." I looked up the Constitution, which is very interesting on the status of the Irish language. It has constitutional status and no matter what people might think personally, the Legislature and the Government must respect the Constitution. There is much talk about people not respecting the law across the water. It is very important in this country that we do not start saying that part of the Constitution does not matter and this part does. What the Constitution says on the Irish language ná gurb í an teanga náisiúnta í agus, de bharr sin, gurb í an phríomhtheanga náisiúnta í, in other words, that the Irish language is the official language. It then says go nglactar leis an Sacs-Bhéarla mar theanga oifigiúil freisin. It says it is an phríomhtheanga, which means the primary national language. It seems to me at times that people want to just ignore that, as if it was not a constitutional imperative. I remember a certain Attorney General when we were in government, who even though he did not have Irish himself was very strong on this point, that there is just no getting away from it, and that if one was unhappy with it one should bring a constitutional amendment before the people. Funnily enough, I do not think that they would accept a change in it, but if they did not, therefore, it is the will of the people.

The reality is that when one looks at broadcasting finances, one would think the Irish language was a minority language and not a national language. I am stunned that there is no mention of broadcasting through the Irish language in this Bill. We all know there are major deficiencies. There is a very bad architecture for how it is all funded. This matter should be addressed by the Government. One of the great deficiencies, in particular with the development of new media and more private media, is that we keep avoiding the question of why we are subsidising RTÉ to the level we are and what is our definition of public service broadcasting. Do we really need to subsidise RTÉ to do things that other English language broadcasters in this country, for example, Virgin Media Ireland or the commercial radio stations such as Newstalk and others are doing without subsidies? Do we really need to subsidise RTÉ for light comedy shows and other such programmes? It is time we decided what public service broadcasting is and, therefore, decided that the ceadúnas or licence and direct State subsidy should go for the purposes of public service broadcasting.

Since the inception of local radio and since the decision was taken, for better or for worse, that local radio would be controlled by private interests, and not by either local authorities or by the State, a lot of public service broadcasting perforce has to be done by the private sector

because there is no public sector in local radio. The Bill is a cop-out because it dodges the big issues. It is my view that we need urgently to decide, first, what is public service broadcasting and why the Exchequer funds public service broadcasting. Is it for documentaries, to produce good native drama or to ensure, for example, that there is good coverage of our indigenous sport and also those sports played by Irish people whether they are playing at home or abroad? Is it for all those obvious issues of national interest?

The second question then is when we are funding them whether we differentiate between the State-owned broadcasting entities and the privately-owned ones. If we say it is only the State-owned ones, does that mean we are precluding from public service broadcasting all the local stations, in particular the radio stations that provide such basic public service broadcasting in their local areas? Where I live there is an interesting situation on a local level because Raidió na Gaeltachta as a national station also obviously focuses quite a bit on the Gaeltacht. It is Raidió na Gaeltachta and I am in the biggest Gaeltacht in the country. In fact, half of the native speakers of Irish live in my constituency. In practical terms, when it comes to local news, there are two main suppliers: there is Galway Bay FM and Raidió na Gaeltachta. They perform overlapping functions. Local news and sport are being broadcast by Raidió na Gaeltachta, and it should be supported as it is broadcasting in a minority language, but should the public service remit of the companies in the private sector, because there is no State alternative, not also be supported? When are we going to have the debate and make a decision? We must have a rational debate that does not dodge the issues. I know there are big vested interests, one is just down the road from where I grew up, in a place called Montrose in Donnybrook. RTÉ thinks the licence belongs to it. Vested interests have to be taken on if other people have an equally legitimate claim to funding on the basis of the work they are doing.

I wish to address the fact that the Minister has once again dodged the money issue. The Minister said the LPT was one thing and the licence was another. Let us put the LPT aside, although it would be perhaps handy to collect it through the LPT. I accept the Minister's argument in that regard. There is also the fact that the licence is collected from commercial entities and LPT is not, rates are collected from the latter. For a number of reasons the licence as we know it is a terribly bad way of collecting money. In the 1960s, for example, once the transistor radio came in that one could bring around with one, the old radio licence had to be abolished. There was a radio licence initially long before the television licence and, quite sensibly in the early 1960s, once the transistors came in they got rid of it. They said it was non-operable anymore because one could have a radio in one's pocket. The reality is that the television as we knew it; the big box in the corner that was quite visible, has disappeared. One could watch a match on a tablet, a laptop or a phone. Basing the fee on a receiving device is an old-fashioned way of deciding who has to have a licence.

The next problem with the licence is it is totally inefficient. According to the figures available, the number of people who do not pay, whom the Minister feels is obligated to pay, is very high. A significant amount of money is spent on advertisements telling people they have to have a licence but we know default is high. Any system that has a high default rate is a flawed system. It is also incredibly expensive to collect. It is an inefficient system because any system that involves having to physically send people around to houses to check that there is a device, and then it is very hard to define the device, is a stupid system. We must admit that the sell-by date of the licence is probably gone and there are many other ways the State can collect money, but the idea of attaching it to a device is gone.

The second myth that persists is that the licence is somehow the property of RTÉ. The

licence is paid into the Department of Communications, Climate Action and Environment and it goes into the Central Fund and then it is disbursed. It is only another source of taxation into the fund. Funnily enough, when one goes to disburse the money, one has a slice of Exchequer funding. That is how TG4 is mainly funded. My view is that there are two issues to be decided. The first is how much the State should provide to broadcasting. That should be one wad of money. The second issue is whether the source of that money will be general Exchequer funding or a dedicated funding channel. The mix instituted when TG4 was created is anomalous and bizarre. The final decision the Minister has to make, having acquired the funding and put the pot of money together, is on how it will be distributed. We have to get away from what I call the “historical model”, where certain players got the lion’s share of the money without much scrutiny just because they always got that funding in the past. That goes back to the days when there was just a State broadcaster.

The funding of TG4 is a disgrace. TG4 is incredibly important for all those people in this State, whether they have fluent Irish or not, who believe the promotion of the Irish language is important and that Irish speakers, or those people who want to watch Irish programmes, have access to good programming. TG4 is lean, mean and efficient despite its meagre resources. It produces excellent programmes. Many people not fluent in Irish watch it, especially sports programmes and documentaries, because it provides subtitles. TG4 has produced some of the best documentaries in recent times. The sad part of this is that most of TG4’s broadcasting is in English because it cannot afford to make enough programmes in Irish. The channel is truly a public service broadcaster when it is broadcasting in Irish. That is not the case when it is broadcasting other material not related to its main function, which is to be *Teilifís na Gaeilge* and broadcasting in Irish. This issue has to be tackled.

Another question regarding public service broadcasting never ceases to fascinate me. Why are RTÉ’s current affairs programmes considered public service broadcasting whereas political debate programmes on Virgin Television, formerly TV3, some of which are very good, are not considered public service broadcasting for the purposes of subsidy? Why does one channel get a great deal of money for doing these things while another channel is expected to do them for free? It is an irrational situation on which we have not had a debate. I do not have all the answers but this Bill certainly does not tackle any of these issues. There has not been a debate. The Minister should give a date for concluding such a debate and come back with proposals.

Making small changes at the edges of local radio to help local journalists is not enough. The core remit of local radio, which it does very well, is current affairs and local news programmes. Local radio stations are fair in a way that I am not sure is always the case with other stations. Local stations are also much more transparent and accessible. It is difficult for anybody, even a public representative, to get on RTÉ if that person is not among the select few. If somebody has something sensible to say, a local radio station will give him or her a platform. As long as he or she stays within the law, access will not be a problem. I always describe local radio as “access radio for the ordinary people”.

The other thing local radio stations do tremendously well is coverage of local sports. I commend TG4 on covering GAA club matches. I notice that the big boys, RTÉ, have suddenly realised that there is great interest in these games and it is jumping on the bandwagon after 15 years. As an aside, fair play to TG4 for its coverage of ladies Gaelic football. Some 56,000 people watched the ladies Gaelic football final. TG4 alone promoted women’s Gaelic football in this country when it was neither profitable nor popular. The station made the sport what it is by providing a shop window for the players and officials. Look at the results. We have to

grasp the nettle. We do not have a State local broadcasting service but local radio stations are public service broadcasters in the truest sense and we have to help them. To give an example, I have no doubt that people tuning into local radio today anywhere along the west coast will find continuous local updates on closed roads, fallen trees and all the other items a national broadcaster cannot cover.

Since 2000, young people in the Gaeltacht have been asking for a radio station that broadcasts through Irish and caters for young people. Modern technology ensures that the requisite frequencies exist to allow that to happen. It is time that was provided for young people, not only those in the Gaeltacht, who have an interest in the Irish language. We must remember that includes all those who attend Gaelscoileanna and many others who have gone to the Gaeltacht and have fluent Irish but attend schools that teach through English. We need a radio station, *à la* 2FM, broadcasting through the medium of Irish. As a community, we have requested that repeatedly over the past two decades. Some of the technical difficulties have been resolved by technology. Such a station can only be properly delivered nationally using the FM band. An Internet station exists but that does not provide the same service. The service will only be delivered when the State decides that the first official language, the national language, gets due recognition.

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): I thank Deputies for the high quality of this debate. While I probably should not state this, it contrasted with the debate related to climate we had in recent days when people were not listening to one another and did not try to tease out the difficulties of some of the issues we confront. This debate, however, showed a remarkable willingness to recognise the tricky nature of the challenges we face in broadcasting. It is the sort of debate we should have in the House.

I am the first to agree that this Bill is not the answer to all the challenges we face regarding the state of broadcasting. Deputy Dooley starkly outlined the source of those pressures. We have platforms that do not believe they have any editorial responsibility nonetheless claiming the lion's share of advertising revenue associated with people accessing content of various sorts. This creates a serious challenge for those media outlets trying to observe journalistic standards. This will be an ongoing concern. Deputy Ó Cuív reflected that when he asked how we are to define public service broadcasting in this rapidly changing environment. People are choosing to consume content, much of which they regard as important, on various media and in completely different places. In that context, how do we define public service broadcasting? I do not know where this comes from but the traditional definition of public service broadcasting was to "inform, educate and entertain". The concept did not go beyond that. It did encompass the requirements Deputy Ó Cuív specified. The feeling was that it was sufficient to appoint a board to RTÉ or TG4 to interpret those requirements. It was not for mere politicians to specify them.

Deputy Éamon Ó Cuív: We run ourselves down so badly.

Deputy Richard Bruton: That is the reality. I joke when I refer to "mere politicians". That process also provides an important counterbalance between the Fourth Estate and ourselves. That is recognised as important.

Deputy Dooley also suggested the need to widen the base of funding. The working group considered the option of moving completely to a form of licensing that is independent of the device used. That would be a big step and I outlined the difficulty with it earlier. There are

actions that could be taken to add to the existing definition and to broaden the base of those that would contribute. That has been considered in the past and it is something we can discuss on Committee Stage.

Deputy Dooley envisaged that wherever any additional money would be generated, 30% of it should go to the sound and vision sector. It might be difficult to define what the additional money is and to set that out in law, but there is scope for considering what percentage should go to different areas as we grow the base.

Deputy Dooley also dealt honestly with the challenges facing RTÉ and the difficulties it has in making some of the changes that are recognised as being necessary. We recognise the challenge that faces the director general and the board in managing that change. RTÉ has to transform itself to become attractive to an audience that is changing its consumption habits dramatically, particularly among the younger generation. The younger one goes, the more radically people have changed their consumption habits. The valid concern Deputy Dooley raised is that we have conventional State-owned public broadcasters needing more resources and we also have pressure on local broadcasters that need more resources. We have a finite capacity to expand the fund that might be available to them and that poses challenges for us. A device-independent approach has been adopted by Government but it is recognised we will need a number of years to both gain public support for it and to define how it would be set and collected.

Deputy Cullinane raised a number of issues that we will discuss on Committee Stage, such as whether we should be more proscriptive in the legislation about the BAI in its application of levies. One area where we can do something is in the extent to which some community broadcasters could get caught up in levies, simply because they have revenue but that revenue is coming from another area of public spending, such as that relating to Pobal or community employment schemes. The safest way to do that might be to lift the threshold on their income because it would be tricky to define what public bodies would be exempted whereas other revenues already go from public sources to, for example, RTÉ or TG4, and we would be treating those public monies differently from other public monies. That could give rise to inequity in the legislation.

Deputy Cullinane also raised considerable questions about the accountability to the BAI and the corresponding accountability to the Oireachtas. The matter is somewhat puzzling in that many of us are of the view that while bodies such as RTÉ should be directly accountable to the Oireachtas, they are primarily accountable to the BAI as their regulator, and that changes the relationship. On the other hand, the BAI has set out its expectations. It has annual performance commitments that it expects RTÉ to meet. It does not have a service level agreement of the type to which the Deputy referred but it looks at matters such as overcompensation of public funds to RTÉ in respect of certain activities it is undertaking. To some degree, the BAI acts as a buffer between the Oireachtas and RTÉ. Some of the analysis Deputy Cullinane wants to see can probably be more properly directed at the BAI. It would be hard to shape changes in legislation that would make a public broadcaster more accountable to the Oireachtas directly, without crossing over lines we might regret crossing in the long-term.

Deputy Cullinane also raised concerns regarding the blacklisting of journalists. It is not my understanding that the BAI has any control over that. Such behaviour is certainly something with which this House would not concur. Whether legislative change should be made in that respect or not needs to be considered.

Deputy Sherlock asked whether we should extend bursaries to print journalism. That raises a wider issue. This is broadcasting legislation. It is not our intention to deal with much wider issues. It is a matter for another day to decide whether there should be a public policy on print journalism that would involve the BAI carrying out different elements of that. We have probably not got to that point.

Deputy Sherlock also expressed the view that there is an appetite for pushing ahead with the household charge. Even at a political level, it comes down to the point that occupiers would be charged. Local authorities would then have to collect licence fees from individuals. We need to think through how this might work and we need time to do that.

Deputy Mattie McGrath raised a number of issues regarding the perceived unfairness of RTÉ towards particular interests, such as rural Ireland, the greyhound industry and others. The same avenue lies open to anyone who is not happy, namely, to complain to the station in the first instance, and if he or she is not happy, to pursue the complaint with the BAI. There is a code on fairness and impartiality and it is open to anyone who feels aggrieved to pursue that. Maybe I heard the Deputy incorrectly but he seemed to be suggesting that he would advocate people not paying their licence fee because of the perceived bias of RTÉ. That would be the wrong advice to offer people. Pursuing avenues of complaint through the BAI is the route to go.

Deputies Connolly and Ó Cuív raised concern about whether the provisions of the Bill are strong enough on commercial broadcasters on the Irish language. I understand the obligations of commercial broadcasters are set out in a contract that exists between the broadcasters and the BAI. That is a public document and it provides details of commitments. It is a document that people should be able to peruse. I will draw the attention of the BAI to the concerns Deputy Connolly has raised. She was thinking in terms of changing provisions in the Act. I do not know whether that would be warranted. We need to hear the views of the BAI itself, which will be implementing those provisions, before we would consider such an issue.

Deputy Ó Cuív raised these wider issues, particularly the question of how the balance should be struck between the State-owned organs and the private sector. That is provided for in the Act because 7% goes to sound and vision and the balance goes to the State broadcasters. The Legislature has set that and we have the opportunity to change that if we wish. The one thing we do not have the opportunity to do would be to provide State aid to the administrative functions of a commercial company. We would have the capacity to define public goods we want to deliver, tender for them, and allow private companies to benefit under a fair and objective scheme. That is the basis of the sound-and-vision model.

I agree with Deputy Ó Cuív in his commendation of the TG4 model. There is no doubt it is innovative. It is slimmer than others and it does a lot more commissioning than others. Perhaps it is fulfilling a different role than that of RTÉ, which has a much broader remit, but there is no doubt TG4 uses the money it gets very effectively. He also commended TG4 on its support for the ladies Gaelic football and camogie finals. I am told that in 2017 our own Department added a designation order to make these events free-to-air, so we are claiming some of the credit there.

I look forward to the Committee Stage debate on this legislation. We are on a journey and have not arrived at a destination. It is very challenging to define how to move prudently to protect the qualities of public service broadcasting. None of us can doubt the value of public service broadcasting and its ability to provide an objective arena for debate. Other Deputies have commented on the extreme nature of broadcasting in the US, where diametrically differ-

ent views are presented by different camps within the media. That is not a direction in which we want to travel. We have to protect what we have and recognise the immense value of local broadcasting, which is currently only recognised to a limited extent in our legislation. I look forward to the debate on Committee Stage.

Question put and agreed to.

Broadcasting (Amendment) Bill 2019: Referral to Select Committee

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): I move:

That the Bill be referred to the Select Committee on Communications, Climate Action and Environment pursuant to Standing Orders 84A(3)(a) and 149(1).

Question put and agreed to.

Defence Forces (Evidence) Bill 2019: Second Stage (Resumed)

Question again proposed: “That the Bill be now read a Second Time.”

Minister of State at the Department of Defence (Deputy Paul Kehoe): I concluded the last day by saying that an item of evidence obtained under Part 6 of this Bill in connection with an offence or alleged offence against military law may be used in any court martial proceedings concerning the alleged offence. It is important to note that Part 6 also has detailed provisions for the destruction, after specified time periods, of evidence obtained under section 34. This will occur when proceedings concerning an offence against military law have not been instituted within a 12-month period of the taking of the item of forensic evidence, or in cases where proceedings have been instituted but the person in question have been acquitted, charges have been dismissed or the proceedings have been discontinued. In addition, the item of forensic evidence will be destroyed where the person’s conviction is quashed or the conviction is declared to be a miscarriage of justice under section 2 of the Criminal Procedure Act 1993. Part 6 also includes some necessary provisions concerning the analysis of fingerprints taken from persons in service custody.

Part 7 deals with the destruction, after specified time periods, of samples taken for the purposes of the DNA database system and the removal from that database system of DNA profiles generated from such samples. This Part sets out the circumstances in which samples and profiles may be destroyed or removed from the DNA database. It also provides for the extension, in certain circumstances and for specified time periods, of the retention period of such samples and associated DNA profiles. This will occur where the provost marshal determines that it is necessary to retain any such evidence to assist in an investigation. However, as a safeguard, the Bill provides that an affected person may submit an appeal to a summary court martial against any such decision taken by the provost marshal. Again, the procedures for the retention and destruction of forensic evidence under this part are similar to those contained in the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 and also in Part 6 of this Bill.

Part 8 sets out the offences and arising under this Bill and the penalties that may be imposed

for such offences. Part 9 provides that the Minister for Defence shall, not later than six years after commencement of this Bill, review the operation of certain aspects of Parts 6 and 7 of the Bill and thereafter conduct similar reviews at such times as the Minister considers appropriate. Following any review under this Part, the Minister may, by ministerial order, reduce the periods set out in Parts 6 and 7 for the retention of evidence obtained under these Parts. A similar review provision is included in the 2014 Act. Before making any order under this Part of the Bill, the Minister for Defence shall have regard to any order made by the Minister for Justice and Equality under the equivalent section of the 2014 Act. This is to ensure that there is consistency between the provisions of this Bill and the 2014 Act.

Part 10 includes miscellaneous provisions such as the delegation by the provost marshal of the functions assigned to him or her under this Bill to members of the military police, the making of regulations by the Minister regarding the taking of samples and procedures for the transmission of samples for forensic testing. These provisions are technical but are important to ensure the effective operation of the legislation.

Part 11 sets out some minor amendments to the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 which are required on foot of this Bill. The amendments have two principal purposes. First, the functions of the DNA database system oversight committee established under Part 9 of the 2014 Act will be extended to cover the DNA military police database system. Second, amendments are being made to Part 12 of the 2014 Act which implement, among other matters, the DNA and fingerprint data aspects of EU Council Decision 008/615/JHA

in Irish law. As Deputies will be aware, the Prüm Council Decision contains provisions concerned with the stepping up of cross-border co-operation, particularly in combating terrorism, cross-border crime and illegal migration. These amendments to the 2014 Act are necessary to apply the provisions contained in that Act regarding the reciprocal searching of DNA databases and automated fingerprint identification systems maintained by states for criminal investigation purposes to any DNA or fingerprint data obtained by military police in the course of their investigations.

Part 12 includes some miscellaneous technical amendments to the Defence Act 1954 and the Courts-Martial Appeals Act 1983 which arise from this Bill. The primary purpose of these amendments is to provide that a summary court martial may deal with applications concerning various matters arising under this Bill.

I am very pleased to submit this legislation for the consideration of the House. I commend the Bill to the House.

Deputy Jack Chambers: Fianna Fáil will support this Bill, which was published several years ago. I hope that some of the recently announced measures progress at a faster rate. The heads of this Bill were approved in 2015. They were published almost five years ago but we are only seeing the Bill and debating it for the first time now. It shows that there must be a more active attempt within the Department of Defence to update much of the legislation contained in the legislative programme. The programme lists a defence Bill, the heads of which were approved in 2018. Is there a five-year timeline for the implementation of legislation? Can the Minister of State clarify why we have had to wait nearly five years for this legislation to be brought before the Dáil? This is the first defence Bill to be brought before the Oireachtas since 2013. It is incumbent on the Minister of State and his Department to provide more active

implementation of various reforms.

Many in the defence community would like to see an update of legislation concerning the working time directive, which the Department of Defence and the Department of Employment Affairs and Social Protection have been working on. I note with some disappointment that this legislation has been listed as “Other” legislation, the lowest priority which could be attached to it in the legislative programme. As such, it is unlikely that we will see any progress on it in this Dáil. That is very unfortunate. It will be a blow to the Defence Forces’ representative associations that this Bill is not getting the degree of priority it should.

It is wrong when Bills to ensure that our serving men and women receive a fair and correct rate of pay are relegated to the list of other legislation. The Minister of State needs to move on the working time directive. Numerous other items of legislation have been promised and proposed in recent years but this is the first defence Bill introduced in years and the first in the lifetime of this Dáil. This is regrettable and requires further explanation.

I welcome and will support this modernising Bill, which mirrors what is already in place in the criminal justice system with regard to DNA samples being taken and used by An Garda Síochána. While we support the proposals, it should be noted that this is lengthy and complex legislation which needs to be examined. From my engagement with the members of the Defence Forces, there was an expectation that the Bill would include measures to professionalise the military police corps and codify who could serve in particular roles. Perhaps the Minister of State will outline whether he will propose amendments in respect of the military police in order that the Bill will not simply deal with evidence but will update other matters. There was an expectation in the defence community that the Minister of State was going to expand the legislative remit of the military police corps, such as in the context of overseas missions. I seek further information on this and perhaps the Minister of State will update the House on whether there was ever a proposal to update the legislation in this regard.

Generally, there is a feeling that the military police corps is below strength and under-resourced. The provisions of this Bill will not change that. In recent days, I heard that a number of people have left the military police to join a multinational that is paying them multiples of what their former colleagues are paid. The exodus from this part of the Defence Forces is ongoing and the Bill will do little to address it. The Minister of State could have broadened the Bill to include modernising the corps.

In the main, the changes proposed will ultimately allow the military police to better carry out their work. The military police already have close working ties with a range of agencies involved in crime detection, including the Office of the State Pathologist, the Garda National Technical Bureau and the Forensic Science Ireland. The Bill will ensure even greater co-operation between these agencies and the Defence Forces, which is to be welcomed.

The Bill will also enable the creation of a DNA database system to hold samples taken and this will be managed by Forensic Science Ireland. This is a modern and useful tool in crime detection used in investigating serious crime in a broad range of areas. Fianna Fáil published legislation in 2010 to set up a DNA database. The database has helped in more than 750 cases since its establishment, and so should be welcomed. It is also extremely useful in exonerating innocent individuals and for the purposes of identifying missing or unknown persons. When the legislation to set up the existing database was being debated, Fianna Fáil pointed out the need for similar provisions to apply to the military police. That was many years ago.

Fianna Fáil is studying in detail the process of taking samples in order to ensure this is done in a proper and safe manner. The Bill states that nothing in it authorises the taking of a sample in a cruel, inhuman or degrading manner. There are also references to non-intimate samples being extracted using reasonable force. Perhaps the Minister of State will provide more information on what this means and the legislative effect of what is proposed in this regard. The legislation states that samples can only be authorised where there are reasonable grounds for suspecting involvement in an offence. This is an important safeguard and it is appropriate that it is in the Bill.

As per the existing DNA database, I note the strict rules governing the destruction of samples where proceedings have not been initiated against an individual or where a person is acquitted of an offence or has his or her conviction quashed. As already stated, the Bill has been promised for the past half decade. A great deal has changed in the past five years but one thing that is unchanged is the need for more activity regarding the pace of reform in the Department under the leadership of the Minister of State. Why have we waited so long for the Bill after the heads were published? The Minister of State clearly does not have an active legislative role because no other Bills relating to his area of responsibility have been forthcoming. If we are to progress reform in the Defence Forces, a Bill such as this should have been passed in the previous Dáil or, if not, early in the term of this Dáil. Had this been done, we would now be discussing the working time directive and the defence (amendment) Bill, the purpose of which would be to improve matters for our service personnel overseas. There is also legislation to update the legal framework of the Red Cross. This is on the list of other legislation and probably will not be dealt with in the lifetime of this Dáil. These are matters on which the Minister of State can comment.

For people in the defence community, the fact we are now discussing the first item of defence legislation introduced in the lifetime of this Dáil does not give much hope for an implementation plan in other areas of the Defence Forces, such as in the context of the findings of the pay commission. Much import has been attached to the work of the high-level working group involving the Department and the Department of the Taoiseach in that regard. If the pace of change is the same as that relating to the legislative programme, it will not give much hope to those who badly need improvements in pay and allowances.

We support the legislation but we would like to see the Minister of State in the House more with other Bills relating to his portfolio. Perhaps he will inform us when he intends to bring the next such Bill before the Dáil.

Deputy Seán Crowe: I will begin by thanking the Oireachtas Library and Research Service for the work it has done on the Bill. Its digest is very useful for Opposition Deputies. It is a resource and facility we tend not to talk up but it is very useful.

There is a danger that many of the concerns I intend to express will lead to repetition because they are similar to those raised by Deputy Jack Chambers. I refer, for example, to the fact that the Minister of State, in his wisdom, has decided to prioritise this Bill over others that we believe are more important because of the crisis in the Defence Forces, particularly as it relates to the retention of personnel. If I were in the position of the Minister of State, this Bill might not necessarily have been my priority.

The Bill makes provision for members of the military police to take and use DNA samples. It also provides for the establishment, management and oversight of a DNA military police

DNA database system operated by Forensic Science Ireland. It largely mirrors the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014, with necessary adjustments to accommodate the specific military context. That Act provided for the establishment of a DNA database for use by An Garda Síochána and replaced the arrangements for the taking of samples for forensic testing.

As Sinn Féin did with the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014, we support the spirit of the Defence Forces (Evidence) Bill 2019. We will not oppose it on Second Stage but, like all legislation, it needs detailed and robust examination on Committee Stage. It is possible that we will table amendments to strengthen the Bill. I will be interested to hear what the Minister of State has to say at the end of Second Stage.

The Bill also provides for: the collection of intimate and non-intimate samples; the establishment and content of a military police DNA database; and the retention of data. A central issue in the establishment of a DNA database involves the challenge of striking a balance between the rights of the individual to privacy, bodily integrity and the privilege against self-incrimination with wider societal interests in preventing disorder and crime. The use of DNA evidence also raises concerns about the laws of evidence, particularly the admissibility of such evidence and the value or weight that may be attached to it once admitted. There is also concern about the chain of evidence and where the evidence is taken abroad.

Sinn Féin believes the lawful and effective collection and use of forensic evidence from crime scenes, victims and suspects can be crucial for obtaining sound convictions that are not based on confession evidence alone, a practice that has led to widespread abuse of the right to due process.

4 o'clock

In some cases, forensic evidence also can be crucial to avoiding wrongful conviction while the true culprit evades justice. We hear of this all the time in other jurisdictions but it could also apply in this jurisdiction. The use of forensic science to solve criminal cases is growing globally.

Sinn Féin therefore acknowledges the need for collection and analysis of forensic evidence. However, my party is also aware that forensic science is constantly evolving and the degree of its accuracy is a continual matter of debate among experts. For example, in 2009 a debate emerged among forensic scientists on whether a certain type of internal bleeding seen in infant deaths can only be caused by the shaking of a baby, which finding generally results in a murder conviction.

These are many more situations in which the use of forensic evidence is at the very least uncertain and potentially could lead to perversion of justice.

Sinn Féin therefore believes that ongoing research is needed in a variety of areas where forensic methods and definitions, both newly emerging and established, are being used for the prosecution of persons.

Notwithstanding what I have said, most methods of forensic evidence gathering are accepted by Sinn Féin as being generally relevant and necessary methods of criminal investigation where applied to the appropriate standard by trained personnel and under appropriate supervision and monitoring.

Part 5 of the Bill provides for the establishment of the military police DNA database system. The database will be established by the director of Forensic Science Ireland.

We have had a DNA database since November 2015, following the enactment of the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014. By the end of 2018 a total of 26,649 DNA profiles had been uploaded to the DNA database, which is a significant number. Is the Minister of State satisfied that the forensic science laboratory has the necessary equipment, resources and staff to meet the demands of this Bill? This is a concern that will no doubt be echoed by other Opposition spokespersons. There is no point in passing this legislation only to be faced with poor resources.

The overall purpose of the database is set out in section 26 of the Bill, which states the database “shall be used only for the purpose of the investigation and prosecution of an offence against military law, whether committed [inside] or outside the State.” Function creep is an issue of concern with this Bill. Sinn Féin does not want to see a gradual widening of the database beyond the purposes for which it was originally intended. Many people with a civil liberties background would have a concern about the retention of information such as this.

Section 72 of the Bill sets out a number of general principles related to the taking of DNA samples. Samples must be taken in a way which affords reasonable privacy to the person. They need to be human rights compliant. Samples must not be taken from a person in the presence or view of another person whose presence is not necessary. That is a practical suggestion. Nothing in the Act authorises the taking of a sample in a cruel, inhumane or degrading manner. That is a reasonable approach and part of the safeguards in the Bill. A sample being taken from a person in custody must not be taken while they are being questioned. If questioning has not been completed before the sample is taken, it must be suspended while the sample is being taken. Again it should not be something oppressive that is used to pressurise into making a statement or whatever. Again this is welcome.

Section 10 of the Bill sets out the procedure for the taking of intimate samples from persons in the custody of the military police. Such samples may only be taken if a member of the military police not below the rank of captain authorises it. Consent must also be given by the person from whom the sample is to be taken. That mirrors the evidence the practice in the Garda Síochána where an officer of a senior rank is required.

The authorisation can only be given where there are reasonable grounds from suspecting the involvement of the person in the relevant offence and for believing that taking the sample will tend to confirm or disprove that suspicion. The person may withdraw their consent before or during the taking of a sample. That is important because for those who feel oppressed by it or uncomfortable with it, it should be one of the safeguards, particularly with intimate samples. Intimate samples may only be taken by a registered medical practitioner, a registered nurse or a registered dentist, as appropriate.

Section 11 of the Bill sets out the procedure for the taking of non-intimate samples from persons in custody. As with intimate samples, the taking of a non-intimate sample must be authorised by a member of the military police not below the rank of captain. The authorisation can only be given where there are reasonable grounds from suspecting the involvement of the person in the relevant offence and for believing that taking the sample will tend to confirm or disprove that suspicion. This seems fair and reasonable.

I have some concerns regarding the collection of DNA samples for the purpose of the investigation and prosecution of an offence against military law committed outside the State and how that would work. I ask the Minister of State to elaborate on that. We may be able to discuss it on Committee Stage. We have concerns over how the samples are held and the chain of command.

The retention of DNA samples and profiles is an important part of this legislation. Under section 47, both intimate and non-intimate samples must be destroyed under certain circumstances. However, section 48 provides that these periods may be extended by the provost marshal in certain specified circumstances that seem justifiable and reasonable. It might be no harm for the Minister of State to elaborate on that. He may already have done so in his speech.

Sections 51 to 54, inclusive, of the Bill deal with the issue of retention and removal of DNA profiles on the military police DNA database system. DNA profiles must be removed immediately from the database in certain exceptional circumstances outlined in section 53. The provisions as outlined seems reasonable and proportionate but I look forward to a more detailed discussion on Committee Stage,

Like others, I am concerned about resources. The Defence Forces have a designated strength of 9,500 but now have only 8,653 personnel. There is a full-blown recruitment and retention crisis. Morale is on the floor. Recruitment and retention have been all but impossible due to poor pay and cut after cut to allowances that Defence Forces members rely on to make a living. Every official representative body for the Defence Forces along with some unofficial groups have been shouting in public and in private about this crisis but it is deepening rather than being resolved. The simple question is as follows. Is the Minister of State providing the military police with enough resources to carry out these new measures? Is the Defence Forces' strength adequate to carry out these new measures? Has the Minister of State had discussions with representative organisations of Defence Force members about this Bill, which proposes serious changes?

The Minister of State needs to have everyone on board. If members of the Defence Forces have concerns, those concerns will need to be addressed. Defence Forces members are on the front line and the proposed changes will affect them. The Minister of State needs to engage fully with them about their concerns. Perhaps he can answer these questions in his summary. We will support this Bill but it would be useful to go into more detail on Committee Stage to strengthen it and address concerns about its impact on civil liberties and personal freedom.

Deputy Mattie McGrath: The Defence Forces (Evidence) Bill 2019 seeks to provide for members of the military police to take and use DNA samples, primarily from members of the Defence Forces. It also provides for the establishment, management and oversight of a DNA military police database system operated by Forensic Science Ireland.

Ar an gcéad dul síos, ba mhaith liom mo bhuíochas a ghabháil leis na military police a bhíonn anseo go déanach gach oíche agus go luath gach maidin. They look after us here always with decorum and dignity and have a proud record of doing that in the many decades since the inception of the State. I salute them and thank them for that and the many other duties they perform.

As I understand it, the Military Police Corps is responsible for the prevention and investigation of offences, the enforcement of discipline and the general policing of the Defence Forces.

It has additional wartime roles, including the control of prisoners of war and refugees. We face Brexit and many other imponderables and unknowns, including talk of creating a border, which I have been mentioning for three years. I travel once a year to Bosnia-Herzegovina although I have not yet gone this year. Massive border posts have been constructed in the past ten years on a motorway in that country, not by the Bosnians or Croatians but by the European Union. I put that to Michel Barnier in this House when he came to talk about this and he played blind man's bluff saying that if we were to have a hard Brexit, we would not have a border. The devil and his mother, the queen and the cats and dogs on the street knew we would have to have a border. It is as simple as that but all we got was bluff and bluster. Maybe the military police will be called on much more often. Like others, I wonder if it is well enough resourced.

Traditionally, the military police also has considerable involvement in State and ceremonial occasions. We saw them in the wonderful 100th anniversary of the first Dáil organised by the Ceann Comhairle and his officials. It works closely with An Garda Síochána which also assists in providing specialist training to the military police in the area of crime investigation, which is to be welcomed.

The Bills digest, prepared by the Oireachtas Library and Research Service, provides an interesting outline of the uses of DNA which the military police will be allowed to collect under this Bill. The digest notes that DNA evidence as a forensic tool has been described as “the single greatest advance in the search for truth since the advent of cross-examination”. That is a fair statement.

The Law Reform Commission, in its comprehensive report on the subject, identified the purpose of a DNA database as assisting in three areas. The first is in “identifying links between crimes, such as in the case of stains left at the scene of the crime by serial offenders”, and we know the havoc serial offenders can cause. The second is in the “rapid exclusion from the ambit of the investigation of suspects who are already on a database and whose profiles do not match”. This has to be a good thing and a welcome advance in modern technology. The third is in the making of “cold hits”, which is “where a stain is matched with a profile of a person on the database who was not a suspect”. That is also a major breakthrough which could save a lot of time, energy and effort and could speed up many investigations. A DNA database is, therefore, capable of being used in a number of stages of the criminal justice process.

It is for these obvious benefits that I see no overwhelming reason to oppose the Bill before us. Any concerns I may have had with respect to data collection and privacy seem to have been comprehensively addressed in the Bill. For example, I note that DNA profiles must ordinarily be removed from the database within three months of the occurrence of specified circumstances set out in the Bill, such as where the person has been acquitted or a conviction was quashed, or where no proceedings have been instituted within 12 months of the taking of the sample from which the profile was generated. However, the Provost Marshal may, in certain circumstances, authorise an extension of the retention period by 12 months to assist in the investigation of an offence. The maximum time a profile can be retained on the basis of such extensions is six years and the person from whom the original sample was taken can appeal the extension. These provisions all appear to be adequate in terms of the protections we would expect. I hope that in the Committee Stage debate we will be able to get more assurance on that area.

I could not let the occasion go without drawing attention to the shameful neglect of our Army, military police and Garda Síochána and the downright blaggarding that the Ministers give them, especially the Defence Forces. The Minister of State has been in his job for six years

and this is his first Bill. I may be corrected but that says a lot about the order of importance the Government gives to the Defence Forces, which have served us so well. That includes the many members who have a proud record of service in Kickham Barracks in Clonmel, which the Government has ravaged and devastated. We could keep Cromwell out of Clonmel but we could not save our barracks from the Fine Gael Government. It has taken away every vestige of pride we have in Tipperary but it will pay for it very soon.

An Ceann Comhairle: The Deputy should try to stick to the provisions of the Bill.

Deputy Mattie McGrath: I am making my comments on the Bill but it would be remiss of me not to support our good soldiers and the military police. I have acknowledged the work they do here but the Defence Forces do not have the numbers. We heard only last week of the crisis in the Air Corps which does gallant work. It will not have pilots to fly the military helicopters. Twice in the past 12 months the Defence Forces on peacekeeping duty have been abandoned and could not get home to their families and loved ones after their six-month stint, with cock-ups here and there. This should not happen. With military precision these things would not and should not happen, if the Minister of State had his eye on the ball and he cared enough about the Defence Forces. I know constituents who were looking forward to coming home for first communions, confirmations and weddings but were held up as they were doing their tour of duty, leaving their loved ones waiting for them. We got glib answers when we asked the question as much as to say we should not be asking it. I will always stand up for members of the Defence Forces because I know what they do. The Government is giving them paltry pay, below the minimum wage and the family income supplement hardly keeps them going. An army cannot march on an empty belly in a time of war. The members of the Army have to have the wherewithal and the tools of the trade to provide for their families and to put a roof over their heads, which is a noble gesture.

It is the same for the Garda Síochána. We heard blunder and bluster this morning from the Minister for Justice and Equality about all the new policies. I met a garda outside this building today. She told me she was sent up here to mind us but her duty today was in Temple Bar, as a community garda. There was only one squad car and two gardaí along with her and she was sent up here. That is shocking in the capital city. That is going on in every corner of Ireland and the Government thinks it can wipe it away. That was told to me today at approximately 11.45 a.m. after I had questioned the Minister for Justice and Equality.

An Ceann Comhairle: The Deputy is wandering again.

Deputy Mattie McGrath: I admit I am wandering but I am just putting that on the record. I am nearly finished. That is what the Government is standing over and this is the first Bill the Minister of State could be interested in bringing forward for the Defence Forces. All we get is disdain when we raise the issues. The Minister of State and the Government are neglecting the Army, military police and all the other officers of the State and taking them for granted because they cannot strike. That is disdain. They are noble and proud people who do noble service and I am proud of them. The Minister of State should respect them.

Minister of State at the Department of Defence (Deputy Paul Kehoe): I thank the Deputies who spoke for their constructive contributions and comments during the debate. As I stated in my opening remarks, this technical legislation will be of major assistance to the military police in their investigations. Deputies commented on how long the Bill has taken to be progressed. While its general scheme was approved in 2015, the Bill was technically complex to

prepare and there was a requirement to seek legal advice on a number of issues, which I hope Deputies will accept. Careful consideration had to be given to the intersection of military and criminal law. People will understand we had to ensure we got it right. It is no use bringing a Bill into the House if it is not done right and that is discovered only later. I thank my officials for their preparation of this technical legislation.

Deputies may be aware the military police are responsible for carrying out investigations of alleged offences against military law. Such investigations can occur either within the State or outside it. Deputy Crowe asked whether if something happened overseas, whether with UNIFIL or wherever, the military police would have the powers to investigate the situation. The principal purpose of the Bill is to enable members of the military police to take and use DNA samples and other evidence for the purposes of their investigation. The Bill will provide the military police with a clear statutory basis for the taking of evidentiary samples from military personnel when they are on overseas service or on aeroplanes or ships. As such, it will enhance the capability of the military police to carry out their investigation of serious offences.

The military police who collect and collate such samples will be trained to the same standard that An Garda Síochána currently is. As I stated earlier, the Bill mirrors the Criminal Justice (Forensic Evidence and DNA Database) Act 2014, which provides for the taking of DNA samples by An Garda Síochána for the establishment of a DNA database with a view to assisting An Garda Síochána in its investigation of crime. Some may question why no provision was made in the 2014 Act for the Defence Forces, including the military police. Differentiating between the roles and responsibilities of the military police and An Garda Síochána would have resulted in cumbersome and more complex legislation.

The Bill is different from the 2014 Act in further specific areas. In overall terms, the Bill reflects the military police environment and the role of the military police in that regard. As Deputies will appreciate, An Garda Síochána deals with the entire population, whereas the military police deal only with members of the Defence Forces. In addition, the military police do not have the scope of responsibilities or authority that is exercised by members of An Garda Síochána in the public domain. The Bill does not include provisions in respect of minors. As Deputies will know and understand, a person cannot enlist in the Defence Forces below the age of 18. Under the 2014 Act, samples may be taken from people under the age of 18 but one must be at least 18 years old to be a member of the Defence Forces and as such, the military police will not engage with minors in the taking of DNA evidence.

Elements of the Bill that were not included in the 2014 Act include extraterritorial provisions whereby members of the military police can take DNA samples from Defence Forces personnel where they are serving overseas in postings or missions or while serving on State vessels or aircraft. Where a member of the Defence Forces is suspected of having committed an offence against military law while serving on an overseas mission, the Irish military police will take the lead role in investigating the offence, including by taking evidential samples should that be required. Subject to the direction of the Director of Military Prosecutions, any such offence would then be prosecuted under military law, rather than criminal law, before a court martial.

The referenced legislation for An Garda Síochána is different from that applicable to the Defence Forces. In this regard, the Bill includes amendments to the Defence Act 1954 and the Courts-Martial Appeals Act 1983 arising from provisions of the Bill. It also includes consequential amendments to the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014. Similar to that Act, the Bill strikes a careful balance between ensuring there is an

effective statutory basis for the operation of DNA database systems along with the need to take account of the rights of individuals whose DNA samples or profiles are placed on the database. The military police will be responsible for the collection of evidence provided for in the Bill, including samples from the DNA profiles that may be generated. The relevant person performing the duties will have completed the same course of training as that undertaken by An Garda Síochána crime scene investigators, who perform similar duties.

As I stated earlier, any samples taken under the Bill may be taken only in connection with the investigation of a relevant offence. For the purpose of the Bill, this means an offence for which a person is subject to military law may be punished or imprisoned for a term of five years or more. This will cover offences such as serious assault, rape, murder etc. Accordingly, I envisage that the powers will be exercised by the military police infrequently.

I thank Deputies for their contributions to this important legislation. I remind them comprehensive defence legislation is in place for the operation of the Defence Forces. Legislation is introduced when legally required. Deputy Jack Chambers referred to the working time directive. That legislation is being prepared by the Department of Employment Affairs and Social Protection and not by my Department, which I thought the Deputy would have known. It concerns my Department and is a priority for it but it is a matter for An Garda Síochána and the Department of Employment Affairs and Social Protection. If the Deputy wishes to find out about the matter, I suggest he table a parliamentary question and I have no doubt-----

Deputy Jack Chambers: We have a responsibility to the troops to pass legislation on the matter.

Deputy Paul Kehoe: -----that the Minister, Deputy Regina Doherty, will be only delighted to help the Deputy in that regard. At a recent session of parliamentary questions in the House, I outlined to the Deputy the progress of the legislation and where it was being prepared. I clearly explained that it was not being prepared by my Department.

I thank Deputies for their contributions. Deputy Crowe carried out in-depth research on the Bill. I look forward to exchanges we will have on Committee Stage on this highly technical legislation. I thank my officials for the considerable work they have done on this Bill in tandem with the Office of the Attorney General.

Question put and agreed to.

Defence Forces (Evidence) Bill 2019: Referral to Select Committee

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

That the Bill be referred to the Select Committee on Foreign Affairs and Trade, and Defence pursuant to Standing Orders 84A(3)(a) and 149(1) of the Standing Orders relative to Public Business.

Question put and agreed to.

Saincheisteanna Tráthúla - Topical Issue Debate

Cancer Services Funding

Deputy Niamh Smyth: I thank the Minister of State, Deputy Byrne, for attending. I rise to speak to her about the important and critical work of the Cuan cancer social support and wellness group in Cavan town. The service first opened its doors in the small town of Cootehill in 2012 and expanded to Cavan town in 2018 where it worked with Cavan County Council on the provision of a venue. Cuan provides support and nurturing for male and female cancer patients, in particular those who have come through their treatment. It is a community cancer support. This year, Cuan received a small but welcome grant from the Irish Cancer Society to assist with the provision of its service. Cuan is unique in the way it delivers its service. There are many good groups which provide comfort and services to cancer patients as they undergo treatment but Cuan's role is to provide services to patients and their families once their treatment has concluded. Cuan even provides services to families. It is about counselling and alternative therapies, including yoga, or even just a cup of tea and a chat with someone who has been through a similar experience. The ladies I have met who were among the founders of Cuan have all been through a journey of cancer treatment. The small grant towards the funding of its counselling service which Cuan receives from the Irish Cancer Society in no way meets the full cost of that service. Cuan offers a range of services free of charge and relies on fundraising and the generosity of the public. It feels that there is no transparent, equal or fair funding mechanism for support centres nationally, including Cuan.

In November 2018, Cuan joined with other services nationally and wrote to the Minister for Health, Deputy Harris, about fair and equitable funding for cancer support services. In the same month, the Minister responded to advise that centres were funded through the HSE, section 39 of the Health Acts and lottery grants. In reality, HSE areas differ nationally in what they offer. Some services are funded while others are not and the level of funding varies considerably. All centres were advised to apply to their HSE area but when Cuan applied under section 39 it was, unfortunately, unsuccessful. In July 2019, the survivors' needs assessment was launched. The assessment demonstrated the ongoing psycho-social needs of cancer patients and survivors. At this time, community cancer support services were urged to apply for funding from the national cancer control programme. Centres were asked to calculate the amount requested on the basis of services being provided by full-time equitable posts.

Minister of State at the Department of Health (Deputy Catherine Byrne): I attend on behalf of the Minister, Deputy Harris, and I thank Deputy Smyth for raising the matter. The Department of Health and the HSE's national cancer control programme have achieved significant improvements in the quality of cancer services over recent years. We have moved to system of care that consolidates cancer treatment in large centres with multidisciplinary decision-making and care, leading to better outcomes for patients. Cancer care in Ireland is provided across a continuum of primary care, acute hospitals and social services. In line with best practice, cancer surgery is centred in eight designated centres. There is clear evidence that patients who undergo cancer surgery in hospitals with a high patient volumes from doctors who see a high volume of cases have better outcomes. As such, cancer patients from Cavan have access to the services at the designated cancer centre at Beaumont Hospital and other centres as appropriate. Radiation oncology is also provided at Beaumont. At the same time, care is delivered to pa-

tients as close to their homes as possible. Therefore, medical oncology, mainly chemotherapy treatment, is delivered in 26 hospitals under the direction of the designated cancer centre. Cavan Hospital is one such hospital providing quality medical oncology care in the region. An aseptic compounding unit is also located at Cavan Hospital, enabling chemotherapy drugs to be made up on site. Cancer screening through the BreastCheck, CervicalCheck and BowelScreen programmes is also available to eligible people on a national basis.

The national cancer strategy 2017 to 2026 sets out a roadmap for the continuing development of cancer services over ten years. The strategy places a significant emphasis on cancer prevention, early diagnosis, access to quality treatment and maximising patients' quality of life. The need for the organisation of voluntary sector psycho-social support is recognised. In response, the Irish Cancer Society has developed a programme of activities aimed supporting good practice and governance in cancer centres throughout Ireland. The programme aims to increase the collective strength of cancer support and provides valuable training to volunteers, managers and board members of affiliated support groups. I understand the Cuan cancer social support and wellness group in Cavan is affiliated to this programme. The national cancer strategy places a renewed focus on interaction with the voluntary sector. Recommendation 43 of the strategy targets increased collaboration with voluntary organisations to develop programmes which emphasise the physical, psychological and social factors that affect health and well-being. Funding to ensure the continued implementation of the recommendations of the strategy and the development of cancer services programmes is being sought in the Estimates process for 2020. Section 39 of the Health Act 2004 makes provision for the HSE to provide assistance to bodies that provide services similar or aligned to services that the HSE may provide. Voluntary cancer support centres may be eligible to apply for such and can also apply for lottery funding through the HSE. The Department of Health will continue to work with the HSE's national cancer control programme and voluntary organisations to address the needs of cancer patients in a holistic manner.

Deputy Niamh Smyth: While the Minister of State touched on Cuan, my specific request is for the Department of Health to provide the group with the funding it needs to run its service. It costs at least €30,000 to do that. Those involved are volunteers and they do not have anything close to that money. They depend completely on the generosity of the public and the fundraising events they run. Some of the volunteers are cancer survivors themselves and they cannot continue in this way. To provide some specific detail, Cuan had 69 new clients in 2018. After it launched its new venue in September 2019, that went up to 121 clients. The numbers attending for complementary therapies went from 24 to 139 in September 2019. The numbers have jumped in the counselling service too. These are significant increases four and five times above the previous level within 12 months. The bottom line is funding.

I have testimonies from service users. They are emotive and real and it is important to hear them. One person says a cancer diagnosis is devastating and life-changing. He says that living with cancer is very difficult. While the initial care is fantastic, he points out that survivors continue to need support as they can feel isolated as check-ups are stretched further apart. According to his testimony, this is where the Cuan cancer support care has been a lifeline to this man and his wife. It offers a free and confidential service, even if it is just for a chat. It offers free therapies, which are very beneficial for cancer patients and family members. This man says he is a grateful survivor and Cuan member. I have numerous testimonies in the same terms which make the same passionate plea for support and funding for the Cuan cancer support service. As the Minister of State said, most centres like Cuan are run on a voluntary basis. None of the

volunteers is complaining about that. The complaint centres on the need for transparency and equality. They need to know they have a future and that there will be consistency so they can plan, safe in the knowledge that they are going to have funding.

Deputy Catherine Byrne: I thank the Deputy again. What she said about the importance of community support for people who are recovering, or have recovered, from cancer struck home. There is a centre somewhat like that in my parish to which people can go after being diagnosed with cancer, during the cancer programme and when they come out the other end. It is important for a number of reasons. The Deputy mentioned a cup of tea, which is important, and interactions between people who have had cancer and those who are in the process of treatment or who are coming out the other end can be helpful.

I do not know why funding was not given to this particular service from the National Lottery and I am not sure the Minister will know either. However, I will inform the Minister and see if anything can be done. I cannot give a commitment on that but I understand the need for the service. There is such a service on the South Circular Road, near where I live. I attend their coffee mornings and I know that the need for people to sit down and talk to each other is obvious. People can get support from each other and that is what community services are all about.

I do not have an answer for the Deputy on why funding was not given to the group but I will certainly pursue the matter for her. I will ask the Minister to come back to the Deputy if I do not do so myself.

An Ceann Comhairle: The Minister of State's commitment is appreciated. The next matter is in the name of Deputy Maureen O'Sullivan.

Deputy Catherine Byrne: The relevant Minister is on his way but is not here yet. I can deal with the matter.

An Ceann Comhairle: Is Deputy Maureen O'Sullivan happy with that, or does she want to wait for the Minister?

Deputy Maureen O'Sullivan: I will wait, if the Minister is coming.

Deputy Catherine Byrne: He is coming but I do not know how long he will be.

Deputy Maureen O'Sullivan: Does Deputy Ferris want to go ahead of me?

An Ceann Comhairle: Is the Minister of State also going to deal with the issue around greyhounds?

Deputy Catherine Byrne: I can do so.

An Ceann Comhairle: As an alternative, we could suspend proceedings for ten minutes.

Deputy Martin Ferris: If the Minister of State is happy to take my matter, I will go ahead.

Deputy Catherine Byrne: That is fine. The Minister said he would be here but he has not arrived yet.

Greyhound Industry

Deputy Martin Ferris: The greyhound fraternity and the Irish Greyhound Board have expressed shock and disappointment at the decision of Fáilte Ireland and Tourism Ireland to suspend the promotion of greyhound racing in the national and international tourism markets. This will have a significant impact on many areas in rural Ireland, particularly those that depend on a strong greyhound industry.

I do not for a minute defend any cruelty towards animals and there are allegations of animal cruelty by a very small minority within the greyhound industry. This must be fully investigated by the appropriate authorities and stamped out. I would fully support that. I would not condone violence towards animals in other sports such as showjumping, horse racing and so on. However, this is focused specifically on the greyhound industry and many people feel, as I do, that the small boys and girls of the sporting industry in the country are being victimised by this decision.

The greyhound industry provides support and considerable employment, directly and indirectly, across the Irish economy and, in particular, in more rural parts of the country. The gross wage bill attributed to employment in the industry is estimated at €126 million. PAYE-PRSI pay per annum is estimated at €12.7 million. The net income generated by the industry is estimated at €113.8 million. Using a conservative income multiplier effect of 0.5, this would result in a total economic impact of €171 million per annum in additional spending. That is the type of money that is going into rural Ireland.

Many of us who come from rural communities are well aware of our local greyhound industry. Local greyhound tracks provide a facility for charitable organisations to run functions that benefit those organisations. Much money has been provided to University Hospital Kerry as a result of greyhound meetings organised by Kerry Hospice, the Friends of University Hospital Kerry and other charitable organisations. It is of significant financial support to those sectors.

This suspension of promotion of the industry will have economic consequences. More than 30,000 people come from overseas to attend greyhound meetings and that tourism will be lost. Over 12,000 people derive the economic benefits of the greyhound industry and could be the subjects of job losses. For the Minister to criminalise an entire sector because of the actions of a few unscrupulous individuals is scandalous. The same could happen in the showjumping or horse racing industries, or any other sector where animals are used for sport and entertainment. It is terribly wrong and an insult to the genuine individuals who are providing an amenity for the people in their respective areas. The Minister needs to reconsider this decision. He needs to talk to Fáilte Ireland and Tourism Ireland. This decision is penalising 99% of genuine, decent people because of the actions of the few. If the greyhound sector is going to be penalised, other sectors should also be penalised accordingly and I am quite certain that will not happen.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I thank the Deputy and apologise to the House for arriving a little late. I was discussing some crucial budget matters with the Minister for Finance. I thank the Minister of State, Deputy Catherine Byrne, for agreeing to take this matter in my absence. I also thank Deputy Ferris for giving me the chance to address it. I have had representations on this matter from elsewhere and I understand the strong feelings which are felt on all sides about this issue, although they all come from a completely different perspective.

Let me begin by clarifying the respective roles of my Department and the tourism agen-

cies in the context of tourism development. As Minister, I set national tourism policy in order to grow a competitive and sustainable tourism industry, while the agencies have operational responsibility for the implementation of this policy. On the matter of tourism, marketing and promotions, Tourism Ireland is the all-island body responsible for overseas tourism marketing, whereas Fáilte Ireland is responsible for domestic tourism promotions. Accordingly, decisions regarding particular promotional channels or campaigns such as those relating to greyhound racing are operational matters for the tourism agencies.

There has been much coverage and debate lately, including in the RTÉ “Prime Time” programme that aired over the summer, regarding alleged cruelty to greyhounds. This is a matter of grave concern to me personally and I know that my colleague, Minister of State at the Department of Agriculture, Food and the Marine, Deputy Doyle, who has responsibility for the greyhound sector, also takes these allegations very seriously. I have also had a large number of representations from Deputy Ferris’ constituency colleague, Deputy Griffin, on the issue. He is, of course, concerned about animal welfare and we have had robust discussions. Deputy Griffin shares Deputy Ferris’ concerns, as do other Members of the Government. My conversations with Deputy Griffin have been very robust. I would not go as far as to say he is 100% in agreement with me on everything that is being done here but animal welfare is a prime concern which we share.

I welcome the fact that the Minister of State, Deputy Doyle, is ensuring that the Department of Agriculture, Food and the Marine conducts a thorough investigation and takes the necessary enforcement actions to deal with any offences. While his Department and Bord na gCon are seeking to address the specific issues identified, I am also keenly aware of the reputational damage these alleged practices have done to the Irish greyhound industry. I am very concerned that there could be consequential damage to Ireland’s reputation as a tourist destination. Accordingly, I asked the tourism agencies, Tourism Ireland and Fáilte Ireland, in this context to consider what role greyhound racing should continue to play in the marketing and promotion of Ireland. I also asked them to apprise Bord na gCon of any actions they proposed to take. The agencies subsequently informed me that they had met and decided to implement some changes relating to the promotion of greyhound racing in tourism marketing campaigns and on the agencies’ websites, pending implementation by the Department of Agriculture, Food and the Marine of several reforms under way and to come.

I am confident that the Minister of State, Deputy Doyle, and his Department, in co-operation with Bord na gCon, are working hard to address the issues identified, to take enforcement actions against offences and to set the industry, for which they have great ambitions, back on a positive track. Nonetheless, while we work to right the wrongs and rehabilitate the industry and its reputation, we must be careful not to allow current negative publicity damage our tourism promotions. In that regard, I trust the tourism agencies to act in the best interests of Ireland and Irish tourism, guided by their insights and experience. I am happy with their decision to take a step back from active promotion of greyhound racing at this point in time and to keep the situation under review.

Deputy Martin Ferris: I thank the Minister for his response. I am not so sure about the justification for penalising more than 99% of the people involved in the industry for the actions of what is probably 1%. It is very wrong and is affecting their livelihood. It has a huge impact on the fabric of their communities because the industry is so greatly involved in local economies. I referred in my opening remarks to the wonderful contribution the greyhound racing makes to various charitable organisations, as well as organisations such as University Hospital Kerry in

my constituency, for which events are run to raise money where the Government has failed to deliver.

Were the same stringent criteria applied to other sporting events such as showjumping or horse racing, I am quite sure that were one to look deep enough, one would find some unscrupulous individuals who treat animals terribly. I fully and absolutely concur with the Minister and anybody else who wants to stamp this out. It should be stamped out. It is criminal action and should be treated and dealt with accordingly.

Will the Minister take into account the effects this decision will have for an economy that will be in dire straits if this is allowed to proceed? I hope the recommendations coming from the Minister with the Irish Greyhound Board will be worked out speedily, as we cannot have this type of activity affecting the income of people who have done tremendous services for rural Ireland, for animals generally and especially for charitable organisations that have become dependent on their night at the dogs to raise funds for the Government has failed to meet.

Deputy Shane Ross: I do not doubt Deputy Ferris's bona fides on what he says about the greyhound industry or the employment it gives. I accept this is a concern but we must be aware that €16 million in Government money goes to the Irish Greyhound Board. We must be aware that the board commissioned a report from a firm called Preferred Results but when it received that report, it was not published. That report contained some unacceptable findings, including the fact that 6,000 dogs were culled simply because they could not race fast enough and that there was a culture of doing that sort of thing in the industry, which was obviously accepted. On top of this, there were other utterly unacceptable incidents, the frequency of which I am not in a position to tell, happening in the greyhound world. These were carried out on a regular basis. That report was not published until the eve of the broadcast of the programme to which we referred. It seemed to me there was absolutely no anxiety on behalf of the board of directors to make public information that has now been found to be utterly unacceptable. It has cast a dark cloud over the entire industry, which is not of Deputy Ferris's making, but is of the making of those who decided not to publish the report because of the utterly revolting activities that were going on. I did what I feel was right, namely, that we should not use any promotion of activities that would be seen to condone in any way this disgusting behaviour. This is why I took the action I did and that is why I stand over it.

Ferry Services

Deputy Maureen O'Sullivan: Táim buíoch don deis atá agam inniu labhairt ar an ábhar seo. It is opportune to raise this after the recent Private Members' motion led by Deputy Connolly on islands, which referred to the reality of life for people living on islands. Our islands are places that have great natural beauty and a great welcome for people who visit, as well as amazing communities that work together on so many issues. The challenges are population decline, isolation and limited economic activity.

The economic activity usually comes from three areas, namely, agriculture, fishing and tourism, which provide employment. When I speak of Cape Clear, I am not speaking about what I have read but am speaking from what I know from personal experience from many years being associated with Oileán Chléire. As I was there most recently in August, I know the reality of what I am raising here. Winter months are very quiet so the months between April until late September are vital. They are prime time for tourism. They get national and international tour-

ists, as well as family and relatives coming back to visit the island and derive income from this tourism.

One initiative they have developed, supported by Comharchumann Chléire, is a tour to the Fastnet lighthouse. It is a major tourist attraction and boats go, supported by the comharchumann, from Baltimore, Schull and Cape Clear. It is weather-dependent but hundreds of done the tour. It has won many accolades. For example, it was recognised by *National Geographic* as one of the ten best on the Wild Atlantic Way, while the *Irish Independent* considers Fastnet to be one of the seven wonders of Ireland. The tour has had many beneficial effects on the island and in West Cork. *Dún na Séad II* is the new fast ferry, which would be a great advantage for Fastnet tours, as she is modern, comfortable and fast. I know this from personal experience. Even on rough days it is comfortable and sturdy. As cathaoirleach of the comharchumann, Niamh Ní Dhrisceoil said, it is the future. However, the new fast ferry has been refused a licence to operate out to Fastnet within 500 m of the rock. It is this 500 m beside Fastnet that gives the unforgettable experience, which I have had. It is an amazing engineering feat.

Vessels of a smaller size are allowed to go up close, as are other boats, some of which are bigger than *Dún na Séad II*. From personal experience, I must say that maritime safety and passenger ferry safety are of utmost importance to the highly qualified and experienced crew who run these ferries. Consequently, I must query this decision from the Department of Transport, Tourism and Sport, which has responsibility for both tourism and certification of these vessels.

The 500 m distance is very important for the real Fastnet experience. The irony is that some Cape Clear boats, namely, the *Naomh Ciarán*, the *Dún an Óir* and the *Dún Aengus*, which are all bigger boats, can go within 500 m, as can fishing boats and yachts, so why not the new ferry? Is it that the rules have not been updated to take the faster boats into account? I hope that in his reply, the Minister will tell me this has been addressed and rectified but if not, can there be a review on what has led to this decision? I ask that there be a meeting in the Department with the industry providers because policies must be reviewed, updated and improved. It is in the bigger context that islands need to increase employment opportunities and attracting visitors to them is one way of doing so. Cape Clear is in a unique geographic position to have those tours to Fastnet. It is like a gateway there and this fast ferry is a vital element of it.

5 o'clock

I hope there will be a positive response today from the Minister.

Deputy Shane Ross: I thank the Deputy for raising this issue today. The Marine Survey Office, MSO, in my Department is the safety regulator for maritime transport in Ireland. One of its key responsibilities is the certification of vessels and to ensure the compliance of such vessels with the maritime safety requirements.

My Department cannot discuss individual vessels with third parties without the owners permission. The vessel in question, however, is a class VI passenger ship. The safety certification of passenger vessels in Ireland is set out in the Merchant Shipping Acts and consists of a number of classes of passenger vessels which set appropriate safety standards based on the number of passengers carried and areas of operation. Thus the Merchant Shipping Acts reflect the risk-exposure of passengers when being carried by sea and provide for different classes of passenger vessel of different sizes and areas of operation.

The vessel in question is a class VI passenger ship and the Merchant Shipping (Passenger

Ship Construction and Survey) Rules 1985 define class VI ships as those engaged only on voyages with not more than 250 passengers on board to sea, or in smooth or in partially smooth waters, in all cases, in favourable weather and during restricted periods, in the course of which the ships are at no time more than 15 miles, exclusive of any smooth waters, from their point of departure and no more than three miles from land.

Class VI passenger ship certificates are issued in accordance with section 8 of the Merchant Shipping Act 1992, as amended. Section 8 (1)(a) refers to the limits beyond which the vessel shall not ply being stated on the passenger ship certificate and for all class VI vessels, this will include the restrictions of proceedings no more than 15 miles from the point of departure and no more than three miles from land.

From a maritime safety perspective, in identifying suitable land to be used as a basis for plying limits, the MSO assesses if locations are suitable for the landing of passengers in an emergency and this would include the mainland or any island which is normally inhabited and which has piers or berthing facilities which are in regular use.

The Fastnet Rock lighthouse is 3.5 miles from Cape Clear Island. The Fastnet Rock is not considered as land for the purpose of the determination of plying limits, as it is not a place of refuge. It is a small uninhabited island without any landing facilities. It would be inappropriate for the MSO to agree this as a suitable place of refuge.

For those reasons, the Fastnet Rock is not utilised by the MSO as a basis for issuing plying limits and class VI vessels are not permitted to operate there as it is more than three miles from land. Representations were made to my Department on this matter in August this year. The reply issued included alternative solutions to the matters raised.

I wish to advise that there are a number of passenger vessels of classes other than class VI which are certified for tours around the Fastnet Rock. These vessels are certified as different classes in accordance with the Merchant Shipping Acts and such vessels are compliant with the applicable maritime safety regimes and are offering tours around the rock.

Deputy Maureen O'Sullivan: I am quite embarrassed for the Minister given that answer. There were a lot of technical details in it at which I will look with the people there. I have to say categorically that nobody working on those boats would ever jeopardise their own or their passengers safety. The answer is quite incredible. I hope the Minister gets the opportunity to see it because it is one of those really unbelievable experiences.

There is a special relationship between the island and Fastnet lighthouse. The lighthouse was originally on Cape Clear, where it was built in the 1800s. It was on Cape Clear for quite a number of years until it moved to Fastnet. One can land on Fastnet because it was a working lighthouse until some years ago, when all the lighthouses were automated. Nobody on the boat wants to land on Fastnet. All they want to do is to go around Fastnet to see up-close the amazing architectural and engineering feat that it is. I am unsure if the Minister saw the amazing programmes on the lighthouses of Ireland that was on RTÉ. It gave a really good perspective on Fastnet.

I refer to the national marine planning framework and its vision. It states: "Our ocean wealth will be a key element of our economic recovery and sustainable growth, generating benefits for all our citizens, supported by coherent policy, planning and regulation, and managed in an integrated manner." This is one way to generate benefits for people on an island who are

struggling because the population is going down and they face quite a number of challenges.

This boat can carry 100 people in comfort, style and safety. It came from Norway, where it was operating all year round. There are more severe sea conditions there, but it is not allowed to travel around or near Fastnet during the summer months. It is quite incredible that the other boats can operate but this particular fast and comfortable ferry cannot. I hope this decision can be reviewed because this is a new boat. Why can this not be looked at again?

Deputy Shane Ross: It would be fair to say that I am impressed by the case Deputy O’Sullivan has put and I will seek a review of the reply which I have given today.

Merchant Shipping (Investigation of Marine Casualties) (Amendment) Bill 2019: Second Stage [Private Members]

Deputy Mattie McGrath: I move: “That the Bill be now read a Second Time.”

I am delighted to have been given this opportunity to move Second Stage of the Merchant Shipping (Investigation of Marine Casualties) (Amendment) Bill 2019. Ar an gcéad dul síos ba mhaith liom mo bhuíochas a ghabháil leis an Aire. I thank the Minister for his courtesy and the Government for not opposing this Bill. When Ms Anne-Marie O’Brien, who is in the Visitors Gallery with her dad, started to raise issues, right after the terrible accident, which was almost ten years ago, the Minister travelled to her home in Tipperary to meet her and myself. He also received a deputation in Dublin and he listened and was very helpful and courteous to her. I want to say hello to the many people watching at home, including young Anna, Anne-Marie’s daughter who is only ten years of age and who is remembering her late uncle, and the Esmonde family members. It is a very traumatic case and it is a ten-year fight for justice. This is a very important milestone on that road and this is important legislation.

I thank the Deputies who are in attendance, including Deputy Cahill, who is my constituency colleague. On Anne-Marie’s behalf, I thank Deputies for engaging with her, especially Deputies Ferris and Cahill and other Deputies, two of whom who are gone, namely, Mick Wallace and Clare Daly, who were very helpful. I also thank David Mullins in my own office and anyone else who has helped us.

Many people have gone home because Storm Lorenzo. I hope everybody at sea, whether on a ferry or otherwise, gets home safely. There are many songs, including from the Clancy Brothers, about bringing people home safely. It is a rough evening for people who have to be at sea or on the road. It is poignant this debate is happening this evening unlike the day this terrible tragedy unfolded. It was a beautiful late spring-early summer day. The waters were still as the water sa ghloine sin, as the water in that glass.

The aim of the Merchant Shipping (Investigation of Marine Casualties) (Amendment) Bill 2019 is to revise the requirements for composition of the Marine Casualty Investigation Board and to provide for related matters. When the Bill was introduced I made it clear that while the Bill itself is short and technical, it is of considerable emotional importance to the O’Brien and the Esmonde families and to several other family members left behind. I salute the courage and determination of Anne-Marie in pushing for the introduction of this Bill, which is not for selfish reasons. Rather, it is very selfless. She knows, as does the Esmonde family, their loved ones will not be coming back but she is concerned about future accidents, incidents and loved ones

lost. One thinks of the three young girls her brother left behind, Shannon, Sophie and Samantha, and Pat Esmonde's daughter, Shannon. They were young children. By a small quirk of fate, they both lived either side of me - one three miles in one direction and the other two and a half miles in the other direction. I did not know them even though they were living there. These children were left without ever being able to see their father again. I salute Anne-Marie on the totally selfless work she has done in that area. It is for other people's benefit.

This Bill seeks to remedy those circumstances where there is no legal obligation on the Minister for Transport, Tourism and Sport or his or her agents to ensure that members of the Marine Casualty Investigation Board have maritime or marine accident experience. I am not aiming this at the Minister, Deputy Ross, because I believe he has engaged in the issue and is interested in changing it. The Bill refers to the Minister of the day, whoever he or she might be.

If this Bill is accepted and passed, it will strengthen the onus on the Minister and his or her agents to ensure that qualified and suitable candidates are selected for membership of the board or elected to it, and that maritime experience should be a prerequisite. One would think that we should not have to look for this in legislation, but maritime experience has to be a prerequisite. It is a fair and reasonable requirement given the gravity of the cases that may need to be investigated.

We are aware that the European Commission has referred Ireland to the European Court of Justice for failing to uphold EU law on impartial investigations of marine incidents. There are many such incidents going back 40 blian ó shin, one such being the Whiddy Island disaster. Reporting on the issue, Lorna Siggins, in *The Irish Times* noted that:

The EU says that it has a "number of concerns" about the independence of members of the Marine Casualty Investigation Board (MCIB), the State's lead investigating body for serious incidents at sea. The presence of the Department of Transport's secretary general or nominee, and the Marine Survey Office's chief surveyor on the five-person board could represent a conflict to interest, according to the European Commission.

We do not have any personal gripe with those persons in their professional capacity but the Minister knows where we are coming from and what we need in this regard. This is what the European Commission has said about it. *The Irish Times* article also reported that the European Commission had indicated that the board "lacks the necessary independence" from the Department and the Marine Survey Office. I have to highlight yet again that this stands in stark contrast to the equivalent board in the United Kingdom where marine casualty investigation experience is a definite prerequisite and a requirement.

I salute former Captain Neil Forde, retired, who is now a contract investigator. He lost his dad in the Whiddy Island disaster 40 years ago and those families are still waiting for answers. I thank Captain Forde for all of his help on the investigation. He has been a mine of information for us.

This jurisdiction must also make maritime or marine accident experience a prerequisite for becoming a member of the Marine Casualty Investigation Board to protect the integrity of the process and ensure that no stone is left unturned for the loved ones left behind in cases involving marine accidents with fatalities. A number of people have contacted us, including Anne-Marie O'Brien. I also salute the Barry family from Cappaghwhite who are my neighbours. Michael Barry and his son, who have since died, were at sea on the day John O'Brien and Patrick

Esmonde's boat was torpedoed and the resulting wave almost upended their boat. They came forward as witnesses. Both have since gone to their eternal reward. They were never properly engaged with by An Garda Síochána, not to mention the Marine Casualty Investigation Board.

On a broader note, I hope the Bill will also act as a timely reminder that boards of this kind need to avoid being filled with people who may be good and decent but who are essentially ministerial appointees in the worst sense of that word. By this I mean that they do not have the necessary experience. This scenario must be specifically avoided in areas like marine casualty investigation and the most sensitive of issues, the death of a loved one in such tragic and traumatic circumstances. Standards should apply in and sensitivity must be shown. One would take it for granted that appointees would be the highest qualified people with the relevant experience.

I was wrong with a name I gave earlier. Michael Kingston is a global maritime lawyer who lost his dad, Tim, 40 years ago in the Whiddy Island disaster. Michael Kingston has been invaluable to us and to Anne-Marie O'Brien and the Esmonde family. Mr. Kingston has advised governments all over Europe and the world, but for some reason the Department will not engage with him. What is wrong? Is it the case that the prophet is never recognised in his own village? We have people here who are willing and able, have expertise and want to help in the spirit of the Irish meitheal. They want to be good citizens and give support and solace to Anne-Marie O'Brien, her mum and dad and for little Anna at home. I thank the Minister for visiting the family, when he empathised and sympathised with them, and also met with them in the House. Now, however, is the time for action. I am delighted with the support I am expecting to get this evening. It is all positive.

People realise that there is no ulterior motive with this legislation, which seeks to make a bad situation good. It is about trying to get the right people on the board of marine investigation so that when they go to visit a site, they will have all the necessary experience. What is the point in me, for example, going up to the Bog of Allen to investigate an incident on the bog? I would be lost in the bog like being lost in the fog. I would not have a clue. We need to have people with experience. As far as water is concerned, I almost drowned when I was a boy and I am now nervous in the bath. I would not even stand near a river, not to mind investigate something in one. We need qualified people who have the proven experience who will be able to give their expertise to ensure proper investigation of such incidents. I hope the investigation into the case I have raised will be reopened. I also hope we will be able to sleep in our beds, and Anne-Marie can sleep in her bed, when this legislation is enacted in the knowledge that one good thing has been done to deal with future accidents.

While we are not dealing with An Garda Síochána today, there was no investigation of this case by the Dungarvan Garda. It was an unbelievable cover-up, a total cover-up. The fishing boat was upended in a hit-and-run incident. If something walks like a duck and quacks like a duck, it is a duck. There were eyewitnesses. Whale watchers on Helvick Pier saw what happened. I wrote to the coroner a couple of times. I have never in my 12 years in this House - I got a phone call from a coroner telling me to back off from this and keep away from it because those boys had copious amounts of alcohol drunk. They had not. The autopsies proved they had drunk perhaps two or three cans at most. There was a cover-up of enormous proportions. This is not the only cover-up in Dungarvan Garda station but we are not dealing with that in this legislation. We will deal with it elsewhere. I am awaiting a meeting with Assistant Commissioner Michael Finn.

We can make meaningful change with this legislation. Deputy Ferris, who will contribute shortly, knows more about maritime issues than I will ever learn, as do other Members. I am from an inland county, as is Deputy Cahill. I appeal to the goodwill of the House and the goodwill of the Minister and his Department to accept this legislation. It is not a perfect Bill, but it is as good as we can manage. I thank the Office of the Parliamentary Legal Adviser, OPLA, which was a great help with the Bill. I have had other Private Members' Bills that were not fit for purpose when it came to moving them, but the OPLA has helped me enormously. I do not have any staff names, but I met them this morning and thanked them because we have limited resources as Oireachtas Members. We are all here to do our best in this House and in politics.

I appeal to the Minister and his officials to take this Bill on board. I hope to have many interactions on this and a fruitful outcome so that justice is not only done, but is seen to be done, which is important. The Minister wrote in the media for decades and campaigned for reform. This legislation is his chance. I will support him all the way, as will others, in trying to make a significant difference in this situation and getting rid of quangos. He railed against quangos for decades, and this board is certainly a quango. There are people on it who do not understand what they are meant to be dealing with. It is a pitiful situation. I believe the Minister will act in good faith. He has done so so far. I praise the bridges that I go over. That is how I operate, and I hope we will proceed in an amenable and constructive fashion. I look forward to engaging with the Minister.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I thank Deputy Mattie McGrath for presenting this Bill. The Government will not oppose it on Second Stage. I am in no doubt that the motives of Deputy Mattie McGrath and the contributions of Deputy Ferris to the Bill are beyond criticism. They are the highest sort of motives, which I applaud. There is a case to be made, which the Government recognises by not opposing the Bill.

The Marine Casualty Investigation Board, or the board as I will refer to it from here on, was established under the Merchant Shipping (Investigation of Marine Casualties) Act 2000. It is an independent State agency tasked with examining and, if necessary, carrying out investigations into all types of marine casualties to, or on board, Irish registered vessels worldwide and other vessels in Irish territorial waters and inland waterways. The board publishes reports on its website into each of these investigations.

The board's objective in investigating a marine casualty is to determine its circumstances and its causes with a view to making recommendations to the Minister for Transport, Tourism and Sport and the commercial and recreational maritime community for the avoidance of similar marine casualties in the future, thereby improving the safety of life at sea and on inland waterways. The board is a non-prosecutorial body, in that it does not enforce laws or carry out prosecutions. It is not the purpose of an investigation carried out by the board to apportion blame or fault.

It should be noted that the board's investigations are not carried out by the board members. Rather, they are carried out by the board's panel of external investigators. This panel was renewed earlier this year following an advertising campaign conducted in late 2018. Appointments to the panel of investigators are for a period of three years. The current panel of seven investigators consists of personnel holding technical qualifications as naval architects, marine engineers or deck officers and with decades of at-sea service on board a wide range of vessels. It reflects broad-based maritime competence and experience of relevance in undertaking independent investigations.

The membership of the board itself is governed by section 9 of the 2000 Act. It is this section that Deputy Mattie McGrath is proposing to amend via the Bill. As provided for in section 9, there are currently five board members. Three, including the chairperson, have been appointed by me as Minister. There are also the chief surveyor of the marine survey office and a nominee of the Secretary General of my Department.

The amendments proposed place an onus on the Minister when appointing the three members to the board to have regard to the desirability of the persons having appropriate knowledge, qualifications or experience in matters connected to the functions of the board. A similar onus is put on the Secretary General when, if there is a vacancy in the office of the chief surveyor, he or she is nominating an additional board member under section 14(4) of the Act. I have no objections to the formal introduction of such provisions into the legislation. Indeed, a case can be made for such, and were this a Government Bill establishing a new statutory agency, I would expect that similar provisions would be included.

In practice, while the Act is silent on what the Minister should take into account when appointing members to the board, such knowledge, qualifications or experience has been taken into consideration when advertising for and assessing potential board members. We have been explicit about this, for example, when advertising the position of chairperson late last year. Putting the requirement into the legislation itself is a welcome development copper-fastening the current routine. Equally, the Secretaries General when appointing their nominees to the board over the years, as provided for under section 9(1)(b), have appointed officers involved either in maritime affairs or accident investigation in other transport modes.

It must be mentioned that, while maritime experience would be most welcome when it comes to appointing members to the board, it does not always follow that suitably-qualified candidates will exist and apply for such membership. Furthermore, additional expertise and experience in areas such as legal, accident or health and safety management, corporate governance and management, the reviewing, editing and development of reports, and leadership and communications skills are also of value to the important work of the board and can be taken into consideration in ensuring the appointment of a well-qualified, balanced board membership to carry out its duties.

I welcome Deputy Mattie McGrath's ongoing interest in and concern for maritime safety and look forward to hearing other Deputies' contributions to this debate.

Acting Chairman (Deputy Frank O'Rourke): Is Deputy Cahill sharing time with Deputy Browne?

Deputy Jackie Cahill: Yes.

Acting Chairman (Deputy Frank O'Rourke): The Deputies will have ten minutes in total.

Deputy Jackie Cahill: I commend Deputy Mattie McGrath on introducing this amending Bill. I welcome Ms Anne-Marie O'Brien and her father to the Public Gallery. She has put significant effort into getting the Bill to this stage. She has to be commended. The Bill aims to avoid a recurrence of what happened to her brother and Patrick Esmonde on that tragic day off the coast of Waterford.

I am happy to say that Fianna Fáil is supporting the Bill, which proposes a commonsense

amendment to make experience with marine shipping and general marine matters a requirement of all people appointed to the Marine Casualty Investigation Board, MCIB. At present, while this is often seen as a “desirable” characteristic for board members, it is not a formal requirement.

This campaign has been led by the families of John O’Brien and Patrick Esmonde, who tragically drowned off the coast of County Waterford. It is the view of their families that a proper investigation was not conducted into the reason for their untimely deaths. As a coastal nation, Ireland must seek the highest standards in our marine and coastal safety guidelines and standards. It is vital that Ireland be equipped with a knowledgeable and effective investigation board that can investigate marine casualties. The equivalent board in the United Kingdom sets out experience of maritime affairs as a prerequisite for its membership, with some board members bringing decades of experience in the merchant navy, etc. This is important for bereaved families and friends who would like to understand the circumstances of their loved one’s death, and for the shipping and seafaring community at large, which should be made aware of potential hazards and risks in an Irish context.

The MCIB’s objective in investigating a marine casualty is to determine its circumstances and causes with a view to making recommendations to the Minister for Transport, Tourism and Sport and the commercial and recreational maritime community for the avoidance of similar marine casualties in the future, thereby improving the safety of life at sea and on our inland waterways. The MCIB does not have the power to prosecute or enforce laws. It is not the purpose of an investigation carried out by the MCIB to apportion blame or fault.

The board consists of five members, three of whom are appointed by the Minister. In addition, the chief surveyor of the marine survey office is an *ex officio* member of the board. The Secretary General of the Department of Transport, Tourism and Sport, or his or her nominee, is also a member of the board. The current nominee of the Secretary General is the chief investigator of the railway accident investigation unit, which is based in the Department of Transport, Tourism and Sport.

John O’Brien and his friend, Patrick Esmonde, went fishing in a dinghy off Helvick Head, County Waterford, on the afternoon of Sunday, 23 May 2010. The two men from Tipperary drowned some time after 5 that evening. An inquest into the tragedy at Dungarvan in September 2013 returned an open verdict. Since 2010, the families of the two men have expressed their concern that the MCIB was too inept to conduct a proper investigation. Last year, John’s sister, Anne-Marie O’Brien, accused the Taoiseach of gross insensitivity for stating that a public inquiry into the deaths will not “bring anyone back”. That is true. Those two men lost their lives in tragic circumstances and whatever amendments we make to legislation will not rectify that. With this amendment, however, we could hope to avoid similar tragedies in the future. If there is an accident at sea or on an inland waterway, the very least a family can expect is that there would be a proper and thorough investigation by the most highly-qualified people possible.

Deputy James Browne: I thank Deputy Mattie McGrath for bringing forward this very important amendment to the Merchant Shipping (Investigation of Marine Casualties) Act. This is a common-sense amendment that should perhaps have been introduced before now to ensure that everybody on the MCIB has experience and knowledge of marine casualty investigations.

The family of John O’Brien is present in the Gallery. I come from a coastal county, Wexford. We have had our fair share of tragedies there and I know a lot of families who have

suffered the loss of loved ones as a result of marine accidents. One of the key aspects of the amendment is that it is a means to an end, namely, to ensure the safety of people heading out to sea, that we learn from past mistakes that have caused the loss of lives and that the risk to life will be significantly reduced in the future. The loss of a loved one is harrowing for a family. My sister was killed in a road traffic accident so I know the consequences for families of losing a loved one.

It is essential that those in charge of investigating accidents at sea have experience of marine accident investigations. It should be a requirement of membership of the board. It is a requirement of board members of a similar board in the UK, so there is no reason for that not to be the case here as well. Those who have lost loved ones should be able to have the confidence that those investigating the deaths of their loved ones have the experience necessary to carry out a proper and competent investigation. If justice is to be done, it can only be done by those who have the necessary experience and knowledge.

Deputy Martin Ferris: I thank Deputy Mattie McGrath for introducing this Bill and I thank everybody for supporting it. I am very conscious that it is 20 years, almost to the day, since I lost my best friend, Thomas Kelly. He was one of eight men who drowned 100 miles west of Kerry Head. I am also very conscious that the family members of John O'Brien and Pat Esmonde are in the Gallery. When one comes from a coastal community, one fully understands the dangers associated with fishing at sea and marine recreation.

I especially thank Anne-Marie O'Brien for her tremendous effort in getting all of us together and focused, and for her work and that of her family over the years to try to get legislative change to do justice to the memory of their lost brother, John. On 23 May 2010, John and Pat were lost off Helvick Head in a small rib. They had gone out with the intention of doing a bit of angling and were lost at sea. Their bodies were recovered on 25 May. Subsequently, the investigation that was carried out by the MCIB and the Garda left a lot to be desired. When one studies the reports - I studied a number of them - one notes a lack of empathy for the family and an acceptance that something happened that did not actually happen, which seriously let down both of the families. What happened to those men that day has yet to be established legitimately. The lack of investigation of the circumstances has meant that the families are still grieving after all this time. As a consequence, faith in the competency of the investigation carried out by the MCIB has been badly dented. The situation becomes clear when one looks into the composition and calibre of the members of the MCIB. I do not mean any disrespect to the individuals, rather I refer to their experience. The members include an air accident investigator, a barrister, an accountant, a fire station manager, a solicitor, a barrister and two ministerial appointees, the chief marine surveyor and a nominee from the Department. That shows the lack of independence in the composition of the board.

Let us compare that to the Marine Accident Investigation Branch in England where one sees a totally different approach. One member of the English board has more than 30 years seagoing experience and is responsible for the conduct of the investigations into marine accidents. He goes to the scene of accidents and interviews witnesses. The other person has 40 years of maritime experience and runs courses on water safety that comprise up to 11 modules. He works with Government Ministers on the review of maritime policy and has been responsible for major changes within the sector. What happened at Helvick Head that day was never properly investigated. The report on the investigation seen by Deputy Mattie McGrath, Deputy Cahill and me was shambolic. It merely accepted that something happened and there was no real investigation into the incident.

The function of the MCIB is to carry out investigations into marine casualties that take place in Irish waters. The main purpose of the board's investigations is to establish the cause or causes of a marine casualty with a view to making recommendations. As I understand it, the board members have no seagoing experience compared to the board members of the equivalent body in England. They did not visit the scene of the accident. That is stated in the report. They carried out their investigation without considering the GPS reports. That is fundamental to the case because the GPS provides the location of all boats in the area, but that was not investigated. It was stated in the report that there was a large floating tyre and that it may have played a role in the men going overboard, yet there was no evidence of a tyre being in the water. The board members did not go to the inquest following requests from the Garda and coroner. That was how the MCIB conducted itself in this instance.

From a European perspective, in order to investigate marine casualties, the MCIB is supposed to be independent. How can that be the case given that a board member is the Department of Transport, Tourism and Sport's chief marine surveyor, in addition to a nominee from the Department. According to the European Union, the Department is committing a fundamental breach of European law by involving its personnel in the MCIB. That is a major conflict of interest, as marine accidents involve analysis of the regulatory framework and its enforcement. Two members of the board are, in effect, investigating themselves. Where is the independence in that? That is contrary to European law, which clearly states that the MCIB must be independent. Despite threats from the European Commission that Ireland will be taken to the European Court of Justice, the conflict of interest has been allowed to continue by the State, as highlighted in *The Irish Times* some years ago.

I welcome the Minister's contribution to the debate and his acceptance of the argument put forward by Deputy Mattie McGrath that the Bill will help to rectify the lack of independence of the board. I am not questioning the people on the board because I do not know them. As somebody who has spent much of my life at sea, it is an entirely different matter investigating a situation there compared with on land. I refer to factors such as the waves and wind direction. Something such as a bow wave might have caused this incident. It is necessary to understand such details and have that expertise to make accurate decisions.

We must look at how the investigation concerning the accident involving John O'Brien unfolded. Who went to the scene of the accident from the MCIB and when? That is a fundamental question. Who oversees the investigation when gardaí are not trained or equipped to do so? The gardaí and MCIB were the investigating parties. Who involved had expertise? Who is trained in the MCIB to read GPS reports downloaded from vessels involved in fatal accidents? That is also a fundamental part of any investigation. When I read the Garda report, it stated the boat had an 8 horsepower engine. When the vessel was examined later in the Garda station, however, it had a 25 horsepower engine. It was a shambolic investigation and I can understand why the family feels so let down. I hope the support of everybody in the House and the passage of the Bill will give them some help in grieving their loss. I offer my deepest sympathy to the families. We have all made a personal commitment to ensuring this will become the legacy of John and Patrick.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I thank the Deputies who participated in the debate, and whereas they diverted into a particular case, I cannot make any comment on that, but I know that they said it for the most humanitarian of motives. I acknowledge that.

I thank the Deputies for what they have said and for the amendment to the Bill. The Government is not opposing the Bill on Second Stage. The Marine Casualty Investigation Board was established as an independent State agency under the Merchant Shipping Act 2000. The board has carried out a critical role since its establishment in helping our understanding of the circumstances under which, all too often, people have suffered injury or tragically lost their lives while at sea or on our inland waterways. The use of its external panel of investigators in carrying out its investigation aids the board in the preparation of its reports and the recommendations contained therein. I was impressed to learn the background and experience of these investigators and their prior work as naval architects, marine engineers and deck officers, which ensures they have the maritime competence and experience for the investigations into marine casualties they must undertake in what must be difficult and trying circumstances.

As noted, the board is not a prosecuting body. It is not the purpose of an investigation carried out by the board to apportion blame or fault, rather it is to determine the circumstances and causes under which a marine casualty has occurred with a view to making recommendations that may help in the avoidance of similar marine casualties in the future, thereby improving the safety of life at sea and on inland waterways. I believe this is a similar approach to that undertaken in other transport sectors such as aviation and railways. Amendments to the 2000 Act proposed in the Bill to ensure that whichever Minister is in office will take into account the desirability of prospective members of the Marine Casualty Investigation Board having appropriate knowledge, qualifications or experience are appropriate and welcome. I was reassured to hear that this is the practice in place.

I welcome the efforts of Deputy Mattie McGrath in formalising what is already an effective practice. It is a useful and necessary exercise. I reiterate that the Government will not oppose the Bill on Second Stage.

Deputy Mattie McGrath: As I stated earlier, I appreciate the Minister's interest and engagement with affected families, and I thank all the other Deputies who contributed, namely, Deputies Cahill, Browne and Ferris. I sympathise with Deputy Ferris, who lost his good friend 20 years ago. No one likes to lose a loved one, whether through a serious illness or, worst of all, tragedy. Today is International Mental Health Day and one would not like to lose someone from suicide or anything else. Questions always have to be answered, but when an investigation is poor, that is sad. I again salute Ann-Marie and her selfless, Trojan work in seeking to amend the legislation. I welcome the Minister's appointing of new members of the board with the requisite experience. I am delighted he will accept the Second Reading of this amendment Bill.

I refer to the Merchant Shipping (Investigation of Marine Casualties) (Amendment) Bill 2019. It is to be hoped that when the legislation reaches Committee Stage that the Minister will be as willing to engage and move it forward. Everybody in the House is in agreement and I know we have nobody present from the Labour Party. I thought that Deputy Kelly would attend and the Deputies from Tipperary such as Deputies Healy and Lowry. Nobody has expressed a different opinion or any opposition. Everyone sees the legislation as being for the greater good, and but for the greater good, where would any of us be. It will be a salutary legislation if it proceeds to the next Stage and reaches Committee Stage and back in order for both Houses to debate. Perhaps the legislation will be enhanced and beefed up. Perhaps other misgivings and areas that other minds can see, and minds greater than mine, will make amendments and debate them. Debate is always healthy.

As I said, Deputy Ferris mentioned a bow wave as the possible cause of this accident. I have mentioned the Barry family, and one of them died very tragically some months ago. Unfortunately, I cannot think of the name of the television show - we were talking about a broadcasting Bill last night - that made an appeal to come along and finish the man's house. The work was completed in a number of days. Anne Marie's dad, who was up here, spent three days working as a tradesman on the project. The spirit of the meitheal was evident and is evident in Ireland. Many of the tradespersons came, contrary to my belief, from Dublin to help build the house in nine days. Sadly, the house was started but the man got ill, tragically, and he was one of the witnesses that came forward. A public appeal was never made, which had nothing to do with the Minister. A public appeal for information was not made when the accident happened.

If there is an accident tonight anywhere, and I hope there will not be, and there was a casualty or a very serious injury, the Garda would put out a public appeal for information. Then the area would be sealed off. There were diversions created on country roads in my area last night, between Clonmel and Cahir, and rightly so. It is right that every step is taken to ensure that the scene of an accident or incident is preserved. This was a huge inconvenience, and rightly so. Every step should be taken to ensure that all evidence at the scene of the accident or incident is preserved. That did not happen at sea. Neither the Garda nor the MCIB can investigate in that fashion at sea. It was "dúirt bean liom go ndúirt bean léi", that is, it was "a woman told me that a woman told her" type situation. The family are expected to accept this.

The family were told that evening that the two lads had great difficulty launching the rig. There are supposed to be staggering and drunk. What horrible things to suggest about them. What was the motive for such suggestions when the autopsy report was clear that this was not the case? There was a concerted effort from the very start to divert attention from the boat that capsized this rig. There was no investigation whatsoever. I had contact with the coroner when I was writing to him and the marine investigator, and I was told not to get involved. I was told that there was a lot of stuff there I did not want to know. That was murky, dirty and not very nice carry-on from the agencies of the State. John O'Brien's dad is sitting in the Gallery with Anne-Marie O'Brien. He asked, as did Pat Esmonde's dad, that the boat be destroyed the day afterwards. They were emotional, horrified and traumatised and asked the Garda to destroy it. It is still hanging around. When the marine investigator, which I may have wrongly referred to earlier, and the casualty investigation people visited, the engine had been changed. It had been changed from an 8 horsepower to a 25 horsepower engine. The boat had left the secure area of the Garda station in Dungarvan. First of all, it was meant to be destroyed and then it was left there. There are many questions to be answered by An Garda Síochána. It is a very murky case. When the whale watchers came forward and when people refused to attend the inquest, they were requested to go as they could not be compelled to attend. The case will have to be reopened for an investigation into the incident to determine how it occurred and what happened.

Anne-Marie O'Brien put up A4 posters on poles several years later in Dungarvan after she had got nowhere with the Garda in An Rinn and the family who happened to be neighbours two parishes away in Cappawhite, County Tipperary came forward. They had gone to the Garda station in An Rinn the day after the incident had occurred to report it. They had nearly capsized. After gardaí in Dungarvan had been asked, these witnesses volunteered and came forward. We do not know how many more came forward as a result of the posters, either to make telephone calls or contact Dungarvan Garda station. We will never know. The Barry family came forward and two more are since deceased - the dad and a young man. There are other family members who are still alive. It took five months for gardaí in Dungarvan to take statements from these

men. When we discovered recently that the engine had been changed on the boat in the past six months at 5 p.m. some evening, gardaí could not be at the Esmonde home in Tipperary town until the morning at 9 a.m. when questions were asked about how the engine had been changed. They then tried to tell us that perhaps the engine had not been changed at all, that it had only been the badge. I have a lot of machines and engines and know that the manufacturer's badge is always on them. They are pop-riveted and would not be erased or changed very quickly. Also, they would not stay in place because of the heat of the engine. A badge is a part and parcel of an engine as manufactured. Different manufacturers such as Honda are proud of their engines and would not allow other badges to be put on them.

Anne-Marie O'Brien and her dad had to travel to Dungarvan Garda station to insist on the Garda taking statements when five witnesses had come forward. Appointments were made, but they were not kept by the Garda. However, eventually statements were taken. I do not know what file went to the Director of Public Prosecutions from Dungarvan. I do not know what file or report on the investigation was sent by the superintendent in Dungarvan, but I have previous experience of files being kept back where files suited to the Garda's side were sent and files that were not were kept. These scenarios have never been resolved. That kind of skullduggery and such shenanigans cannot be allowed to continue in a big Garda station because people have to have faith in the Garda. I have supported it fully all my life, but we must root out the rot because the Garda needs all of the support it can get from the public. As I said, a public appeal was made and the tenth anniversary is approaching next May.

Anne-Marie O'Brien and her family and friends will be forced to go to Dungarvan and perhaps make a re-enactment. We had a big debate about the broadcasting licence fee earlier. I do not know why RTÉ's "Prime Time Investigates" programme cannot investigate these underhand, shoddy and lacklustre investigations because there is a tang off this investigation; one could smell it in Ardmore from Helvick Head. Everybody knows locally. I asked people to go undercover and make inquiries. When they came back to me, they told me to keep away from it. I had people coming to me to tell me about another incident in which five lives had been lost at sea. I also talked to people who had involved with the Whiddy Island disaster. Deputy Ferris mentioned other cases. They are countless. It is not acceptable in a modern democracy when people lose their lives at sea or any other place that there is not proper site protection, a proper investigation and proper accountability before the law. It is tragic enough for the family without being able to secure arrests.

We will continue our struggle. With the families and others, I want to help An Garda Síochána. The case is with Assistant Commissioner Finn who is the latest person to take it on. We have gone through all of the hoops to have it investigated. We have not yet met the Commissioner, but we will be knocking on his door soon because we need answers as to why it happened. Why was the boat not destroyed when the families requested it? Why was the engine on the boat changed when the inspector went to inspect it? The families thought the boat had been destroyed. It beggars belief that it was being used as a pleasure craft or for whatever reason, that it was taken out of the Garda station, that the engine was changed or that someone went into the Garda station to change it. Most Garda stations are secure. This is a regional Garda station that is manned 24 hours a day.

Táim beagnach críochnaithe. I again thank the Minister. I also thank my colleagues for supporting this amendment Bill. I look forward to it proceeding to Committee Stage and I hope being accepted and even improved. I also hope it will help to save somebody else's life. We are here to help if we can. I appreciate the Minister's engagement and the fact that he has already

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made some changes to the board. I also appreciate the fact that he is willing to accept reasonable proposals. It is welcome that we will not wait for the European Commission to take us to the European court to make changes. It is important that we make them here and do the ground-work with the engagement and goodwill of all sides of the House in supporting the Minister.

I thank the Acting Chairman for his forbearance. I know that it is a terrible evening and that everyone wants to get some so ba mhaith liom mo bhuíochas a ghabháil chuig gach Ball.

Question put and agreed to.

The Dáil adjourned at 5.55 p.m. until 1 p.m. on Tuesday, 8 October 2019.