



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Financial Resolutions	2
Financial Resolution No. 9: General (Resumed)	2
Ceisteanna - Questions	13
Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions	14
National Broadband Plan	14
RTÉ Revenue	15
Climate Change Policy	17
Climate Action Fund	20
RTÉ Revenue	22
Ceisteanna Eile - Other Questions	24
RTÉ Revenue	24
Broadband Service Provision	26
Warmer Homes Scheme	28
Prospecting Licences	30
National Broadband Plan Implementation	31
Electricity Generation	33
Better Energy Homes Scheme Eligibility	35
Ceisteanna ó Cheannairí - Leaders' Questions	37
Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation	47
Gnó na Dála - Business of Dáil	57
Ceisteanna (Atógáil) - Questions (Resumed)	58
Cabinet Committee Meetings	58
Cabinet Committee Meetings	62
Legislative Programme	64
Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters	68
Pre-European Council: Statements	69
Saincheisteanna Tráthúla - Topical Issue Debate	88
Flood Risk Management	88
Vacant Sites	92
IDA Ireland Portfolio	95
Mental Health Services Funding	98
Road Traffic (Amendment) (Use of Electric Scooters) Bill 2019: Second Stage [Private Members]	101
Family Law Bill 2019: Order for Second Stage	124
Family Law Bill 2019: Second Stage	124
Family Law Bill 2019: Committee and Remaining Stages	133
Social Welfare Bill 2019 [Seanad]: Financial Resolution	134
Social Welfare Bill 2019 [Seanad]: Second Stage	134
Social Welfare Bill 2019 [Seanad]: Committee and Remaining Stages	139

DÁIL ÉIREANN

Dé Céadaoin, 16 Deireadh Fómhair 2019

Wednesday, 16 October 2019

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

Paidir.
Prayer.

Financial Resolutions

Financial Resolution No. 9: General (Resumed)

Debate resumed on the following Financial Resolution:

THAT it is expedient to amend the law relating to inland revenue (including value-added tax and excise) and to make further provision in connection with finance.

-(Minister for Housing, Planning and Local Government)

Deputy Sean Fleming: I am sharing time with Deputy Haughey.

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

Deputy Sean Fleming: I welcome the opportunity to speak on the budget that was announced here last week. People throughout the country are beginning to ask questions. They fully understand the budget was framed on the basis of a no-deal Brexit and that it was correct to take a prudent line in the event that it might happen. However, in the event that we do have a deal this week, next week or whenever in the immediate future, people are now asking where the €1.2 billion that was being set aside for a no-deal Brexit will be spent if we do not have a no-deal Brexit given that there are many people with needs. I accept that some of the money was to be borrowed. Since the Minister made his speech last week on the basis of all this money being provided in the event of a no-deal Brexit, a homeless person has been murdered on the streets of Cork. It demonstrates the widespread problem in respect of homelessness and lack of facilities. I could continue in that vein. Given that the Government has money available in the event of a no-deal arrangement, if the money is not all required for that purpose I hope this Fine Gael Government will decide to allocate some of the money to deal with urgent issues such as

once and for all dealing with the housing issue.

The Government has not addressed housing. The reason it has not is because it is not the Fine Gael way to worry about the people on the housing list. We had the most troubling statement in the Dáil on Leaders' Questions on Tuesday when Deputy Micheál Martin raised the case of the homeless man being murdered in Cork. The Taoiseach blamed the man himself. He said he had been offered an apartment. That means the Taoiseach does not understand the complexities of what is involved with some people who are homeless. He thinks it is a case of throwing someone into an apartment and that is it. I do not speak of the person involved, but it shows the Taoiseach did not understand the issue at all, not to mind having empathy or an interest in solving it. That is the reason we have the problem. In saying the man was offered an apartment, the Taoiseach was essentially blaming the man for being homeless. What the Taoiseach said about homeless people and the attitude he showed in this Chamber was outrageous. If he had any understanding he would know that some people are homeless for reasons of mental health, disability and addiction. It is not just a case of having a square room to put a person into. For the Taoiseach to suggest that the man was offered an apartment, and for some reason he did not take it and it was given to someone else, shows a total lack of understanding and empathy for people who are homeless.

I do not intend any offence personally to the Taoiseach but that is a bit of the Fine Gael DNA. I know Fine Gael people who say if people are homeless or unemployed it is their own fault. They ask why those people do not get up and do it like the rest of us. Life is not as simple as that. It is more complex.

I raise the issue because it happened since the Budget Statement by the Minister for Finance last week and if all the money is not required for a no-deal Brexit we would want to ensure some reallocation of the funding that would be set aside. Not all of the money to deal with Brexit and other such issues was to be borrowed. I highlight the issue because the Minister made a big play of a no-deal Brexit in his speech. If people analyse what the Taoiseach said, they would be deeply upset to think that was his attitude on the floor of the Dáil Chamber to a homeless person who was murdered.

There were a few good items in the budget thanks to Fianna Fáil. We fought long and hard and I am very pleased that we secured 1 million extra home help hours. To underline why that is important I will explain what happened throughout the country this summer. No support was given when the directly-employed HSE home support staff who were providing home help took their two weeks holidays during the summer, which they are entitled to do. They will also take a break at Christmas. Elderly people living alone and families were left to fend for themselves during that period. When the HSE contracts a home-help agency, it is contracted to provide 52 weeks cover, which includes the holiday period. We had a crazy situation whereby the HSE was not replacing its own staff. People who thought they were fortunate having a direct employee of the HSE coming in to provide home help got a sharp shock this summer when they got no cover. They were abandoned and left high and dry for the two weeks. That happened, and I am afraid the HSE will try it again at Christmas and then it will establish a pattern. They will say they got away with it during the summer and they will try it again. It is the thin end of the wedge. We need more home help hours.

I am also pleased that funding has been provided for 1,000 additional therapists, nurses and healthcare and professional staff and that €2.5 million has been provided for the Fianna Fáil initiative, the National Treatment Purchase Fund, which reduces lengthy waiting times for

cataract, hip and a variety of other surgeries. In the last three budgets we had to drag the Government kicking and screaming into providing that extra money. It resisted giving it on several occasions because it does not believe in the initiative, but we do. It is working and reducing some of the waiting lists.

In terms of education, provision is made for 150 new teachers and €1.9 billion for special education, which will allow for 400 additional teaching staff for children with special educational needs and 1,000 additional special needs assistants, SNAs. We are also very pleased with the commitment we have secured for the recruitment of 700 new gardaí.

The main issue in this budget is the carbon tax and there has been much debate on it. For the first time, we are seeing where the increase of €90 million in carbon tax is to be utilised. Last year, €430 million was raised in carbon tax. I would like to know where the more than €500 million raised in carbon tax in the coming year will be spent. There is no transparency across government in regard to how it is spent. The Government raises carbon taxes on diesel, petrol, marked gas oil, natural gas extraction and kerosene, solid fuels, coal and peat, liquid petroleum gas and fuel oil. A breakdown of these categories is set out in the recently published ESRI document. The Central Statistics Office, CSO, produced a report in the summer on fossil fuel and similar subsidies, in which it criticises the use to which some of the carbon tax collected has been put and states that it is detrimental to the environment to compensate people to continue to burn fuels that we should be encouraging people to move away from. In regard to the fuel allowance, the objective of the Government should be the retrofit of houses such that they will need less heat and become more environmentally friendly. This could be done through the installation of solar panels, additional insulation, double or triple glazing and so on. We will be able to reduce the amount of heating required in houses if they are more energy efficient in the first instance. This is the route we should be taking on this issue.

On the carbon tax, I have raised this issue wearing my hat as Chairman of the Committee of Public Accounts. The Comptroller and Auditor General report published a couple of weeks ago states that, given the increasing level of related income and expenditure, it would be timely for relevant Departments to consider the potential to provide additional information and disclosures in respect of climate change initiatives in the statutory accounts they produce in respect of carbon tax. The report includes a chart which shows receipts of well over €3 billion in carbon tax since it was introduced in 2010. It now stands at €500 million per annum yet there has been no transparency in regard to where it is spent. I am arranging for scrutiny by the Committee of Public Accounts of the Economic and Social Research Institute, ESRI, and the Central Statistics Office, CSO, in regard to where taxes raised are spent, which is the core function of the committee. We want to ensure there is public transparency in this regard as otherwise people will see it as a tax and they will not know where it is being spent. We want to know where the €3 billion to €4 billion collected in the last couple of years was spent and transparency year-on-year into the future in regard to future receipts, which the Comptroller and Auditor General has called for in his report. We will also engage with the Departments on what initiatives they have taken in terms of CO₂ emissions, utilising the €3 billion to €4 billion already collected and spent and the €500 million or more that will be collected next year.

My final comment relates to public private partnerships under the heading Exchequer-funded financial commitments under public private partnerships and concession projects referenced in the charts contained in the Minister's speech. There are 29 projects, worth €10 billion, being undertaken by public private partnerships, some of which run for 50 years with others running for 25 years. Again, there is a lack of transparency in this area. There is no mechanism for the

Oireachtas to get behind those contracts because they are deemed commercially sensitive. This House will have to address that issue.

Deputy Seán Haughey: Fianna Fáil has facilitated this Government given the unprecedented threat of Brexit, deal or no-deal. As a party, Fianna Fáil has again put the country first and provided the political stability that it needs at this time. This is in sharp contrast to the political situation in some other EU countries, including the United Kingdom. There are many reasons this Government should be put out of office, including the ongoing crises in health and housing, but not just yet. I have no doubt the electorate will pass judgment on the Government's performance in the not too distant future.

I am disappointed that State pensioners did not get their usual €5 increase in this budget and that there was no increase in the rates to be paid to all social welfare recipients. Many State pensioners are unhappy about this. In its post-budget analysis, ALONE described this as hugely frustrating. The increasing cost of living is a big issue. Many older people face financial hardship, which is often hidden. I suspect the Government will hear more about this in the coming months.

There are a number of threats to the economy at this time and there are predictions of a decline in economic growth. These threats include Brexit and the global trade wars. In addition, Germany is on the brink of recession. We have a high dependence on corporation tax receipts and it seems there are more difficult times ahead for everyone.

Fianna Fáil had some input into this budget. Its emphasis on improved public services rather than tax cuts has been taken on board. We are pleased that some progress has been made in a few important areas. An additional 700 gardaí will be recruited, thus meeting the demand for a more visible Garda presence in our communities; an additional €100 million has been provided for the National Treatment Purchase Fund, which should help to reduce hospital waiting lists; the help-to-buy scheme has been extended; and funding for respite care and residential placements has been increased.

I would like to address some of the issues in the budget of particular concern to my constituents. It is clear that obligations arising from the Disability Act 2005 in respect of children with disabilities are not being met. There are lengthy waiting lists in north Dublin for primary care services and therapies provided under the assessment of need and early intervention team provisions. This is unacceptable and causes untold stress for these children and their parents. It is not right that there are many children with autism or special needs without appropriate school places in either a special school or special class. In some cases, reduced timetables are imposed. I have previously called for HSE staffing levels in the appropriate therapy disciplines to be increased to tackle the waiting lists in Dublin north city and county. I have also outlined the need for a five year projection of special needs education in each school catchment area to be undertaken without delay to ensure that the necessary school places are provided in a timely manner. The recruitment of additional therapists to allow for more assessments for children with special needs and for therapy interventions is provided for in this budget. However, we require more detail, including how many therapists will be recruited in 2020. It is obvious that the HSE has an unofficial moratorium in place on the recruitment of new therapists. I welcome the 400 additional teaching posts to support those with special educational needs. However, we need to be assured that all these measures are not just to meet increasing demographics and that they will result in a real improvement in these public services.

The provision of 1 million additional home help hours is also welcome but it is not enough. The lack of home care packages and the limited number of hours in these packages is a real problem. In my constituency, patients in acute hospitals such as Beaumont and the Mater very often cannot be discharged owing to a failure to sanction home care packages. This causes a great deal of stress for patients and their families. It is clear that this service is not able to keep up with the demand and much more needs to be done in this area.

I welcome the package on climate change, including carbon taxes. I fully support the measures in the report of the Oireachtas Joint Committee on Climate Action. Revenues from carbon taxes must be ring-fenced for specific environmental measures, in particular vulnerable people at risk of fuel poverty must be protected. I note that the recent Economic and Social Research Institute, ESRI, analysis of the budget suggests that lower-income groups will be disproportionately hit by the rise in carbon tax. While the fuel allowance was increased, fewer than half of the poorest households get this fuel allowance. More needs to be done with these ring-fenced revenues to protect those at risk of fuel poverty.

From a constituency point of view, I am concerned at the lack of capacity on the DART and the need for new carriages. The budget provisions for the Department of Transport, Tourism and Sport are wholly inadequate. There is a significant demand for increased capacity on the DART. Commuters from my constituency trying to get into the city during the morning peak in particular are crowded into the carriages. Much more investment is needed in that area.

Where is the long-promised emergency department and cystic fibrosis unit at Beaumont Hospital? These projects are in the programme for Government, but it is taking a long time for them to move through the system stage by stage. The Government has been in office for four years and these projects are not being given the priority they need. Progress is very slow and it seems that they will not be constructed any time soon.

There is a real problem with the Department of Health. Obviously, there will be another Supplementary Estimate for that Department. It is clear that our health services are in crisis. Many announcements have been made in the budget and outside the budget, but there is very little delivery in respect of these announcements. The financing of many of the projects announced seems to be loaded into future years. This is not just in the Department of Health, but across many Departments. The budget for the Department of Health is €17.4 billion. We have a real issue with changing demographics. The HSE seems to be in crisis and some serious problems need to be addressed.

Over the summer, constituents told me they had been approved for the fair deal nursing home scheme, but the funding was not available. I believe funding is being allocated on a staggered basis, which is not good enough. This is a major issue and it causes considerable distress for older people and their families. It is a big decision for a family to put a loved one in a nursing home. Having gone through the whole process and having been accepted for the fair deal nursing home support scheme, the money is not available or there are significant delays in paying it out. That needs to be looked at carefully.

The ESRI assessment of the budget concluded that most households are facing a real tax increase due to the decision to freeze tax bands and tax credits. That will not be lost on the public in due course. If the Government does not adjust the tax bands and tax credits, people will end up paying more tax. The ERSI report was very negative. It basically described the budget as regressive.

16 October 2019

Those are my thoughts on the budget. While progress was made in some areas, as the saying goes, there is a lot more that needs to be done. I will conclude by reiterating one of my initial points. State pensioners have come to expect the traditional €5 increase and they are very cross that they did not get it this year. They are the silent majority and I think we will hear more about that in the months to come.

Minister of State at the Department of Finance (Deputy Michael D'Arcy): I have listened to quite a bit of the debate so far on budget 2020. I also spent three hours in the other House listening to the debate there. Some of the conversation about it is very unfair. In the year that is in it, with Brexit looming large over us, I would describe it as an as-you-are budget. Many more people are talking about what is not in the budget than are talking about what is in it.

Average earners are not getting tax reductions as they did in previous budgets. As Deputies Haughey and Fleming mentioned, social welfare recipients will not get a €5 increase. However, it is important to put the numbers front and centre for people to understand them. A €5 increase for people on social protection payments across the board would cost €360 million, which was more than half of the additional expenditure available for 2020. I disagree with Deputy Haughey's suggestion that we should have given half of the entire pot of what was available to just one group. I would like to give that fiver to pensioners and others in receipt of social protection payments, but this year is not the year to do so.

I presume the Deputy knows the social protection budget for 2020 is €21.095 billion. That is more than one third of all expenditure. We will spend €61.9 billion and the social protection pot accounts for €21 billion of it. It is a very large amount of money. It is wealth redistribution that we have copper-fastened since we came into government after the disaster of the 2010 budget and the 2010 deficit which was 32% of GDP. The Deputy will remember that because he was here when it happened. It was a catastrophe. Those were the circumstances in which we had to start. I also remind the Deputy that in 2011, at the very bottom of the recession, we brought in €11 billion and in that same year we gave out over €20 billion in social protection payments. I entirely disagree with the assertion that we are not doing right by pensioners.

I entirely disagree with Deputy Fleming, who is Chairman of the Committee of Public Accounts, about Fine Gael DNA, because the numbers do not support what he is saying. It is a nice easy cheap line from Deputy Fleming about Fine Gael's DNA, but it is wrong. Page 85 of the budget book, the expenditure report, states that the State will spend €8.5 billion on pensions. It is the largest single line item of expenditure. It is nearly as much as the education budget and 2.5 times the justice budget. The Deputy needs to look at the facts, which refute everything he said about pensions and what Fine Gael is doing for pensioners.

Deputy Fleming also highlighted the pieces that Fianna Fáil did. I acknowledge the support of Fianna Fáil. Fianna Fáil has been good and has done the right thing by the country through the confidence and supply agreement. I dispute the statements of the Sinn Féin Members who engage in easy, cheap politics by criticising Fianna Fáil for supporting the Fine Gael-led Government to try to maintain political stability. I have always highlighted and acknowledged that.

I want to call out Deputy Fleming when he spoke about the good stuff Fianna Fáil put in the budget.

There certainly was but everything else in the budget is not wrong. We have put in place

a lot of very good initiatives in this and previous budgets. I want to call this out. I absolutely support the 1 million extra home help hours. It is a very good thing, as is the National Treatment Purchase Fund, NTPF. Many people would say the NTPF is not money well spent but I am sure the people getting operations and treatments do not say this. They have benefited from it through the support of Fianna Fáil by abstaining on the budget. It is very easy for Sinn Féin to hurl from the ditch. There is nothing easier.

I want to touch upon some of Sinn Féin's narrative. In particular, Deputy Cullinane has said that Fine Gael is the party of business and that there is a golden circle. Fine Gael is intent upon creating jobs. The only way to create jobs is with business. The work we have done in recent years shows we have been successful in this aspect. A total of 2.3 million people are at work in this country, which is the highest number of people at work ever. This leads to improved income taxes. The quantum take for income tax has almost doubled from the low point of 2011. This means we have more money to do the things we want to do to put people into circumstances whereby they are not claiming social protection payments and ensure we can add the €5 at some point in the future for people on social protection payments, whether old age pensions or working age income supports. This is absolutely what is required. Sinn Féin has a go at programmes such as the special assignee relief programme, SARP. SARP is a very good programme for people from other jurisdictions who can come here and be charged lower rates of income tax because they have specific types of expertise and skills that potentially we do not have here. Most of these people come here for a short period. They work here, pass on those skillsets and bring business lines to the country that bring other employment opportunities for other people. There is nothing easier for Sinn Féin than to have a go in the manner it does. What was not easy was the creation of jobs. The success of this and the previous Government in creating jobs and getting people back to work has led to going from a high unemployment rate of almost 16% to the current low rate of 5.3%. This is pretty close to full employment but no credit is coming from the other side. It just throws negative mud hoping it sticks and that it causes damage. This is the cheap political banter we see in other jurisdictions and it will not be successful.

I want to touch on the social protection budget because there is an attempt to create the impression that we do not support people. Working age income supports amount to €3.2 billion and on top of this is another €650 million for employment supports. Illness, disability and carers receive almost €4.7 billion. Carers are very important people who do a superb job on behalf of the State. A figure that sometimes gets overlooked is children's allowance payments, which amount to almost €2.7 billion. This is a huge quantity of money that is almost equivalent to the budget for the Department of Justice and Equality. The perception that there is no income transfer in the jurisdiction is absolutely, completely and totally wrong.

The current and capital health budgets amount to more than €18 billion. I stand to be corrected but this is the largest amount ever. We have an issue with our health sector. Everything in the health sector is not wrong and it is wrong of politicians to state everything is wrong. This is not the case. Many people get a very good service from the health sector but some people do not. We know there are pinch points and areas where we are challenged with regard to not just money. We have money for staff but we struggle to hire staff and employ them at the particular wage rates we have agreed. Overall, we have a good health sector but there are difficulties in some areas. The biggest challenge I see is that in the areas where there are difficulties part of the problem is the body politic. Nobody gives an inch to reform the sector and put it on a better standing and put it where it should be. We see the pathway for Sláintecare but we will see

16 October 2019

how beneficial it will be when it comes to reforming and restructuring services to larger centres throughout the country. We are moving from smaller centres to areas with better outcomes and superior outcomes. This is something we have to do.

The €11.2 billion current and capital budget for education is the largest amount ever. It is a huge amount but we must ensure we have the right people in the right place at the right time with the right skillsets to fill the positions required for indigenous companies and companies from outside of the State. We need staff to fill those positions. Our competitors throughout the world state the main reason companies come here is because of our corporate tax rate. This is not right. I meet executives who are established here. The single biggest reason they come here is staff. It is because of our standard of staff, the capability of the staff and their adaptability and willingness to be flexible in the workplace. We cannot be complacent about this. We cannot accept that if we stand still we will go ahead because we will not. We must make sure we have the right staff with the right education and skillsets for the future. There are new technologies coming and we must ensure we fill those positions, which we are doing in the main.

An extra €81 million has been provided for the justice budget on top of what was spent in previous years for an extra 700 trainee gardaí. This takes us to almost 14,500 gardaí, which is the number we want. I support the Commissioner's new strategy, which is to get gardaí out of stations and policing. This is something that is very important. I am delighted to see the success of Operation Coatee, through which the Garda National Economic Crime Bureau is chasing criminal fraud in the insurance sector. The success of the operation with this funding is very important.

I want to touch on another aspect of my brief, which is insurance. Last summer, the Judicial Council Act was passed. Many people thought we would not get it through the Houses but with the support of both Houses, for which I am very grateful, we did. The big work will happen next, which is the establishment of the personal injury committee within the Judicial Council. I hope the seven judges will be in place very soon, by which I mean days and not weeks. The seven judges can then get on with the work of reducing the guideline amounts. It is very important to show business that the era of awarding a lot of money for damage that has a very small impact on somebody is ending. The insurance companies have given commitments to the finance committee in public, which is good, that if the awards reduce so will premia. They have given me the same commitments in private. I have been to London to meet the underwriters, who have left the market in particular sectors. If the awards reduce so will the premia. This is something that is crucial for business.

With regard to Brexit, the figures we are deploying to put in place if it is required are huge. We do not know whether the finance will be required, whether or not there will be a deal or whether there will be a crash out with a deal done afterwards. We do not know but we will find out very soon. It will be concluded in a matter of weeks.

I am sure there will be a few twists and turns arising from whatever happens today, what happens at the summit tomorrow and on Friday and, potentially, what happens in the next week or ten days. We will see. We have to make sure that structures will be in place, if required. We must have the firepower to deal with what could potentially be a very bad outcome. A sum of €1.2 billion, in addition to the €2.9 billion that has been committed since budget day, will be borrowed in 2020, if required, to deal with a bad outcome. The details of this are already on the record of the House. We will also borrow additional money beyond that, if it is required. We have not put a ceiling on that figure because we do not know the extent of the damage or

negative consequences that might flow from a very bad Brexit. We could also potentially make use of the rainy day fund. If borrowing costs increase too greatly, we can use that additional €1.5 billion.

We have to prepare for the worst-case scenario. It is my personal view that a deal will be done. It would be a complete failure of politics if a deal was not done. I do not know when it will be done. Will it be done before or after the UK crashes out? That is a difficult question to answer. It is the moveable part that none of us has our head around. Circumstances can sometimes flow, change and evolve over a period of negotiation. We really do not know.

To return to the budget, there will not be an increase in the threshold at which people pay the higher rate of income tax. Our jurisdiction is highly unusual with regard to income tax. In very few jurisdictions do people who earn the average wage pay income tax at the higher rate. The Taoiseach has been very clear on his view in this regard. He wants people to be able to earn more money while paying less tax. He wants people to be better off working than not working. He has been criticised as though he is some form of crazy right-wing politician for wanting this. His goal is to try to allow the average earner to take home more of his or her salary. There is nothing crazy or right-wing about that policy. In fact, the left should be out the door supporting that. When we came into office, the threshold was closer to €30,000; when the next election is held it will be €35,400. That figure must grow closer to €40,000. In the UK, people can earn up to £50,000 while paying tax at the lower rate rather than the higher. There is an enormous difference between the UK and Ireland.

With regard to the increase in stamp duty, the stamp duty figures are very buoyant. Last year, we increased this duty to 6%, which is closer to the rate at which it had been levied. We are now increasing it by a further 1.5% to 7.5%. The rate used to be 9%. I remind Members that was the standard rate of stamp duty on commercial property.

There is also a change with regard to Irish real estate funds, IREFs, and real estate investment trusts, REITs. We have had a pretty in-depth look at this area. There are three or four REITs in the country. We are satisfied that they are operating quite well and in the manner in which we expect them to operate. There are a few issues to be dealt with. The IREFs are operating less well. Revenue has highlighted a number of matters to us. There are approximately 148 IREFs in the country and a number may be involved in tax avoidance. We are dealing with those issues in the Finance Bill. They have to be dealt with pretty soon.

There are a number of other areas on which I want to touch. These include climate change and the carbon tax. Deputy Fleming asked about the sum of more than €500 million that has been raised from the carbon tax introduced in budget 2010. This tax was brought in at €20 a tonne. It was not ring-fenced. It was a measure to raise tax revenue and the funds go into the general pot, which pays the €8.6 billion for the old age pension in respect of which Deputy Haughey was critical of the Government. The extra €6 per tonne introduced in budget 2020 will raise approximately €90 million, which will be ring-fenced for green actions and lessening the impact of the tax on those in fuel poverty. We have a method to do this through the social protection budget.

An Leas-Cheann Comhairle: I call on Deputy Donnelly. I understand he is sharing time with his colleague.

Deputy Stephen Donnelly: A 15 year old girl with scoliosis has had her operation can-

celled repeatedly. As she has waited, her spine has curved to almost 90°. A mother in Wicklow has waited years for speech and language therapy for her son. Three weeks ago, she got a letter saying it will be another two years before he is seen. Men and women who are well enough to be at work are instead lying in hospital beds because this is the only way in which they can access diagnostic services such as MRI scans. They are told that if they go home they could have to wait six months, 12 months or two years. A young man paralysed in a tragic accident waits month after month for a bed in the National Rehabilitation Hospital. A college student at risk of self-harm and psychotic episodes waits in a Dublin emergency department because she cannot get any mental health support in her college. A 70 year old woman waits on a trolley in an emergency department in Limerick for four and a half days.

There is a very brave man called John Wall who is an advocate for medical cards to be granted to people with terminal illnesses. He tweeted the following yesterday: “My public oncologist cancelled my MRI scan last week because after waiting 3 months, I’d no option but to get it done privately.” Mr. Wall has stage 4 prostate cancer. He also had his medical card cancelled twice by the HSE, which repeatedly asked him whether he still had a terminal diagnosis.

The public healthcare system is broken. In the words of Tony O’Brien, it has suffered from nine years of governance vandalism. More than 1 million men, women and children are now waiting for some form of healthcare. Children with special needs are waiting three and a half years to see a therapist. Mental health services are now so far beyond breaking point that, in many parts of the country, they no longer exist. So far this year, before we come into the winter, more than 10,000 women and men over the age of 75 will have waited in emergency departments in a chair or trolley for more than 24 hours. For the first time ever, people are ringing GPs and being told that they will have to wait one, two, or three weeks before they can be seen. Every month, 7,000 men, women and children are being added to a healthcare waiting system. This is equivalent to all the men, women and children of a medium-sized town every single month.

This is not normal. Some people ask whether this is not just how healthcare is. It is not how healthcare is. It has never been how healthcare is in Ireland and it is not how healthcare is in any other developed country on earth. In 2015, the Taoiseach, Deputy Varadkar, was the Minister for Health. He made a promise that his Government would bring to zero the number of people waiting more than a year and a half to see a doctor. When the current Minister for Health, Deputy Harris, took over in 2016, the number of men, women and children waiting more than a year and a half was 13,000; today it is 106,000. That means that for every man, woman and child who was waiting for more than a year and a half when the Minister was appointed, there are now seven waiting. The quality of healthcare in Ireland is, by and large, excellent, but quality is of no use if healthcare cannot be accessed. Quality can only be maintained for so long. Healthcare professionals told the Oireachtas Joint Committee on Health last week that the national programmes are at risk: the national cancer care programme, the national maternity strategy, the national critical care programme, the national mental health plan - the list goes on. This budget should have focused ruthlessly on access. The parts that Fianna Fáil secured did exactly that. Additional funding for the National Treatment Purchase Fund, NTPF, will mean many thousands of men, women and children will be treated next year who otherwise would not have been. One million extra home help hours mean that men and women can be discharged from hospitals to their homes where they need to be, freeing up beds.

Ultimately, however, this is the Government’s budget and years of mismanagement have taken their toll. We have the lowest level of hospital consultants anywhere in the developed

world. Last week, we heard that last year almost 1,500 doctors deregistered from practising medicine. Just three years ago 500 deregistered. In a few short years the number of doctors deregistering has increased threefold. For every one who left three are now leaving. Hundreds of consultant posts remain unfilled. The agreed safe staffing levels for nurses and midwives have not been reached. Ending new entrant pay inequality for consultants should have been included in this budget. The full year cost is approximately €20 million. Last year, the increase in agency costs was €60 million. Reaching safe staffing levels for nurses and midwives should have been included in this budget. The Taoiseach promised that all graduating nurses and midwives would have jobs in their own country. The de facto embargo means they do not. They are leaving and many of them have little inclination to return.

The Government claims that budget 2020 includes an additional 1,000 healthcare professionals. In the small print however, in the web-based version of the document we got, it states 1,000 healthcare professionals would cost €60 million, that we are putting in €10 million but we will put in more in the future. In other words, budget 2020 does not provide for 1,000 healthcare professionals. It provides for approximately 160 extra healthcare professionals. Funding to progress the national maternity hospital and the maternity hospitals should have been included. All three Dublin maternity hospitals should be moving, but in spite of years of promises, nothing is happening.

Budget 2020 contains a huge increase in healthcare spending for the fourth year in a row. Over the past four years healthcare spending will have increased by an astounding €4.9 billion. Somehow at the same time patients are waiting longer, suffering and deteriorating. How is that possible? It is partly down to the overspends. People say overspends are just part of healthcare. Here is the trend for HSE overspends. From 2005 to 2010, inclusive, there was no overspend. In 2016, the overspend was €500 million; in 2017, €200 million; in 2018, €650 million and in 2019, €350 million. The Government's response to this year's overspend is to say the HSE did a good job because it is less than the overspend of last year. It is not less than the overspend of last year because the €650 million overspend of last year is included in this year's budget with no additional targets attached to it. It is like asking someone to go to the shops and buy €50 worth of groceries. They come back and say they got the €50 worth but it cost them €60 and they do not know where the extra €10 has gone. The following week they are sent again and come back saying the €50 worth cost €65 but that is good news because last week they overspent by €10 but this week that has gone up by only €5.

Ireland's public healthcare system is in freefall. Access is collapsing under the weight of what has happened over the past nine years. Men, women and children are waiting and suffering and getting sicker, and this has to change. To do this we have to have enough healthcare professionals. That means ending pay inequality, lifting the de facto embargos and improving working conditions. We need to get spending under control so that extra money means better services. That means multi-annual funding, which does not exist, so that healthcare managers can plan more than a few months in advance. It means collecting basic financial data, which are not collected. As an example, the HSE does not know per hospital how much it is spending per bed night. That is extraordinary. We must get better at using the facilities and assets we have. The diagnostic suites, for example, should be open longer. Healthcare workers and their teams should be rewarded for doing things better. Their successes should be spread throughout the country.

We have to invest in the future. That means new technology for healthcare professionals and patients. Electronic records are essential. That means building the maternity hospitals and

16 October 2019

getting the national maternity strategy moving again. It means new beds so badly needed in Limerick, Galway, Cork and Waterford, and opening closed beds that are sitting there in Letterkenny and other places. It means teams of GPs, nurses, therapists and mental health professionals working in our communities helping patients manage their health, not telling them they cannot be seen because there are no diagnostics, GP, mental health service or therapists and that when they get really sick they can go into an emergency department and wait like everybody else. We are better than this. We have been better than this. Every other country in Europe is better than this. Budget 2020 gives another €1 billion to the health service. If it is used well and if the other €17 billion is used well, Ireland could have a great public healthcare system. That is what we must all demand on behalf of the men, women and children of this country.

Deputy Eugene Murphy: As a man who comes from the nice county of Wexford and knows a bit about agriculture, I am sure the Minister of State, Deputy D'Arcy, knows what a biennial plant is. It takes two years to complete its life cycle and then in most cases, dies, so a new one must be planted. This budget reminds me of a biennial plant. I studied it yesterday and saw several announcements, for example, prescription costs to be reduced by 50%, the monthly threshold for the drug payment scheme to be reduced by €10 a month, free GP care for those younger than eight years, free dental care for those younger than six years, and 1 million additional home care hours. When will these come into operation? I have made the point to the Minister of State that many of these will not come into operation until next September. I cannot understand how any Government is allowed to make announcements about particular improvements that will not come into operation for at least one year. I do not blame the Minister of State because he did not put the budget together, but it is deception, and I use the word with care. It is deceiving people. While here and there we hear it mentioned that some of those items will not be changed until next September, in general the public thinks these improvements are happening straight away.

Carbon tax, stamp duty and other changes came into being on the night of the budget. Why is it not the same across the board? If the Government is going to increase taxes, it does that straight away, but why does it not give benefits to people straight away? That is a crucial point.

I think I was the only Deputy in my constituency who voted for a carbon tax. I assure the Minister of State that was not an easy thing to do in the constituency of Roscommon-Galway. However my party - and I thank our negotiators and Front Bench in this regard - is looking to the future. Fianna Fáil is looking to the Bord na Móna workers who have been left out on a limb. It is probably 70 years since Bord na Móna became a fantastic employer for people in our region. Soon it will be gone.

Debate adjourned.

Ceisteanna - Questions

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

National Broadband Plan

33. **Deputy Timmy Dooley** asked the Minister for Communications, Climate Action and Environment if he will report on delays to the national broadband plan announced by the Taoiseach. [42315/19]

Deputy Timmy Dooley: The Minister will be aware that the Taoiseach announced recently that there would be a further delay in signing the contract for the national broadband plan. He cited the intervention by Imagine, a wireless broadband provider, whose interaction with the Department is leading to delays. Will the Minister outline the nature and extent of the delays which have been encountered as a result of that intervention?

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): The Deputy is aware that the Government appointed National Broadband Ireland as the preferred bidder for the national broadband plan in May. This followed a tender process designed to ensure that every home and business will have access to future-proofed high-speed broadband that will cater specifically to an estimated 1.1 million people, representing almost 25% of the population of rural Ireland who would not otherwise have access. Since then my officials have been performing the due diligence work needed before a contract can be concluded. The Taoiseach recently commented, in the context of that considerable due diligence nearing completion, that it is expected that the contract will be signed before the end of the year.

My Department recently consulted publicly in order to close the ongoing mapping exercise, seeking submissions from operators that wish to have their existing high-speed broadband networks, or who have developed plans to invest in high-speed broadband networks over the next seven years, to be included on the Department's high-speed broadband map. In response to requests from a number of operators, the duration of that consultation was extended by more than five weeks. Over 180 submissions have been received from a variety of stakeholders, including 30 from large and small telecoms operators, with the remainder from local authority broadband officers and members of the public.

Operator submissions will be assessed against the Department's published assessment criteria. Operators submitting planned investments were required to sign a declaration that they would enter into a commitment agreement with the Department if their plans satisfied the assessment criteria and were accepted by the Department as being concrete and credible.

The findings of the consultation will ensure that the State's intervention area is up to date and reflects commercial operators' plans and the responses from householders and businesses, in advance of a contract being signed later this year. This will be an important element in concluding the state aid approval process with the EU Commission.

Deputy Timmy Dooley: I thank the Minister for outlining the nature and extent of that consultation. It is well recognised from different media reports that Imagine intends to cover approximately 234,000 premises in the intervention area. I understand Eir has already announced its intention to cover in the region of 80,000 homes in the intervention area. The Minister indicated that there have been 180 responses, but taking those two alone, we can estimate that of the order of 214,000 homes, farms and businesses will now be covered by commercial operators. The assumption must be that they would have to be excluded from the 540,000 premises already mapped. As a result of state aid rules, the Government will not be in a position to support the provision of broadband to those premises. That leaves 214,000 or so. If one divides

that number into the €3 billion cost of the provision of the service, one arrives at a figure of approximately €13,000 per home. Will the Minister comment on that?

Deputy Richard Bruton: I will not comment on a hypothetical situation of the sort the Deputy outlined. As stated, any submission by any company - and I will not name companies - will be thoroughly evaluated. Companies will be evaluated against the criteria set out, including the need to hit the 30 Mb threshold, that they themselves are future-proofed and that they can guarantee to deliver to all those within the areas to which they lay claim high-speed broadband that is future-proofed and that will not be subject to diminution. They must also show that they have financial plans which show they are capable of delivering. Those are the criteria. I will not comment on individual applications and how they will be evaluated. That must be done properly. It will be done by the Department but the process is not yet complete.

Deputy Timmy Dooley: Does the Minister accept that the two companies to which I refer have considerable track records, presence and know-how and that their response to him, if it is as reported in the media, will provide a considerable dilemma for the Government, particularly in the context of state aid rules? Does he also accept that this development has the potential to delay the signing of the national broadband plan further? When there was a rush to appoint the Granahan McCourt consortium as the preferred bidder in the summer - I assume this was necessitated by the advent of the local elections - the Minister indicated that the capacity existed to have the contract signed by September. The latter has passed and October is well under way. The period for responses has been extended and the Government still requires state aid approval. Is it somewhat foolhardy to indicate that the Government hopes to have this contract signed by Christmas?

Deputy Richard Bruton: It was quite justified to provide the extra five weeks requested by companies to have their submissions evaluated. From a state aid perspective, it is clear that we must be satisfied that any intervention area excludes localities that will be provided for commercially and without the granting of state aid. Giving that extra time was justified. I will not follow the Deputy down the route of speculating as to what would happen if different companies or different applications were to emerge. Clearly, this is an important part of the process. Companies must meet the criteria I set out. It would be foolish to speculate on how this might impact on the national broadband plan until that work is done. We should bear in mind that this is not the first time the map has been subject to consultation. There have been opportunities for companies to put forward ideas before against the background of what had to be achieved for future-proofed services. Some companies have indicated that they could do various schemes for much less money but many of those schemes did not meet the standards. We must give new submissions every opportunity to be evaluated in a fair and objective way. That is what is happening.

RTÉ Revenue

34. **Deputy David Cullinane** asked the Minister for Communications, Climate Action and Environment the additional funding outside of moneys from TV licence fees that will be given to RTÉ in 2020; and if he will make a statement on the matter. [42322/19]

Deputy David Cullinane: What additional State funding, if any, outside of the television licence funding will be given to RTÉ in 2020.

Deputy Richard Bruton: RTÉ is dual funded through a proportion of television licence fee receipts and the commercial revenue it generates. An Post pays my Department all TV licence revenues collected from direct sales of TV licences.

The Department of Employment Affairs and Social Protection also makes a contribution to my Department in respect of free TV licences issued under the household benefits scheme. In 2019, the Exchequer contribution from the Department of Employment Affairs and Social Protection was €59.9 million. RTÉ will receive additional funding of €8.6 million this year.

My Department deducts commission payable to An Post for its agency role and 7% of the net receipts goes to the broadcasting fund, which is operated by the Broadcasting Authority of Ireland, BAI. In addition to licence fee funding, a total of €8 million was allocated in budget 2017 to compensate RTÉ for the relevant costs for re-engineering Saorview, the digital terrestrial television network. This is in line with an EU decision which obliges member states to migrate terrestrial broadcasting services from the 700 MHz spectrum band to allow for its use by wireless broadband services. A simulcast period commenced on 4 September 2019 and the migration will be completed in March 2020.

Deputy David Cullinane: We had a lengthy debate on public broadcasting in the House recently. This is an issue we need to take very seriously. It was discussed yesterday in private session at a meeting of the Joint Committee on Communications, Climate Change and Environment and an invitation will be sent to the Minister, the Department and RTÉ to come back to the committee to discuss some of the issues involved. There is no doubt that there are cultural, organisational, financial and structural changes that RTÉ has to make. The station must take the lead in that regard. It has stated that there is a funding crisis but there is a broader issue relating to public broadcasting which needs to be examined. There are casualties that arise as a result of a public broadcaster not having the resources to spend on, for example, independent productions. As the Minister is aware, the funding that was spent by RTÉ on independent production in recent years has decreased from €80 million to €40 million. That has not been without consequences. These are companies that produce good quality content domestically. Their work saves RTÉ from having to purchase syndicated programmes from America and Britain and creates jobs in communities. Is the Minister conscious of that and would he support putting in place not just targets but ring-fencing money for RTÉ in order to ensure that there is more funding for independent production?

Deputy Richard Bruton: As already stated, the approach to funding RTÉ is set out in law. Funding for the station comes from licence fee income. The only direct Exchequer payment is from the Department of Employment Affairs and Social Protection, which pays a sum in lieu of licence fees for those who receive free television licences. In the context of the challenges it faces, RTÉ is developing a strategy. It has engaged PwC and the BAI to evaluate certain aspects of that strategy. At my request, the Department has asked NewERA to examine the strategy also. Work has been done by RTÉ in developing a strategy for sustainability, which is its responsibility.

As discussed previously in the House, there are issues as to whether we should reform the licence fee. I have proposed that the collection of licence fees should go out to tender because this would assist in reducing the evasion rate. I have also proposed a move, in the longer term, to a licensing arrangement that would be independent of particular instruments. Those decisions have been made.

Deputy David Cullinane: If a cheque is written for RTÉ, it will be signed by the Accounting Officer of the Department, namely, the Secretary General. There is a service level agreement of sorts between the Department and RTÉ. Within that agreement, there is conditionality in respect of, for example, the percentage of money which must be spent on the Sound & Vision scheme.

My question relates to independent productions. The funding which goes to that sector has decreased from €80 million to €40 million. As already stated, that has not been without consequences. There are many independent production companies that hire young actors. There is a great deal of talent that we can showcase on the international stage. Some of the programmes that have been produced by these companies have been first class but they are being starved of money as a result of the cut in funding from €80 million to €40 million. Why can we not ensure that, as part of the service level agreement, more money is spent on independent production? RTÉ has stated that it does not have the money which means that we must return again to the issue of funding. Even with the funding the station has, greater investment should be made in independently-produced, quality programming that is made here and that creates jobs. Taxpayers' money must be spent much more effectively on this type of programming.

Deputy Richard Bruton: While there are, as the Deputy stated, provisions within the legislation which direct that money be streamed from the licence fee income of 7% towards Sound & Vision and while RTÉ meets certain obligations in respect of independent broadcasting, its primary relationship is with the BAI, which is its regulator, not with the Minister of the day. The BAI evaluates RTÉ's performance against key performance indicators it sets. As the Deputy is aware, the BAI has indicated that additional funding should be provided to RTÉ. To date, the Government has provided €10 million in this regard. The figure suggested by BAI was €30 million over the period to 2022. The pressure was on this year, particularly within the Department of Employment Affairs and Social Protection, to try to find money when no social welfare funding increases were made. The Deputy will understand how difficult it was to find money against that background.

We can consider issues relating to the broadcasting legislation that is before the House. If Members wish to discuss ways of amending the position in respect of funding, that can be done. The approach favoured by the Oireachtas of having a charge independent of device was evaluated. I am advised that this could only be done within a certain period. As a result, a period of five years has been set before that will be produced.

Climate Change Policy

35. **Deputy Timmy Dooley** asked the Minister for Communications, Climate Action and Environment if he will make moneys from the just transition fund available to those affected by redundancies at Moneypoint; and if he will make a statement on the matter. [42316/19]

Deputy Timmy Dooley: In budget 2020, the Minister for Finance, Deputy Donohoe, announced a new €6 million just transition fund by means of which carbon tax revenues will be used to assist businesses and communities affected by the phasing out of fossil fuels. He noted that the new fund will initially be targeted at the midlands. There are, however, other regions that face immediate disruption. It was disappointing that the Minister did not mention the impact of job losses at the ESB coal-fired station at Moneypoint in west Clare. While I accept that there is a continuation of activity at Moneypoint, the Minister, Deputy Bruton, will be aware

that there has been a considerable loss of jobs in the region. In that context, the number of employees at the plant has decreased by approximately 100 and there has been a considerable reduction in the number of contractors at the site. The impact has already begun in the region, notwithstanding the fact that the station is due to continue to burn coal up to 2025.

Deputy Richard Bruton: I thank Deputy Dooley for his question.

Ireland's necessary transition away from carbon-intensive sources of energy, towards more sustainable, renewable energy sources, will have a significant impact on the workers in these carbon-intensive sectors, their families and communities. This Administration has committed to delivering a whole-of-Government approach and to working with local stakeholders in order to ensure that a just transition is provided to those on whom that transition will impact. The most immediate challenge arises in the midlands. I have met key stakeholders there including the midlands regional transition team, the midlands regional enterprise plan steering committee and the midlands regional skills forum, all of which have adopted a central objective of a transition to a low-carbon economy for the region.

Budget 2020, as the Deputy correctly points out, includes a number of measures that will form part of the Government's approach to supporting a just transition. These include: €6 million for a just transition fund; €5 million for bog restoration and rehabilitation; and €20 million to deliver the new model to group housing upgrades. These measures will be immediately targeted at the midlands and will support retraining and reskilling workers and assisting local communities and businesses in the midlands to adjust to the low-carbon transition.

There will be further engagement with local stakeholders on the application of the funding and further details on the just transition fund will be announced shortly. Following extensive engagement between the ESB and the staff at Moneypoint and their trade unions, I understand that staff have accepted a proposal relating to the reconfiguration of the station based on a new lower-running regime. This proposal was accepted in a staff ballot which concluded on Friday, 4 October. This is a positive step in retaining an ongoing operation at Moneypoint. The ESB will continue to work with staff and their representatives to implement the agreement in a collaborative way in the face of the challenges ahead. I assure the Deputy that the ESB remains committed to Moneypoint and, in line with its Brighter Future strategy and Government decarbonisation policy, the company is examining technology options for the plant that will deliver large-scale, low-carbon electricity generation, fuel diversity and security of supply when generation from coal ceases no later than 2025.

The agencies of the State will, through the services they provide, support the workers affected. I am open to receiving submissions from regional stakeholders on remaining challenges in respect of which support might be needed in the context of just transition.

Deputy Timmy Dooley: It is not enough to receive confirmation that the region around Moneypoint will be eligible for funding at some point in the future in the hope that new funding will address the concerns. Notwithstanding the fact that the ESB's operations are still there and will be for some time, it is a fact that 100 people will be let go by the company. At least 100, if not more, have already left. These people are subcontractors and there will be no pay-off for them when they go. In addition, this is having a detrimental impact on the communities, people, shops, schools and clubs in the region. There is a crisis there. I accept that it is not of the scale of what is happening in the midlands. If we are serious about dealing with this in a fair and equitable manner, then the Moneypoint region in west Clare must be included

under the just transition fund. It should not be forgotten that, like those elsewhere, the people in this region will pay their carbon tax. The expectation was that moneys, particularly in the just transition fund, would be used to assist those who have lost their jobs. The loss of those jobs also brings about a loss of spending power in the region which has a knock-on impact on businesses, schools and the general economic life of the region. It is important that the Minister now engages proactively with the task force established within the local authority with a view to providing the appropriate funding, commensurate with the size and scale of the situation. I accept that it is not to the same scale as what is happening in the midlands, but this is important to this particular region.

Deputy Richard Bruton: As I outlined in the last paragraph of my initial reply, we expect that existing State agencies, such as the education and training board, ETB, the local higher education institutions, local offices of the Department of Employment Affairs and Social Protection and the ESB will engage actively with the workers. I refer to the redeployment options being offered. I am, however, open to receiving submissions from regional stakeholders on remaining challenges which might need support in the context of a just transition. As Deputy Dooley outlined, a broad-based transition team was established in the midlands region. That involves the local authorities, the IDA and Enterprise Ireland at the local and regional level and they are doing very organised work on the transition to a low-carbon economy. I am open to considering ideas coming from similar networks within the mid-west region, given the pressure Moneypoint power station is coming under already and the prospect of further challenges in the medium term. I am not, by any means, ruling out engagement. In the first instance, however, I would welcome a more strategic approach at local level so that we could interact with that process.

Deputy Timmy Dooley: I thank the Minister for that statement. It seems to be a significant move on his behalf and I welcome it. I ask him, or his Department, to communicate with the chief executive of the local authority to provide official confirmation of a willingness to engage with it and receive submissions on how a collaborative approach might be put together. I will also be in contact with the local authority. I accept that the ETB and others will have a part to play, but expecting those organisations just to expand their existing role without the appropriate funding is a step too far. The Minister has outlined an approach that can be followed.

We understand the new just transition commissioner will be responsible for engaging with stakeholders on funding priorities. Will the Minister also confirm that he or she will engage with relevant communities, employers and employees in the west Clare region as well? If the Government is serious about ensuring the active participation of communities and workers affected by decarbonisation, it is important that the remit of the fund and the commissioner is not only limited to the midlands but has the capacity to address the situation at Moneypoint as well. It is essential that the Minister's Department and the Department of the Taoiseach provide for a fully independent commissioner and an associated just transition plan that is directed at the midlands and the west Clare region.

Deputy Richard Bruton: Work on the draft terms of reference for the just transition commissioner is ongoing. It involves not just my Department but also the Taoiseach's Department, which is co-ordinating much of this work. I will communicate with Deputy Dooley as soon as we have decided the approach to be taken.

Climate Action Fund

36. **Deputy Sean Sherlock** asked the Minister for Communications, Climate Action and Environment the amount of funding being allocated to the climate action fund. [42523/19]

Deputy Sean Sherlock: I pose this question to ascertain from the Minister what the total climate action budget will be for 2020. The carbon tax yield was pegged at €90 million in the budget last week. We were told that will be ring-fenced to protect the most vulnerable in society, support sustainable mobility, provide agri-environment schemes and plan for a low-carbon future. I would like the Minister of State to drill down a little further and elaborate on what that means in pounds, shillings and pence and the types of initiatives he is going to bring forward regarding climate action.

Minister of State at the Department of Communications, Climate Action and Environment (Deputy Seán Canney): I thank the Deputy for the question. The climate action fund is one of four funds established under the National Development Plan 2018-2027 as part of Project Ireland 2040. The fund supports initiatives that contribute to the achievement of Ireland's climate and energy targets in a cost-effective manner. It also offers the potential for innovative interventions which, in the absence of support from the fund, would not otherwise be developed.

Following the first call for applications, the Department announced the seven successful projects which will receive up to €77 million in support. Funding was allocated following a competitive process with public and private sector organisations eligible to apply. Many of these projects will be developed over a number of years and therefore I estimate that the expenditure from the fund in 2020 will be approximately €10 million. As funding for the climate action fund is financed from non-Exchequer resources, no specific allocation provided in budget 2020.

The national development plan provided an allocation of €500 million for the fund from 2018 to 2027. This funding will be provided from non-Exchequer resources, with the majority coming from excess levy income collected by the National Oil Reserves Agency, NORA. The legislation to enable these funds to be repurposed is expected to be published shortly for consideration by the Oireachtas.

Deputy Sean Sherlock: I am glad that the Minister of State mentioned NORA. It has been indicated that NORA's current surplus funds will be used for climate action measures. Is it legally possible for those funds to be used in that way now? My second question concerns figures given to the Joint Committee on Communication, Climate Action and Environment suggesting some 17.4% of households are considered to be fuel impoverished. There is nothing in any of the budget announcements that will do anything to generate programmes to deal with fuel poverty. I refer to ensuring a massive programme of retrofitting is initiated to take carbon out of houses.

Deputy Seán Canney: NORA is currently funded by a levy at a rate of 2c per litre. This levy is charged on the sale of most petroleum products at the point of sale and paid for by consumers. It is collected by the oil companies each month and paid to NORA to fund its activities, including operating expenses incurred in the purchase of petroleum products and securing storage in Ireland and abroad. The NORA levy was increased in 2009 from 1c to 2c to reduce the €440 million debt NORA had accrued for the purchase of oil reserves in line with Government

policy. On 29 May 2018, the Government approved the development of a climate action fund to fulfil the commitment set out in the national development plan. This Government decision approved the use of excess NORA levy moneys to provide financing to the fund.

A further Government decision, made on 27 November 2018, approved the general scheme of the National Oil Reserves Agency (Amendment) and Provision of Central Treasury Services Bill, which provide for the use of surplus NORA levy funds for the climate action fund, subject to refinement following further discussions with the Office of the Attorney General. This legislation is being developed to amend the National Oil Reserve Agency Act 2007 to provide for the expansion of the use of levy funds collected to fund both agency expenses and the climate action fund. This legislation will be published for consideration.

Turning to fuel poverty, some €34 million has been allocated in that area this year and we have also doubled the allocation for the warmer homes scheme for 2020.

Deputy Sean Sherlock: The Minister of State is telling us, *de facto*, that it is not legal to use the current NORA excess reserves for climate action measures, but that it is to be made legal by passing the Bill to which he referred. The reference to NORA's excess reserves can be taken off the table as being spoken of as part of the climate action fund. When the Government is allocating funds, it is important that it does not refer to funds to which it does not have access. I refer to not being legally entitled to take moneys from NORA to use for climate action. It is important to have that clarified.

Turning to the just transition commissioner, is it the case that he or she will now be funded by the private sector and industry? I also make the case that there needs to be a regional balance regarding climate action. We all support measures proposed for a just transition in the midlands.

It is vital that every region throughout the State is looked at and that each should come up with a set of proposals. I thank the Minister of State for his intervention in the context of hearing from the regions. It is vital there is equality in any of the proposals that come forward in respect of projects that meet the criteria relating to climate action.

Deputy Seán Canney: It has always been the intention that legislation to facilitate the use of the NORA fund for climate action would be introduced. The commissioner will not be funded by the private sector. Just transition is high on the agenda when it comes to climate action. The Deputy will have heard the Minister replying to a question from Deputy Dooley on the issue of Moneypoint. In the context of just transition, the first project relates to the midlands in the aftermath of the decision relating to Bord na Mona's operation there. Then comes Moneypoint. This matter will be dealt with in a fair way in order that there will be a just transition for everybody in the region who is affected by climate action measures. It is important to note that the funding to be raised through carbon tax could be sufficiently substantial to allow us to deal with all of these issues. While there are challenges, we also have the potential to drive on and ensure that the jobs we create are sustainable and that everybody gets a fair share.

11 o'clock

Deputy Sean Sherlock: The €90 million from the carbon tax is just a drop in the ocean.

Acting Chairman (Deputy Eugene Murphy): I must point out to the people in the Public Gallery, and to those who may be watching at home and scratching their heads, that NORA is not a lady carrying out research in respect of climate action. NORA is the acronym for the Na-

tional Oil Reserves Agency. Acronyms and abbreviations are part of everyday life but people sometimes do not know for what they stand.

RTÉ Revenue

37. **Deputy Timmy Dooley** asked the Minister for Communications, Climate Action and Environment his views on the funding crisis in RTÉ in view of the failure to provide additional funding in budget 2020. [42317/19]

Deputy Timmy Dooley: In light of the Acting Chairman's comment, I wish to point out that my question relates to RTÉ. In case there is any concern about what RTÉ stands for, it is Raidió Telefís Éireann.

Acting Chairman (Deputy Eugene Murphy): We know that one.

Deputy Timmy Dooley: The Minister will appreciate the importance of public service journalism, especially in an environment where the fake news that appears on digital platforms is a worry for those concerned with the preservation and protection of democracy. We are aware that RTÉ - the one public service journalism outlet in the State - is under severe financial pressure, having reported a deficit of €13 million last year and expecting a similar deficit this year. Nothing was identified in the budget for that organisation. Will the Minister indicate if he has any plans in the Revised Estimates to provide support for RTÉ? Rumours abound that moneys will be found in the Revised Estimates on the social protection side.

Deputy Richard Bruton: The position, as outlined to Deputy Cullinane earlier, is worth repeating. RTÉ is funded by a combination of licence fee income and commercial revenue. The only element of Exchequer funding is that which comes from the Department of Employment Affairs and Social Protection, which provided an additional €8.6 million this year and €1.5 million last year. The Department has therefore contributed an additional €10 million in the past two years towards the licence fee income. This is divided, as the Deputy is aware.

One of the issues that arises is the very high evasion rate of 12.83% when it comes to people paying for television licences. The Government has accepted the recommendation of the inter-departmental working group on the future funding of public service broadcasting to put licence fee collection out to public tender. I will bring forward an amendment on Committee Stage of the Broadcasting (Amendment) Bill 2019. The Government also accepted the recommendation of the working group to move to a device-independent broadcasting charge in the medium term.

In the first instance, it is an issue for RTÉ's board and executive to develop the optimum strategy to allow it to meet its strategic and financial challenges. RTÉ is reviewing its strategy in order to map out a sustainable future. It has engaged PwC to validate aspects of the strategy and has met representatives from the BAI. At the Department's request, NewERA is also evaluating RTÉ's position and strategy.

On the additional question posed by Deputy Dooley, no additional funding is provided for RTÉ in this year's budget.

Acting Chairman (Deputy Eugene Murphy): Back to Raidió Telefís Éireann. I call Deputy Dooley.

Deputy Timmy Dooley: I thank the Minister for raising the issue of the report on public service broadcasting prepared by the relevant committee. Unfortunately, the Government has kicked to touch on that. The notion of extending for five years the introduction of a device-independent broadcasting charge reeks of a failure on the part of the Government to face up to the challenge that exists in the context of public service journalism. This is a decision that will be regretted by the State in due course. It is farcical to somehow believe that we will be better able to understand technologies five years from now, particularly when one considers the rate of development and change in that regard. The question remains. Like other organisations, RTÉ is in a perilous position. However, it has presented a particular problem to the Minister and the Government. Will he confirm that consideration is being given in the Revised Estimates to providing support for RTÉ by means of moneys from the Department of Employment Affairs and Social Protection?

Deputy Richard Bruton: Deputy Dooley will understand that the budget, which was only announced last week, was drawn up against the background of a hard Brexit. The consequence was that there was very little discretion for the Government in setting aside new moneys. It meant there was no across-the-board increase in social welfare rates. The only source of funding for RTÉ from the Exchequer comes via a contribution from the Department of Employment Affairs and Social Protection. The Deputy will understand that against a background where it was constrained in the choices it could make - and where it could not make across-the-board provision for social welfare recipients - the Government was not in a position to make provision for RTÉ in the context of an increased contribution from the latter Department. That remains the position. I have no basis for suggesting that there will be any change.

Deputy Timmy Dooley: If the Minister believes in the principle of public service broadcasting, if he believes in public service journalism and if he accepts that our national broadcaster is in a perilous position, then is it not appropriate that he would try to put in place a line item in the budget in a transparent way? Would it not be better to do this rather than giving the impression that the station would somehow be beholden to the Minister at a later stage or suggesting that a particular approach could be taken in the context of providing funding in the Revised Estimates. The Minister stated that the context of Brexit is important. That is certainly the case. In reality, however, the budget was framed on the basis of the moneys available. A hard Brexit was referred to in the context of how the budget was framed, but the truth is that any funds required in the event of a crash-out Brexit would have to be borrowed. It is not as if additional funds would be available to the Minister or to the State for other projects in the event of a soft or agreed Brexit.

Deputy Richard Bruton: Deputy Dooley will be aware that no provision was made for social welfare increases in last week's budget. No tax concessions were made and, insofar as possible, little or no new tax revenue was raised. A sum of €1.2 billion has been set aside to deal with the consequences of a hard Brexit. That was the framework for the budget and it remains the case. A week on, and despite the Deputy's urgings, I cannot say that there is a new reality whereby we have money for desirable causes. There are many such causes but the position remains the same. We face the threat of a hard exit. Six months ago, the Minister for Finance indicated that this was the framework against which the budget should be put together. The Minister has taken the correct approach. It leaves the Government and the Exchequer in a position to manage the consequences that might come our way.

Ceisteanna Eile - Other Questions

RTÉ Revenue

38. **Deputy Richard Boyd Barrett** asked the Minister for Communications, Climate Action and Environment his views on whether public service broadcasting should and will include a dedicated station for culture; and if he will make a statement on the matter. [42163/19]

Deputy Richard Boyd Barrett: Following the previous question on the financial crisis in RTÉ, my question is specifically about whether, in continuing to support public service broadcasting - as I believe we should - we recognise that public service broadcasting is not just news and sport, it is also about culture, music, etc. I ask this because in a recent edition of “Prime Time”, an alarming suggestion was made that Lyric FM might be a victim of RTÉ’s financial crisis. It would be an act of cultural vandalism if this were to prove the case.

Deputy Seán Canney: I thank the Deputy for the question. Public service broadcasting is provided for in Part 7 of the Broadcasting Act 2009. The Act sets out the remit, obligations and principal objects of the public service broadcasting corporations, RTÉ and TG4, and their statutory obligations. As set out in sections 114 and 118 of the Act, both public service broadcasters are statutorily required to provide a comprehensive range of programmes that reflect the cultural diversity of the whole island of Ireland. As such, Irish culture is reflected across the full range of public service broadcasting channels and is not limited to a single service or station. The role of public service broadcasting is to provide a range of programming that entertains, informs and educates, provides coverage of sporting, religious and cultural activities and caters for the expectations of the community in general, as well as members of communities with special or minority interests. TG4 has a particular obligation to reflect the cultural diversity of the whole island of Ireland through the Irish language. This content is also made available to Irish communities outside of Ireland. Section 98 provides that RTÉ and TG4 shall be independent in the pursuit of these objectives. As such, the Minister has no function in RTÉ’s or TG4’s management of their day-to-day affairs or editorial decisions about programming. However, under section 103 of the Act, where a public service broadcasting corporation wishes to increase or vary the number of television or sound broadcasting channels it operates, it requires the consent of the Minister. No such request is to hand at present.

Deputy Richard Boyd Barrett: The particular suggestion here is that Lyric FM might be cut as a result of the financial difficulties of RTÉ. The Minister has a role in that because, as the Minister of State said, public service broadcasting is about maintaining the diversity of Irish cultural experience. Lyric FM, which only accounts for a tiny 2% of RTÉ’s budget, is the channel that has opened up a large, new audience to classical, experimental, world, jazz, blues and other music, including opera, as well as output from the National Concert Hall and so on. Young people and many sections of society would never get a chance to listen to these types of music otherwise. Lyric FM makes a significant contribution to developing music and culture in this country. It would be unacceptable and it would be a dereliction of the responsibility of public service broadcasting to allow Lyric FM to become the victim of the financial difficulties of RTÉ. The Minister and the Government should intervene to make sure that does not happen so that public service broadcasting discharges its cultural responsibility.

Deputy Seán Canney: I agree with the Deputy. I often listen to Lyric FM on my way to

Galway from Dublin, especially at nighttime, and it is a great channel. I repeat that where any change is proposed in the amount of content, the Minister must consent. The Act sets out that in such circumstances the Department must carry out a stakeholder consultation, followed by a sectorial impact analysis by the BAI. A formal business case setting out the rationale for change is also required. Any request made in the future will have to be evaluated to explore its impacts and what the alternatives might be within the Act. As I stated, we have not received a proposal from RTÉ to vary any of its services. The Minister has powers under the Act to consider any such proposal if one is made.

Deputy Richard Boyd Barrett: I am glad to hear that response and that the Minister of State is a fan of Lyric FM. He should keep an eye on this matter. It was mentioned on a “Prime Time” programme about the financial difficulties in RTÉ. As I said, it would be completely unacceptable for this to happen. Lyric FM is a Limerick-based station. It has a good relationship with the department of music, arts and culture in the University of Limerick and employs people in the city. The station has a major cultural impact across the country.

There are questions about the funding of public service broadcasting. We should be looking at imposing some taxes on the profits of companies such as Netflix, Now TV and Sky which are making a hell of a lot of money here. Why not tax their profits to invest in public service broadcasting and cultural output generally? It is worth noting that our levels of investment in arts and culture is pathetically low by European standards. Cutting Lyric FM would be unacceptable. The Minister of State must keep a close eye on this in case Lyric FM becomes a victim of these circumstances when we need more cultural output and not less.

Acting Chairman (Deputy Eugene Murphy): Deputy Dooley wishes to contribute on the same issue.

Deputy Timmy Dooley: I add my voice to that of Deputy Boyd Barrett. While I addressed the overall issue of funding in my question, I too am hugely supportive of the work of Lyric FM. The kinds of proposals coming from RTÉ, which we hope to challenge in the Joint Committee on Communications, Climate Action and Environment when its representatives come before us, for example, dismantling some of the broadcaster’s arts and culture services, would be an appalling vista. Lyric FM provides a fantastic service which has to be maintained. It is relatively cheap in overall terms.

On the idea of RTÉ selling off its crown jewels, I note it is selling some of its artwork, some of which could end up outside the State and lost to the State forever. It includes some fine pieces of work that have been put together over time. RTÉ is also talking about selling land in Cork and selling more land in Donnybrook. At some point, that carry-on has to stop. We either believe in public service journalism or we do not. If not, that is fine. Let us be beholden to Sky and the private sector and move on. However, if we believe in it, we should put together a proper plan that supports RTÉ as well as public service journalism in the print media and independent radio sectors.

Acting Chairman (Deputy Eugene Murphy): The music on Lyric FM is soothing to many politicians, including the Minister of State.

Deputy Seán Canney: We all know RTÉ has stated publicly it faces significant financial challenges and must maintain an emphasis on value for money across its services and technologies. As a result, it has initiated a review of all services with a view to restructuring. It has

engaged with PricewaterhouseCoopers to validate strategy and financial modelling and it has also met the BAI. I repeat that no proposal has come to the Minister to vary anything. Until such time, the Broadcasting Act 2009 sets out specific objects RTÉ is obliged to meet and any variation in service is subject to the consent of the Minister under section 103 of the Act.

Broadband Service Provision

39. Deputy Pat The Cope Gallagher asked the Minister for Communications, Climate Action and Environment his plans for households that are in near proximity to Eir fibre to the home or FTTH but still cannot avail of fibre at present; if his attention has been drawn to the fact that a number of households are in close proximity to FTTH but were not included in the original 300,000 commercial roll-out of fibre; if the possibility of having these numerous households connected to broadband will be investigated; and if he will make a statement on the matter. [42156/19]

Deputy Pat The Cope Gallagher: What plans does the Minister have, or what he can do, to ensure broadband services are provided to businesses and homes that are within very close proximity of the service being provided by Eir?

Deputy Seán Canney: I thank the Deputy for the question. I am one of the people who looks down the road at what my neighbours have because I cannot get a broadband service. I presume the premises the Deputy is referring to are in proximity to Eir's deployment of high-speed broadband but are not of part of Eir's commercial roll-out to 300,000 predominantly rural premises in the commitment agreement signed with the Department in April. I understand the frustration of householders who cannot avail of a high-speed broadband service at present, while their close neighbours may have access to such a service.

Eir's investment in its high-speed broadband rural network is to be welcomed. It is a commercial investment, based on a commercial decision by the company and is not part of the State intervention under the national broadband plan. Although the deployment is monitored by my Department under the terms of the commitment agreement, it is not funded by the State and is not designed or directed by my Department in any capacity. The Department has no statutory role or function in such commercial decisions and cannot direct operators regarding infrastructure installation or delivery of services. I am acutely aware of the frustration for householders and businesses that do not have access to a high-speed broadband service and I assure the Deputy the Department is giving the highest priority to the finalisation of the national broadband plan contract. There are premises, such as those to which the Deputy refers, which may be close to but not part of the Eir roll-out. These will all be picked up by the national broadband plan.

A consultation on the high-speed broadband map has recently been concluded. This afforded any commercial company the opportunity to commit to deliver high-speed broadband services to premises within the intervention area to the standard set out in the national broadband plan process. Since the Government decision in May to appoint National Broadband Ireland as the preferred bidder for the national broadband plan contract, work has continued on the due diligence necessary to conclude the contract. This process is progressing towards contract award, which is expected before the end of this year. Deployment of this vital network will commence shortly after that.

Deputy Pat The Cope Gallagher: I am disappointed by the response. It gives no comfort

to the many thousands of people within close proximity, or within metres, of the services. This goes back to whoever took out a compass and drew a circle around rural areas, meaning that if a person was inside the circle, he or she was included, and if that person was not, he or she was not. It makes no sense.

While the Minister of State cannot direct operators, I would at least expect him to say he will request Eir to consider areas similar to those I outlined and those with which he is very familiar. I could cite many cases. One hotel is within 100 m of one side, because it is linked to one exchange, and within 100 m on the other. That is not sensible. The Minister of State, who understands this matter better than others because he comes from a rural area, has a responsibility to contact Eir and ask it whether it can do something about this. The operators are even prepared to make a contribution. What is happening makes no sense at all. All we want is pragmatism and a statement that the national broadband plan will pick up the slack. As the Minister of State said, the contract will not be signed until the end of the year, so action will be years down the road. When the work begins, the operators should start in the peripheral parts of the country and work inwards, rather than starting in the centre and working out.

Deputy Seán Canney: All the providers have an opportunity to connect the affected houses, but they have not taken it up. This points to the necessity to put in place the broadband plan. Some 25% of the population does not have broadband. If a provider deems it commercial to connect a house if it is not in the relevant area, that is fine, but if it does not do so, the national broadband plan has to connect it. I agree with the Deputy that we need to get on with it, but we must ensure that when we sign the contract, we can hit the road running.

On the rolling out of the services after the contract is signed, all 31 local authority areas will be subject to action at the one time. Therefore, it is not a case of starting in one corner and working towards the other. Deployment will occur in every local authority area.

If the Deputy encounters an issue in a peripheral area, he should contact the broadband officer in the county. That officer could determine the private operators that might be able to provide a service in the area.

Deputy Pat The Cope Gallagher: It is not true to say it is confined to 300,000. That figure was increased substantially. If it could be done then, why can it not be done now? The Minister of State is from rural Ireland. I ask him to consult Eir at least to determine what it would cost to deal with the blackspots, which could be linked up quite easily? Those who want to avail themselves of the service, for business purposes and others, could make a contribution. What is happening does not make sense. If the private sector operated in the way the Government is now operating, it would not survive. There are opportunities. The Minister of State should at least take it upon himself to speak to representatives of Eir. I have done so and believe they are anxious to assist, but they would have to get the political direction from the Department and Minister. I hope the briefing the Minister of State is getting from the Minister will be helpful. I acknowledge that while the Minister is from Dublin, he understands rural Ireland. Now is the time to take action. It will not happen unless the Minister of State or Minister takes the initiative.

Deputy Seán Canney: To clarify, there is an opportunity for Eir or any other private operator to apply to provide a service in any part of this country. If operators did so, that would be fine, but they are not. They have made applications, but they also have to provide a service that is of a high speed and of a speed that will remain high, going up to 100 Mbps for the next

35 years. Eir is in the private sector. We sold Eircom a long time ago, so we cannot dictate to the company. The closing date for submissions is 30 September. The submission, which we invited it to make, is being assessed right now. If the Deputy is saying Eir says it needs political influence, he should note it is a private company and has to make its own decisions. It is so important to get the national broadband plan going because the private sector has failed to provide broadband of the required quality to 1.1 million people in this country, including those the Deputy and I know about. That is why we need to get on with the national broadband plan.

Deputy Pat The Cope Gallagher: The Minister of State knows they cannot do that because they will be paying twice.

Acting Chairman (Deputy Eugene Murphy): Tá daoine óga speisialta anseo inniu. Cuirim céad míle fáilte roimh na daoine as Scoil Cluain Catha, Béal Átha na mBuillí, Contae Ros Comáin.

Warmer Homes Scheme

40. **Deputy Timmy Dooley** asked the Minister for Communications, Climate Action and Environment if the retrofitting of social housing and houses at risk of energy poverty under the expanded warmer homes scheme will be prioritised; and his plans to ensure that the Sustainable Energy Authority of Ireland, SEAI, will be in a position to assess applications and co-ordinate delivery in a timely manner. [42298/19]

Deputy Timmy Dooley: Budget 2020 will direct €13 million in carbon tax revenue through the warmer homes scheme to retrofit homes for those living in or at risk of energy poverty. A new retrofitting model will upgrade groups of houses, with a programme targeting social houses in the midlands. The Oireachtas joint committee highlighted in March that the requirement for retrofitting is of the order of at least 1.5 million houses, including 130,000 social housing units that are the responsibility of housing authorities. Will the Minister outline the specific steps being taken to ensure the delivery of retrofitting for those in social housing and those at risk of energy poverty in the first instance?

Deputy Richard Bruton: I thank the Deputy for the question. A just transition and protecting the most vulnerable are at the heart of the climate action plan, and measures announced as part of budget 2020 will support those most affected.

The better energy warmer homes scheme provides free energy efficiency upgrades to the homes of those living in or at risk of energy poverty. The scheme is administered by the Sustainable Energy Authority of Ireland, SEAI, on behalf of my Department. As part of budget 2020, the Government has allocated a total of €52.8 million to the scheme for next year. This represents the largest ever allocation for the warmer homes scheme, more than double the initial allocation for 2019. As the Deputy rightly pointed out, €13 million of this funding is ring-fenced revenue arising from the increase in the carbon tax.

As the Deputy recognised, a further €20 million of the carbon tax revenue is being made available to the Department of Housing, Planning and Local Government to deliver grouped upgrades as promised in the climate action plan. Targeted at the midlands, the scheme will be built around core work on some of the social housing stock in the region but also designed to allow other homeowners to opt in to the aggregation model, which will streamline services on

an area basis. It will also support an estimated 400 jobs directly and indirectly. The specific design of the project will be led by the retrofit task force that was established in recent weeks and that is chaired by my Department. The significantly increased investment represents an important step towards realising the Government's climate action plan targets in the area of building retrofitting while prioritising the most vulnerable householders.

Deputy Timmy Dooley: We have been informed that the waiting time from the date of application to the SEAI under the warmer homes scheme to the date of final approval is over one year. We are dealing, therefore, with a process that is already under considerable strain. I ask the Minister to set out how the SEAI will be supported to co-ordinate and deliver a significantly expanded scheme. The Minister must also be aware that vulnerable individuals living in or at risk of fuel poverty may not be in a position to engage in a lengthy application and approval process. Naturally, not all householders may be familiar with the SEAI and its responsibilities. Therefore, it goes without saying that there must be a targeted and tailored process. There will be a challenge to facilitate and support engagement in hard to reach areas. I ask the Minister to address how an expanded scheme will be responded to effectively.

Deputy Richard Bruton: I thank the Deputy for those questions. The most practical way in which we will be assisting the SEAI is by doubling the budget of last year. It is also worth pointing out that there are about 35 community-based organisations that actively promote the scheme. They are embedded in their communities and have very good reach. The Deputy rightly points to the sorts of people who might not be familiar with the advantages of the scheme but, with the double budget, we will obviously be in a position to reach more. The information will be spread as effectively as possible. There are 300 sustainable energy communities today, and they are building steadily.

The second element is, of course, the area-based scheme, which is related to innovation. The idea is to consolidate the delivery of both advice and the work, so there will be much more of a turnkey arrangement and an area-based scheme in which both those in social homes and those who are not could participate. We hope that the area-based scheme will make it easier for people to engage and be a more efficient way to deliver the work.

Deputy Timmy Dooley: When does the Minister expect to have an announcement about a move on the area-based scheme? I would also like to draw his attention to the recent recommendations of the Society of St. Vincent de Paul in this area. It has highlighted the importance of retrofitting the social housing stock in the coming years such that resources are available for local authorities to reach a BER of B2 or higher by 2030. It has also noted the need for new community energy advisers who would work in partnership with the SEAI to reach those households. That could benefit most from the energy efficiency schemes. Support for local authorities will be essential in any new initiatives to be introduced to reach the most at-risk households. There needs to be greater engagement with local authorities. A recommendation from the Joint Committee on Climate Action was the establishment of a one-stop shop in each local authority to engage in outreach and to act as a repository for information for local communities.

Deputy Richard Bruton: I think the aggregation model will be the best way. It will be piloted in the midlands next year. The committee is working across Government as we speak. It is a priority for us to design that scheme. The advantages are those that the Deputy recognises himself. If we designate an area, we can identify all the homes in that area that we seek to reach, and we can deliver both the advice and the retrofitting in a more efficient manner to trigger more people's engagement, because they can opt into a scheme that is at their doorstep and with a

turnkey opportunity to participate. That aggregated model is the way forward in the long term. It would move away from the individual grants that are currently a feature of the scheme. Since it is built around social homes, the success of that will meet the twin objectives that the Deputy raised of looking to the social housing stock and bringing in many others.

Question No. 41 replied to with Written Answers.

Prospecting Licences

42. **Deputy Éamon Ó Cuív** asked the Minister for Communications, Climate Action and Environment the number of applications active in the Connemara electoral areas for either new prospecting licences or for the extension of existing licences; when it is expected a decision will be made on the applications; the areas covered in each licence; and if he will make a statement on the matter. [42278/19]

Deputy Éamon Ó Cuív: There has been great concern in Connemara regarding the proposal to award new prospecting licences and to renew old ones. We need clarity about the process, the date that these decisions will be made on, how far the Minister has gone in evaluating the applications, and the number of applications.

Deputy Seán Canney: The Department has no applications for new prospecting licences in the Connemara electoral area. In March 2019, Gold Note Minerals requested an extension of three existing prospecting licences that it has held since 21 June 2013. My intention to renew these licences was published in *The Connacht Tribune* on 26 July 2019 and was open for consultation for 30 days. These licences cover the following townlands in Galway: Breenaun, Carrowgarriff, Claggan, Cornamona, Cur, Derreen, Dooghta, Dooros, Drumsnauv, Farnaght, Glenlusk, Griggins, Kilmeelickin, Lee, Maum West, Moneenmore, Munterowen East, Munterowen Middle, Raigh, Teernakill North, and Teernakill South. Details, including a map of the licence areas, were available for inspection at Clifden and Maum Garda stations, Galway County Council offices, and at the Geological Survey Ireland office in Dublin. The notice was also published on my Department's website. The application remains under consideration by my Department and a decision is expected in the coming weeks.

Deputy Éamon Ó Cuív: It baffles me that the Minister of State would even consider issuing mining licences in an area such as the Maam Valley and Cornamona area. It is contiguous with Lough Corrib. Much of the land around, including the full lake, comprises special areas of conservation, SACs. Reading the literature, it is hard to see how mining is compatible with the preservation of the incredibly sensitive ecology of the area. Why is there not a policy similar to ones the Government has for the national parks and for Croagh Patrick, which state that in areas designated as SACs, special protection areas, SPAs, or natural heritage areas, NHAs, no new mining will be allowed in the future? Would that not be a much more honest way of dealing with the issue, not only for mining companies, which would not waste their money searching for minerals that they could never mine, but also for local communities, which have had the burden of these designations and should at least be sure, having lived and preserved the designations in the area, that they would be the beneficiaries of nothing being allowed that would damage these very important ecological areas?

Deputy Seán Canney: A prospecting licence is for prospecting only and does not give the licenceholder permission to mine. It is the prerogative of mining or prospecting companies to

apply for the licences. We have to deal with the applications and a public consultation process is involved in that. A number of submissions were received during the consultation process. There were also a number of representations and queries from local people and politicians, in addition to an online petition that gathered more than 5,000 signatures. The submissions are being reviewed and a decision about whether to renew these licences is under consideration. Many of the issues raised included how prospecting will damage the environment, the threat to tourism, and the threat to farming. These will be considered in the evaluation process. This is being done in an open way and nothing is hidden. These are licences for prospecting only.

Deputy Éamon Ó Cuív: The State decided that it would not even look for or bid for prospecting licences in national parks and Croagh Patrick for the very reason that it would never issue a mining licence there anyway. Why does the same principle not apply to areas designated as SACs or SPAs? It would be utterly rational for these areas to be protected and it is not possible that mining would be compatible with the preservation of the status of these areas. On the other hand, and with no disrespect to the Minister of State, it is stupid to say to me that they are only prospecting licences. Why would a company look for a prospecting licence if there was no chance, because of the designations of the areas, that it would ever be granted a mining licence? The presumption is that the companies must believe that they will get a mining licence. These are powerful entities and why otherwise would they bother wasting their money looking for the prospecting licence and then prospecting?

Deputy Seán Canney: It is the policy of the Department not to issue any prospecting licences in national parks, as published by the National Parks and Wildlife Service. In certain exceptional circumstances, the National Parks and Wildlife Service may agree to the issuing of a prospecting licence for an area that contains part of a national park and that will enhance the knowledge and be of interest to the national park. Exploration activity in close proximity to a special area of conservation or special protection area requires prior permission from the Department. This involves submitting a screening for appropriate assessment report specific to the proposed activities. A stage 1 screening for appropriate assessment will then be carried out, specific to the exact location and conservation objectives of the SAC and SPA. Any proposed drilling or trenching, regardless of its location within the prospective licence area, requires screening for appropriate assessment by the competent authority, the exploration and mining division of the Department. Drilling submissions are also required to be assessed to determine whether screening under the EIA directive is necessary. There is a good suite of hurdles to be jumped before a prospecting licence is granted.

National Broadband Plan Implementation

43. **Deputy Bobby Aylward** asked the Minister for Communications, Climate Action and Environment the timeline for the commencement of works on the ground under the national broadband plan; the measures contained within same to ensure rapid roll-out of broadband services for rural areas, rural communities and regional towns; and if he will make a statement on the matter. [42304/19]

Deputy Bobby Aylward: I would like to ask the Minister, as I have on many occasions, the timeline for the commencement of works on the ground under the national broadband plan, and the measures contained within same to ensure rapid roll-out of broadband services for rural areas, rural communities and regional towns.

Deputy Richard Bruton: I thank the Deputy for raising the question. We did have some discussion of this earlier in the session. Essentially, the timeline for the national broadband plan is to complete all processes before the end of the year. As I outlined to Deputy Dooley, as part of that process we have had a new mapping exercise whereby anyone who wanted to provide a service on a commercial basis within the intervention area could put forward proposals. The closing date was extended by five weeks to 30 September and a significant number of applications and submissions were made. They are now being assessed within the Department. At the same time, I am proceeding with due diligence to complete the various elements of contract signing. The final piece will be combining those mapping assessments and submitting for state aid approval. Considerable work has also been done to deliver that. After the contract is signed, a deployment plan will be made available by the bidder immediately. In the first year of roll-out, the bidder will deploy approximately 300 broadband connection points across all counties. It is anticipated that between seven and 23 broadband connection points will be deployed in each county, each of which will provide a community-based high-speed broadband service, enhancing online participation and allowing for the establishment of digital work hubs in these locations. The full roll-out will take seven years to complete, passing 133,000 premises by the end of the second year and with between 70,000 and 100,000 premises passed each year thereafter.

Deputy Bobby Aylward: I heard this before, with the timescale set out. I am glad to hear the Minister's response but seven years is a long time. I come from rural Ireland and I am asked daily by constituents when they will get broadband and when it will be rolled out. Businesses depend on broadband. People want to move back from Dublin and other cities into their own rural areas. They could do that if broadband was available. We have a colour coded map and people in areas marked amber are asking when they will have broadband. They need speed. Modern society needs this and we must get something up and running soon. It is hard for me to tell my constituents broadband may be available in certain areas seven years from now. That is too long to wait. We have been talking about rolling out rural broadband for years now and it is time to get it done. We have done a lot of scrutinising but it is still not happening. I take the Minister's assurance that it is going to happen but can it be fast-tracked?

Deputy Richard Bruton: I can understand the Deputy's concern that this has taken considerable time. The truth is that without the intervention we have proposed, the constituents the Deputy represents would never be reached. We know the commercial system would not deliver reliable high-speed, future-proofed broadband to almost a quarter of the country. That is the reason we have this scheme in place. Unlike the Deputy, some people have cast doubt on whether this is an important or necessary investment. I believe it is absolutely important. I cannot envisage any prosperous future for rural Ireland that did not have at its heart access to high-speed broadband. I am fully committed to delivering this as quickly as possible but I think the Deputy will understand that I also have to be careful to conduct due diligence to make sure that every i is dotted and every t is crossed to protect both the State and the future users of the service.

Deputy Bobby Aylward: Imagine has said that it can service up to 45% of the national broadband map. The Taoiseach stated last week that Imagine's challenge to the Government's map had caused a delay in respect of the plans relating to broadband. If a national communications company is telling the Minister that it can service half of the map, can we not utilise that to speed up the delivery of services to rural Ireland? We need to start thinking outside the box in order to get this moving. Surely if there are fast-track pathways such as this, they should be

explored. Broadband is not a luxury for schools, families, businesses or farmers. It is an absolute necessity. If it is not delivered soon, the benefits may be lost forever as investment will not flow to rural and regional areas. We will never open the boarded up shops, create jobs or sustain enterprise in our regional towns and villages if we do not have an equal platform of broadband service to compete with the larger cities. The current digital divide has completely undermined the economic viability of rural Ireland. SMEs are walking out of rural areas because they do not have reliable broadband services. They are going back to towns and we are at the loss of that. I ask the Minister to look at that as well.

Deputy Richard Bruton: Up to 30 September, any company had an opportunity to apply to extend the area and to commit to delivering high-speed broadband that would be future-proofed. Approximately 30 companies have made submissions which are now being evaluated. As I said to Deputy Dooley earlier, they have to be evaluated against the bar that was set in the broadband plan, which is 30 Mbps. They have to be future-proofed so that the service would not be diluted or diminished by more people coming on board. Another requirement is that companies be in a financial position to deliver the commitments they are making. There are criteria that have to be met by anyone who makes a submission to provide service in the intervention area. Those who have made submissions are being evaluated and that will form part of the completion of this process to evaluate those applications.

Electricity Generation

44. **Deputy Denis Naughten** asked the Minister for Communications, Climate Action and Environment the engagement he has had with the CEOs of Bord na Móna and the ESB on the future of West Offaly and Lough Ree power stations; and if he will make a statement on the matter. [41798/19]

Deputy Denis Naughten: We are facing an economic catastrophe across the midlands in 53 days when the public service obligation runs out. We need a clear, unambiguous statement from the Government reiterating its support for the co-firing of the two peat-fired power stations in Lanesborough and Shannonbridge with both peat and biomass. The Minister must immediately call in the chief executives of Bord na Móna and the ESB to get absolute clarity on the intention to submit a new planning application for West Offaly power station and to deal with the 3 million tonnes of milled peat that is currently on our bogs.

Deputy Richard Bruton: I thank the Deputy for raising this very important question. I have met the chief executives of both companies since the decision of An Bord Pleanála. I am in regular contact with them and their boards with regard to West Offaly power station. I have met public representatives, worker directors of Bord na Móna, the midlands regional transition team and the regional skills forum. I have also met representatives of the Irish Congress of Trade Unions, the Bord na Móna group of unions and the European Commission. All of this is being done with a view to planning the best outcome that we can.

As outlined previously, the ESB is continuing to consider the An Bord Pleanála decision that has been issued. It is no secret that it was a very strong decision in the way it was framed. Nonetheless, it has been Government strategy to have co-firing until 2028. We now must be in a position to plan for contingencies whereby that might not occur. That is the backdrop to the considerable work that has been done since July with the formation of a group within the Taoiseach's office to develop a just transition approach. The work that was announced by my col-

league, the Minister for Finance, Deputy Donohoe, in the budget last week includes measures such as the just transition fund, the bog restoration and rehabilitation fund and the new model to group housing upgrades. These measures will be concentrated in the midlands and will support alternative employment, retraining and reskilling of workers and will support local communities and businesses in the midlands to adjust to the low carbon transition. We are continuing to consult and, as I have indicated, I will appoint a just transition commissioner to assist me in the work so that we can liaise with the various bodies at local level to ensure that this work is done in the most effective way possible.

Deputy Denis Naughten: I thank the Minister for his response. I acknowledge the announcement in the budget last week and the work being done on the just transition, which is very welcome. On 26 July, the Taoiseach stated with regard to Bord na Móna workers that there would be no job losses until the end of 2020. I want an answer from the Minister regarding seasonal workers in Bord na Móna. No work will be available for them next year so they need assurances now. The only people who can provide those assurances are the chief executives of the ESB and Bord na Móna. The Minister needs to bring both individuals before him.

On 2 October, the Minister and the Minister for Agriculture, Food and the Marine, Deputy Creed, announced that 15,000 ha of cutaway bog will be planted. This is very welcome. Will the Minister confirm that Bord na Móna staff will carry out the planting and that contractors will not be brought in?

Deputy Barry Cowen: I appreciate the opportunity to speak on this issue. Notwithstanding the announcement last week on the provision of revenue from the carbon tax to the just transition fund, which will be for the regions, localities and communities affected by the loss of jobs in the area for years, the nub of the issue is that the public service obligation, PSO, payment will expire in the coming weeks. We do not believe a price has been set between the ESB and Bord na Móna in the absence of the PSO. The carbon credits and the costs associated with them have multiplied by four, since the ESB belatedly only hedged funds up to six months in advance. Next year is the last year it can burn peat alone. The Minister stated it is Government policy to co-fuel but it has not insisted on the ESB seeking a judicial review of the decision. I do not believe it is fair, appropriate or right just to state it is still being considered. The day for considering has come to an end and it is time for decisions to be taken and for people to be straight. It is time for the Minister, the Department, the ESB and Bord na Móna to be straight with me as a representative of the companies and the workforce to ensure progress is made and the prospects of those involved are seen to and that they are engaged with on where we go from here.

Deputy Richard Bruton: I thank the Deputies for their questions. I have attempted to be as straight as possible with everyone. I have met all of the bodies involved. I have also been straight on the question of judicial review. It would require a failure of procedure. It is different from considering whether a fresh planning application could succeed. The issue being evaluated by the ESB is whether a fresh application could succeed and not the issue of judicial review.

With regard to Bord na Móna managing the transition, we are looking at accelerated rehabilitation of the bogs owned by Bord na Móna as a way of providing additional work opportunities. As we announced in the budget, we are also looking at additional restoration of bogs that are not owned by Bord na Móna, which would provide work opportunities well-suited to the skills of workers in Bord na Móna. In addition, we will deliver the midlands aggregated scheme for retrofitting. We are seeking to make sure we work with the companies involved, namely, the ESB and Bord na Móna, to ensure that between their efforts at diversification and

16 October 2019

developing new outlets, and the efforts we are putting in, we will secure a just transition for the workers involved.

Deputy Denis Naughten: I ask for answers to the two questions on surety of work next year for the seasonal workers and on who will carry out the planting of the forestry, as announced in the joint venture between Bord na Móna and the ESB.

My understanding is that Bord na Móna is now borrowing on a day-to-day basis to pay salaries. If this is the case, where will it get money to carry out the rehabilitation that is required on the bogs? Will the State and Government provide financial assistance to it, as the State did in the past to An Post?

Deputy Barry Cowen: Notwithstanding rehabilitation, which, of course, will follow in the event of no excavation taking place beyond next year, is the Minister aware of a post-PSO scenario on the pricing of peat between Bord na Móna and the ESB? Is he aware of the costs associated with carbon credits to be paid for by Bord na Móna? If so, will he give a commitment to the Dáil that after resubmission, if permission is forthcoming, within the formula there will still be the potential to harvest, burn and co-fuel beyond next year and beyond the licence it currently holds? It is incumbent on the Minister to reiterate vocally the commitment that is Government policy, contrary to what An Taisce might say, and that others should follow, rather than the likes of An Taisce leading and the Government following.

Deputy Richard Bruton: I am very conscious that these are independent commercial bodies and I do not direct them to do various things. They have responsibilities to their workers and stakeholders and to financial soundness. Of course, they continue to work with one another to secure a strong commercial relationship. In addition, I recognise that for seasonal workers we need to anticipate accelerated work on the bogs. This is why we are looking to work with Bord na Móna to see how the work will be funded. Accelerated work on the restoration of bogs would provide very useful opportunities.

On the issue the Deputy raised regarding planting trees, I have already brought it to the attention of the companies involved to see whether there are opportunities. I am working with the companies, which face commercial and other constraints. I seek to ensure on all fronts, including working with the European Commission, which has recognised peat as part of the coal transition network, that we can provide the necessary supports to deliver a just transition. I do not underestimate in any way the challenge but I seek to work with all of those involved to try to deliver the best possible outcome.

Question No. 45 replied to with Written Answers.

Better Energy Homes Scheme Eligibility

46. **Deputy Aindrias Moynihan** asked the Minister for Communications, Climate Action and Environment if persons who had works carried out under the Sustainable Energy Authority of Ireland, SEAI, better energy warmer homes scheme that was deemed incomplete will be eligible to reapply under the scheme to get those works completed; and if he will make a statement on the matter. [42300/19]

Deputy Aindrias Moynihan: Householders at risk of fuel poverty must be prioritised in

any grant scheme coming through from the SEAI because they are the most vulnerable. Previous schemes delivered for some householders but unless the contractor providing the scheme offered the full range of services, including dry lining and insulating cavities, houses have part of the work done but it is not complete. Can these householders now come back and have an opportunity to achieve the B2 target set out for everybody else in the better energy homes scheme?

Deputy Seán Canney: The better energy homes scheme is funded by the Department and administered by the SEAI. The scheme delivers a range of energy efficiency measures free of charge to low-income households vulnerable to energy poverty. In budget 2020, the funding for the warmer homes scheme was increased to €52.8 million for 2020, which represents a record level of funding for the scheme and almost double what was provided in the 2019 Estimates. The aim of the scheme is to deliver a range of energy efficiency measures in a way that represents the best possible use of Exchequer funding. The rules of the scheme stipulate that repeat upgrade visits are not provided. This rule is in place to ensure the available Exchequer funding provides upgrades to as many eligible homes as possible and to prioritise eligible homes that have never had any work done under the scheme.

In 2018, the measures available under the scheme were expanded. Previously, households whose homes were not suitable for cavity wall insulation could not get their walls insulated under the scheme. Since the expansion of measures, the scheme can now, in certain circumstances, provide internal or external wall insulation. This is permitting the upgrade of a wider range of property types, such as homes with solid walls, and also increases the energy savings and emissions reductions that the scheme can achieve. In addition, it will enable future fuel switching. While this change creates a demand for homes already treated to come in again, it also has to be borne in mind that more than 140,000 homes have benefited in the past and this number could squeeze the opportunity for those who have never been included.

The climate action plan commits to a review of the scheme being completed by the end of this year. This will include a decision on repeat upgrade visits as well as reviewing eligibility, approaches to compliance with new building regulations and how to best target those most in need.

Deputy Aindrias Moynihan: The households that were part of the scheme at the beginning consisted of the more vulnerable householders who had the fuel allowance back as far as 2000 or 2005 in the boom time. If those houses had their attics insulated and possibly had the extension cavity pumped, it still meant that the original cottage or house was exposed and not insulated. It is very important those householders have the opportunity to have that part of their house insulated so that the overall building is brought up to standard. The Minister of State is setting a target of B2 for everybody going forward. Many of the householders who were part of the scheme early on would not have achieved that rating. Does the Minister of State recognise this and will he set out to bring those other houses up to that standard?

12 o'clock

Deputy Seán Canney: I repeat that the scheme has been very successful and there has been a significant uptake over the years by those in fuel poverty. The Oireachtas Committee on Climate Action committed to a review of the scheme, which is being undertaken. We are looking at repeat upgrade visits as well as reviewing eligibility and approaches to compliance with the new building regulations and how best to target those. That review will take some of the issues raised by the Deputy into account.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Micheál Martin: The front page of the *Irish Examiner* this morning makes for very distressing reading for families of children and adults with disabilities and special needs. The chief executive of Cope Foundation, Mr. Seán Abbott, has said that the services and level of services are the worst he has seen in 38 years. He has said that adults with intellectual disabilities are essentially couch surfing between family members while waiting to access residential care at Cope Foundation. He said:

I have never seen anything like this... We always had the ability to say yes to people, now we spend all of our time saying no. We have to sit across the table from people and see the weariness in their eyes and say: "We can't help you, other than advocating for resources on your behalf".

There are 400 children at the Cope Foundation awaiting assessment for autism spectrum disorder. Of those who have been assessed, more than 1,350 children are awaiting specialist intervention. Some have been waiting years and will age out of ever getting seen. A total of 174 adults are on a residential waiting list, many of whom have no permanent home. A total of 649 adults have been identified as having "changing needs" and require further intervention and support while over 40% of the adults currently supported by the Cope Foundation are over the age of 45, which is becoming a significant issue with regard to parents over the ages of 70 or 80 having to cater for adults with special needs who urgently need residential accommodation. Cope Foundation has just 11 whole-time equivalent staff tackling the 1,350 cases on the specialist intervention waiting list and the 400 children awaiting assessment. Mr. Abbott said:

No matter how fast we do it, we will never clear it... It keeps growing... You get diagnosed and you wait for assessment. You get assessed and you wait for intervention.

No additional residential places or adult therapies have been funded.

Cope Foundation supports about 2,300 children and adults with intellectual disabilities. It is a well-known, well-respected and indeed historic service provider in the Cork region. Mr. Abbott is a reasonable man who has worked with Deputies from all parties. He is not given to a high public profile. The fact that he has issued these statements is a huge cry for help and a huge call to the Government to change direction. This is reflected nationally. The National Federation of Voluntary Bodies made a submission to the Oireachtas in June encapsulating of these issues.

Does the Taoiseach agree that this highlights that the Government lacks vision, commitment and above all, delivery for the disability sector? Does he accept that the Government has been in denial about the scale of the challenges facing many families of children and adults with special needs? These families are under enormous pressure fighting battles they cannot win. Will the Government look at the Revised Estimates with a view to increasing resources significantly for organisations like the Cope Foundation?

The Taoiseach: I thank the Deputy for raising this important issue. Cope Foundation is a voluntary organisation that provides a comprehensive range of services to approximately 2,000 children and adults with intellectual disabilities on behalf of the HSE under section 38 of the Health Act. Services include early intervention, schooling, training, adult day services, sup-

ported employment, housing, information and advice at 65 locations throughout Cork city and county. Cope Foundation employs 800 staff. The services it provides are very well regarded and the staff are highly respected.

Funding for the Cope Foundation has increased year on year since 2016. In 2016, it was €44.3 million; in 2017, it was €53.1 million; in 2018, €55.6 million; and in 2019, it is €56.1 million. Cope Foundation has received a 26% increase in budget under this Fine Gael-Independent Administration. I am not sure if that 26% increase in budget has resulted in a 20% increase in service levels. Often this is not possible because of inflation and pay demands but in general, taxpayers expect that a significant increase in funding should result in an increase in services and the quality of services even if it is not the same level as the increase.

The Government is, of course, committed to providing services and supports for people with disabilities which empower them to live independent lives, provide greater independence in accessing the services they choose and enhance their ability to tailor the supports required to meet their needs and plan their lives. As announced in the budget last week, the overall budget for disability services in 2020 will be in excess of €2 billion for the first time. Decisions have not yet been made yet on how this €2 billion will be allocated. That is done as part of the HSE's service plan for 2020 and is then broken down to local level so these discussions are only beginning. The €2 billion allocated to disability services next year has yet to be divided up among the different organisations so those discussions must begin. I do not think it would be right for me to comment further at this stage on any individual organisation's bid for funding because all organisations around the country will also be requesting an increase and there will never be enough to go around to satisfy all requests for increases. However, there will be increases for the vast majority of organisations. Indeed 2,000 organisations are receiving funding from the HSE. They vary in terms of size, geographic coverage and the range of services provided.

Deputy Micheál Martin: The Taoiseach's response concerns me. It is similar to his response yesterday when I raised the issue of homelessness. The Taoiseach focused in defensive mode on the issues pertaining to Mr. Hourihane, who was savagely beaten to death, instead of on the wider issues his death revealed in terms of the Government's inaction on housing. It is the same with his response today where he has essentially attacked, almost implying that the Cope Foundation is not spending the money it has got or is not doing it adequately or that he would like to see a 26% increase in services. The Government seems to be very intolerant of criticism, which is why people like Mr. Abbott have not spoken out for years. It is because they have a sense that they will get beaten back down, that it will be taken out on them by the Government and the authorities. That is a genuine feeling out there and that is what the Taoiseach just implied. What the Taoiseach did not do is point out that, essentially, the number of people for whom Cope Foundation works has doubled. As Mr. Abbott noted, it now caters for 2,300 children and adults. Cope Foundation catered for half that figure five years ago. It is not just about the Cope Foundation. The presentation by the National Federation of Voluntary Bodies to the Oireachtas in June concerned the funding crisis in disability services. People are not making this up. Families with children with special needs are not making up the uncertainties, anxieties or stress they are under, or the fact that they cannot get assessments or access to speech and language therapy, physiotherapy and so on. The Government is not delivering on disability issues. Last year, provision was made for 100 therapists.

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

Deputy Micheál Martin: Only eight of those therapists actually got through.

16 October 2019

Minister for Health (Deputy Simon Harris): All 100 will be hired.

Deputy Micheál Martin: We were told during the Estimates discussion with the Minister for Finance and Public Expenditure and Reform that only eight therapists were hired out of that 100.

Deputy Simon Harris: That is not true. The Deputy is misleading the House. I will write to him and he can correct the record.

Deputy Micheál Martin: I do not want the Minister to write to me. He should talk to the families in question and engage with them. The Government is in denial about the stress and anxiety families are facing.

An Ceann Comhairle: The Deputy is over time. I ask him to conclude.

Deputy Micheál Martin: The Government must change tack on its delivery of services to people with disabilities.

Deputy Simon Harris: This is coming from the man who cut the disability allowance.

The Taoiseach: Much like yesterday, the Deputy is trying to misrepresent and mischaracterise my response in order to score political points and make himself look good.

Deputy Micheál Martin: That is not true.

The Taoiseach: It is exactly true and it is disappointing.

Deputy Thomas Byrne: We were shocked into silence by what the Taoiseach said yesterday.

The Taoiseach: The Cope Foundation does fabulous work which we support and respect. It received a 26% budget increase in the past three years under this Government and will receive a further increase next year, as we have set aside €2 billion for disability services in 2020. The other truth is that when Deputy Micheál Martin was in government, his party cut the budget for disability services and the disability allowance.

Deputy Simon Harris: Was Fianna Fáil in government? I had forgotten.

The Taoiseach: The Deputy is no friend of people with disabilities. Fianna Fáil's record on disability is appalling. It cut services and the disability allowance.

Deputy Micheál Martin: The Taoiseach should talk to people in the disability sector about my record.

The Taoiseach: We have increased the budget for services to a record high and restored the disability allowance. The Deputy should be ashamed of his record on disability and should not be so self-righteous in this House.

(Interruptions).

Deputy Thomas Byrne: The Taoiseach should look at services in his own constituency. They are not even open yet.

The Taoiseach: Fianna Fáil cut the disability allowance. It should be ashamed of how it

treated people with disabilities.

An Ceann Comhairle: I ask Deputies to calm down.

The Taoiseach: Fianna Fáil hammered people with disabilities when it was in government.

Deputy Thomas Byrne: Where are the schools?

Deputy Danny Healy-Rae: Eaten bread is soon forgotten.

An Ceann Comhairle: The whistle has not been blown yet, so I ask Deputies to calm down.

(Interruptions).

An Ceann Comhairle: I call Deputy McDonald.

Deputy Mary Lou McDonald: I thank the Ceann Comhairle. I take it the lads have simmered down now.

Grainne Gault is due to protest at the gates of the Dáil this afternoon. On St. Patrick's Day last year, Grainne lost her beautiful 14 year old daughter Elisha to suicide. In the wake of Elisha's death, Grainne and her family have been incredibly courageous. She and the group, Mental Health Warriors, have voiced their concerns about the state of mental health supports and provisions for children and adolescents. Ms Gault kept Elisha's Facebook page open as a place where distressed young people could come for help and support. Sadly, Elisha's story is not an isolated case. Many of our young people today struggle with mental health difficulties and, more generally, we also have a serious mental health crisis in our country. The rate of death by suicide is frightening. Over the last two years, 744 people died by suicide. That is 744 families such as the Gaults who now live with an unbearable loss every day. We need a unified approach and common purpose in mental health, right across the political spectrum. In that spirit, I must tell the Taoiseach that his Government is failing to deliver adequate mental health services. Despite all the talk and nice words, we are not seeing real improvements in services. While talking helps one's mental health and it is good and necessary to talk, it is the Government's responsibility to back that up with services.

The Government's failure is most evident in the child and adolescent mental health service, CAMHS, which is on its knees. It is crumbling while families and communities cry out for help, which the Government is not providing. Staffing shortages have led to CAMHS beds lying empty and children waiting months for mental healthcare. In August, 2,440 children were waiting for mental health services. Half of those children were waiting at least 12 weeks to be seen, while 748 were waiting six months. That is far too long to wait when a young person's health, and possibly life, hangs in the balance.

There is also a problem with children being admitted to adult mental health units. My colleague, Deputy Cullinane, highlighted the fact that eight children were admitted to adult facilities in 2018 in Waterford alone. Capacity is not matching the scale of need. The targets set in A Vision for Change in 2009 are not yet being met, over a decade later. In last week's budget, the Government announced a paltry and pathetic €14 million in new money for all mental health services. Providing a seven-day outpatient model for CAMHS would cost just over €3 million, which is almost a quarter of the Government's inadequate allocation of new money. The 2020 budget represented a real opportunity for the Government to do better on mental health services, which it could have seized. Having failed to do so, I ask the Taoiseach to seize that

opportunity now and commit to delivering the necessary investment that families like the family of Elisha, whose mother Gráinne will be at the gates this afternoon, expect and deserve.

The Taoiseach: I am sorry to hear the story the Deputy recounted to the Chamber a few moments ago. On the wider issue, the Government has prioritised mental health and taken it very seriously in recent years. There has been a major increase in resources for mental health. Since 2012, the budget for mental health services has increased by 44%. I doubt one could find such a large increase in mental health funding in any seven-year period in Irish history. An additional €40 million for mental health was announced in the budget last week, which brings the mental health budget to over €1 billion for the first time.

Deputy Pat Buckley: Some 26 pay increases-----

The Taoiseach: That is a very significant investment in mental health services. We are seeing progress in some areas. The Deputy will be aware that the rate of suicide in Ireland has fallen by about 30% in recent years. Of course, any suicide is one too many, but we all welcome the fact that suicide rates in Ireland are dropping. It also reminds us that there is more to do. The Minister of State, Deputy Daly, who has responsibility for mental health, informed me last week that the CAMHS waiting list is down 25% and still falling. That is a very positive development, on which we need to build. We have also invested in improving psychological services in primary care, by hiring an additional 114 assistant psychologists, for example.

Deputy Pat Buckley: They are leaving their posts.

The Taoiseach: Last week, a 24-hour mental health helpline was established for the first time. People often do not know how to access the 1,000 or so different mental health services out of hours, whether in the evening, at night-time or on weekends. That helpline, which is based in the National Ambulance Service, is making a real difference.

The Minister for Education and Skills, Deputy McHugh, and the Minister of State with responsibility for higher education, Deputy Mitchell O'Connor, made a significant move by investing money in health and well-being in education. Investment in mental well-being reduces the risk of people developing mental illnesses later on. Funding a mental health budget of over €1 billion, reducing suicide rates and waiting times for CAMHS, and investing in primary care are the kinds of significant things the Government is doing, although there is always more work to be done. We acknowledge that and will build on the progress made so far.

Deputy Mary Lou McDonald: We are only going to get this right if we start from a factual position and if there is no delusion on anybody's part. The death of Elisha Gault, the child I mentioned, was not captured in the official statistics. She is not officially recorded as a death by suicide. Instead of claiming - I believe erroneously - that deaths by suicide are falling, the Taoiseach would be better served by looking at those real live statistics and understanding that they do not represent the full picture. The Taoiseach rattled off figures to me, citing a figure of €40 million. However, only €14 million of that is new money. That is a fact. I am sure the Taoiseach understands that A Vision for Change from 2009 was one of those fairly rare occasions when people right across political and public life agreed that this is the plan and the way forward. Despite this, more than ten years later the plan has not been delivered. It has not been resourced and it has not been funded.

Here is the rub. The Taoiseach can bat this issue off with me today. However, families across the land, perhaps watching this exchange and listening to him as the Head of the Govern-

ment, are in desperate situations. They have children and young people who are self-harming and who go missing.

An Ceann Comhairle: Please, Deputy. The time is up.

Deputy Mary Lou McDonald: They have children and young people in real distress. They cannot get the services they need. Despite the Taoiseach rattling figures at me, the reality on the ground is that the Government has failed to fund these services.

An Ceann Comhairle: Deputy, the time is up.

Deputy Mary Lou McDonald: I want to offer the Taoiseach the opportunity again to make a commitment to fund these services properly. This is not to satisfy me but to satisfy the needs of the communities and families who rely on them.

The Taoiseach: Again, I do not want to comment on individual cases when I do not have the detailed information about them. Next year, spending on mental health will increase by €39 million, bringing it to in excess of €1 billion for the first time. It is new money. It is €13 million for new developments.

Deputy Pat Buckley: It is €26 million for staff costs and €13 million for Portrane. These are lies.

The Taoiseach: It is €13 million for new developments and €26 million for pay increases and staff pay. That is new money. It is good that we pay our staff in mental health services more. That is how we can recruit and retain them. I am sorry that Sinn Féin seems to disregard the fact that we are providing money for more staff and to pay them more. We will not improve mental health services if we do not do that. I am disappointed that Sinn Féin is not supporting that policy.

The Deputy specifically asked about the CAMHS figures. I saw her shaking her head. The waiting list is down 20% this year. It is down from 2,517 last December to 2,000 in August. It is continuing to fall because of the structural reforms made by the Minister of State, Deputy Daly.

I want to make a sincere offer to Sinn Féin. If the party has a mental health policy drafted up, costed, thought through and seriously considered, the Government will be happy to engage with the party on it.

Deputy Mattie McGrath: I want to highlight the serious and alarming low levels of Garda availability across County Tipperary. There are supposed to be 380 gardaí to cover the county. Unfortunately, 45 of them are out on long-term sick leave. I wish them well as many of them have injuries from the line of duty. I also raise this issue in the context of the proposed divisional reorganisation, a move that will see Tipperary lose its divisional headquarters after it is transferred to Ennis, County Clare. This was a decision taken without any consultation with the Garda Representative Association, GRA, or anyone else.

As an example of just how serious the situation is, I want to alert the Taoiseach and the Minister for Justice and Equality to the following example that took place over the course of one week in Carrick-on-Suir. The town has a population of 7,000 people. I have the Garda roster here thanks to the local gardaí because they are so frustrated. On the Wednesday of the week in question, there were just two gardaí due to work in Carrick-on-Suir. One garda had to go to

Clonmel to drive a patrol car, leaving one garda for the entire town of Carrick-on-Suir from 7 a.m. to 12 p.m. This also affected neighbouring towns such as Fethard, Kilsheelan, Kilcash, Ahenny and Faugheen. Thursday was court day, meaning no gardaí were available. On Friday, there were two gardaí due to work in Carrick-on-Suir. Both of them were directed to Clonmel to take a prisoner from there to a court in County Cork. Astonishingly, this left Carrick-on-Suir with no Garda presence whatsoever for the entire Friday of that week. I remind the Taoiseach that this is a town of 7,000 people. They are law-abiding, decent people who pay their taxes, work hard and deserve to be supported. On Saturday, there was only one garda on duty because the other garda was on leave. The on-duty garda was directed to Clonmel to perform a check-point, leaving Carrick-on-Suir without any garda.

I salute Sergeant Mick Hubbard and his Garda colleagues in Carrick-on-Suir, who give an excellent service. However, they are dragged away from it and do not have enough numbers. The Taoiseach will agree that this is an intolerable situation for the people of Carrick-on-Suir and ordinary rank-and-file gardaí. Can the Taoiseach imagine how ordinary gardaí - men and women - feel having to leave their town and areas completely unpatrolled? It is shocking.

Fr. Paul Waldron and community activists held two meetings last year because of the whole issue pertaining to mental health, suicide and the proliferation of drugs in the town. We got tokenism from senior gardaí when they met us then, promising the sun, moon and the stars. It has diminished significantly since then. As a public representative, I call on the Taoiseach, the Minister for Justice and Equality, Deputy Flanagan, and his officials to rectify this immediately. We need at least 45 new gardaí in Clonmel to augment it. In Roscrea last week, there was a brawl on the street. The day after, no garda was available to open the Garda station there. An officer had to come from the court in Nenagh to open it. It is shocking. The Carrick-on-Suir and Clonmel Garda districts are starved of equipment, patrol cars and personnel.

This new reconfiguration without consultation will not work. It will in fact lessen impact. I am told by the GRA that bureaucracy increased with the pilot project for these reconfigurations and did not result in more gardaí on the beat. The Government must increase Garda strength and give gardaí the tools of the trade to do their job. Gardaí must be shown the respect they deserve. They want to serve their people but they are being handcuffed, blindfolded and restricted. They are also being taken out of Carrick-on-Suir, which is appalling.

The Taoiseach: The Government's policy is to be tough on crime and tough on the causes of crime. Part of being tough on crime is providing more resources for gardaí as well as ensuring the Garda Síochána is reformed in order that those resources turn into actual gardaí on the street and on the ground for people to see them. This is what all the reforms are about. It is about having fewer chiefs but more gardaí - more policemen and policewomen - on the streets. It is about fewer policemen in offices and more gardaí out and about where people expect to see them. The Government is 100% behind the Garda Commissioner in driving those reforms and providing him with the additional resources he needs to ensure this happens.

In the past three years, the number of gardaí in Tipperary has increased from 354 to 385 while the number of civilian staff has increased from 32 to 66. This will continue as resources allow. The total Garda force nationwide is 14,200, supported by 2,700 Garda civilian staff. This means that the force is at its highest ever level with its highest ever budget, €1.88 billion, next year. Since I became Taoiseach, 1,000 gardaí have been recruited and up to 700 more will be recruited next year.

A large part of the reform is civilianisation, ensuring work that can be done by civilians is done by them, allowing gardaí to be freed up for front-line policing duties, which is what we want them to do. There has been a redeployment of 500 experienced gardaí to front-line services, with 250 redeployed in 2018. This means that the process of civilianisation has already delivered 750 more gardaí. Those who were in offices and administrative roles are now back on the front line where we want to see them.

The location of Garda district headquarters is an operational matter for the Garda Commissioner to decide. When the Commissioner was appointed, we gave him the assurance that he would be properly resourced and that he would be given the freedom to reform the Garda as he saw fit. I am glad he is doing that. There are other examples of divisions where two counties have been put together. It works well. The location of the headquarters should not be a significant issue. It is different from an ambulance base or an emergency department. It is an administrative location and the Garda Commissioner decides where it makes sense to locate those.

Deputy Mattie McGrath: I will give the Taoiseach the roster I was given. It has the facts and is from a member of the Garda Síochána who is afraid for his community and the people he wants to police.

I am astonished with the Garda Commissioner, Drew Harris, because he has not engaged with the GRA or anybody else. The GRA stated the Government's policing reform plan looks like it has been built on quicksand following the budget allocation of €81 million. It will go nowhere near what it needs this year with additional costs and recruitment.

Recruitment is picking up. The Taoiseach did not listen to me, however. I said there are 383 gardaí in County Tipperary but 45 of them are out on long-term sick leave. Those are the true figures. We are setting up two new units that the former Chief Superintendent Kehoe should have set up but she did not. One of them relates to sexual crime. It will be populated with ten members of An Garda Síochána and two sergeants from the already existing numbers, plus another unit that the Commissioner is rolling out as well. This cannot be done. Without the basic numbers on the ground. Any police force cannot work without the support of its people. The people are willing, ready and able. Neighbourhood Watch, the clergy and community groups will support the Garda. However, they must be able to see gardaí. Officers must be able to stand in their kitchens and meet them. The principals in the schools, such as Mr. Kevin Langton in Carrick-on-Suir, do a great job. There is the musical society. We have a proud record of culture and heritage, but it is being adversely affected by the position regarding Garda numbers and the drugs epidemic. As an extension, crime and mental health issues are proliferating and there are no services available. We do not have one long-stay bed available. Gardaí need to be stationed in Carrick-on-Suir and other towns and villages. We do not need all flowery reports on what the Government is doing, what it will do and what it will not do. It is as though dúirt bean liom go ndúirt bean léi go raibh gardaí i dTiobraid Árann. Níl siad ann - they are not there. Will the Taoiseach listen?

The Taoiseach: We are doing exactly what Deputy Mattie McGrath suggests. We are making sure that there are more gardaí on the beat on our streets. That is why 700 more gardaí will be recruited in 2020. It is why civilianisation is happening. The process of civilianisation means that gardaí are being taken out of office and administration jobs and are being put back on the front line. Restructuring is happening-----

Deputy Mattie McGrath: It is not happening.

16 October 2019

The Taoiseach: -----in order to ensure that there are fewer chiefs, fewer gardaí in offices and more sergeants and inspectors on the ground in communities, less bureaucracy and duplication at Garda senior level and more decisions being made at local level.

Deputy Mattie McGrath: There are none so blind as those who cannot see. The Taoiseach is not listening.

The Taoiseach: That is why I ask the Deputy to get behind these reforms, which are exactly what will deliver what he wants, namely, more gardaí on the streets. That is where we want to see them.

Deputy Mattie McGrath: We are not getting them.

Deputy Eamon Ryan: It is difficult to ask about the Brexit process because the matter is so complex and people are in the “tunnel” - the word of the moment. Lord knows what will come out of that tunnel but we wish those involved in the talks well. If, as those in the media seem to be indicating, it may return something similar to the deal which was originally envisaged almost two years ago and which has been discussed in this House and broadly supported, that would be welcome.

I have one specific question regarding the restoration of Stormont in this process and how that fits in with what, come what may, will be a complex period of weeks, months and, probably, years. The Green Party, An Chomhaontas Glas, and the Green Party in Northern Ireland constitute an all-island organisation. For many years, we have been arguing that the arrangements and institutions at Stormont are not fit for purpose. I refer, for example, to the arrangement whereby my colleague, Clare Bailey, MLA, when entering the Northern Ireland Assembly at Stormont, was forced to declare that whether she was a unionist, a nationalist or whatever. Ms Bailey grew up on the Lower Falls Road. She then moved to a mixed estate in County Antrim, attended an integrated school and later spent a lot of time in Holland and elsewhere. I cannot remember what exactly she put down when she was forced to answer that question. She probably referred to herself as internationalist, a feminist, an ecologist and an activist. The structures that obtain, including the declaration for Members of the Assembly, the mandatory coalition arrangements and the petition of concern, should be redesigned in the coming months if we can avoid a no-deal Brexit. I hope that Stormont will be restored but it should not be only restored to what it always has been. We should look on this as an opportunity to evolve the institutions.

Deputy Adams, speaking at an event I attended in the audiovisual room last week, made a seminal point that the Good Friday Agreement, by its nature, provides for a range of different consents. One of the difficulties in the 1,000 days when the assembly at Stormont has not been sitting is that the people who vote for my colleague, Clare Bailey, MLA, have found no space to contribute to the debate. In the context of whatever deal is about to be done, we need a much broader sense of what the consent is rather than it being just a nationalist or a unionist consent. The Tánaiste was in Belfast talking to the Secretary of State for Northern Ireland yesterday. I would imagine it will be next to impossible to have Stormont restored in advance of next Monday. That will give rise to its own complications for politics in the North. In advance of whatever deal is done, we need to think of how we will contribute to the evolution of the Good Friday Agreement and the multiple consents that are needed to make that deal work.

The Taoiseach: Certainly, everyone in government is keen to facilitate and assist the parties in re-establishing the Northern Ireland Assembly and the Executive. The Secretary of State for

Northern Ireland, Julian Smith, MP, and the Tánaiste have been working on that for weeks and months. Indeed, as recently as last night, the Tánaiste was in Stormont and he briefed me on the state of play this morning.

We are very much of the same thinking as Deputy Eamon Ryan in that restoration of the Northern Ireland Assembly and the Executive should not be restoration of business as usual. We have seen the Good Friday Agreement evolve previously with, for example, the advent of St. Andrews Agreement and the Stormont House Agreement. It can evolve again because we want to ensure the Northern Ireland Assembly, the Executive and the North-South bodies work better. We also want to ensure that if restoration occurs, the Northern Ireland Assembly and the Executive will be sustainable and will not break down again after three months or six months if the big parties fall out with each other. Among the changes that need to be part of our consideration are those relating to the petition of concern, which had been used in a way that was never anticipated when the Good Friday Agreement was signed, for example, to block marriage equality even though the vast majority of those in the assembly and of the people in Northern Ireland want that to be legal, just as it is in the rest of the UK and in the rest of Ireland.

Deputy Eamon Ryan put his finger on a significant issue, which is that fact that the Good Friday Agreement requires assembly members to designate themselves as unionist, nationalist or other. People even find the term “other” pejorative because it certainly does not describe that growing identity or centre ground of people in Northern Ireland who see themselves as being both British and Irish and who often vote for parties such as the Green Party and the Alliance Party. One of the real flaws in double majorities in the system of cross-community consent is not only that it allows one community or even one party within that community to have a veto but that it discounts and reduces to nothing the votes of those who are designated as others. There is a growing number of people who vote Alliance or Green and who consider themselves to be British and Irish, perhaps Northern Irish. That is something that has developed as a flaw. It is something of which I am very aware. My thinking in that regard would be similar to that of Deputy Eamon Ryan. As is always the case, however, any reforms or changes must be agreed by the big parties as well as the small parties in Northern Ireland.

Deputy Eamon Ryan: I thank the Taoiseach for those comments. I look forward to seeing how this evolves along the lines he suggested. In the first instance, we should start with those bigger parties. When I say that the centre has a role to play, it is not a threat, it is not a power grab and it is not me outlining a nationalist position. I am not declaring it that way. What I am doing is recognising that the system was not working and that there is a chance for us to change it for the better. Obviously, that will be difficult. It would be helped by the fact that even if there is a deal this week or in the coming weeks, the talks will not end there. There are still probably years of negotiations ahead in respect of trade and other arrangements. My case is that it should not only be about trade. We should, as the Taoiseach stated, be looking at the evolving process. My party had suggested the establishment of a constitutional convention as a way of doing that up North. I was thinking earlier that another way of proceeding might be to use the British-Irish Intergovernmental Conference. We should start examining that matter in order that we might start thinking, not only about the current fix and the difficulties that exist but also about how we can bring all parties in the North on board in the context of a different and better assembly.

The Taoiseach: Deputy Eamon Ryan is correct in his assessment that the talks will not end this week - or even this month - with an agreement. It is merely the end of the current phase of Brexit. What will happen, if we have an agreement this week or this month, is that we will then begin discussions on the future economic relationship and the future security relationship

- the free trade agreement that we will build between the UK and the EU. Among our priorities in that regard will be political co-operation, security co-operation and, in particular, trade. East-west trade between Britain and Ireland is so important, particularly to our farmers and agrifood sector. We want to make sure that the free trade agreement will allow for tariff-free, quota-free trade to continue between Ireland and Britain. Separately, there will be bilateral discussions between the British and Irish Governments, most likely within the structure of the British-Irish Intergovernmental Conference. That is where we can build on some of the questions the Deputy raised and see how we could make those changes to modernise the arrangements in Northern Ireland. That cannot be done, however, without the support of the parties in Northern Ireland, particularly those that carry the most votes.

Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation

An Ceann Comhairle: More than 30 Deputies have already indicated, including those carried forward from yesterday. I call Deputy Micheál Martin.

Deputy Micheál Martin: Mindful of the Taoiseach's comments earlier regarding mental health and suicide, the Ombudsman for Children, Dr. Niall Muldoon, has been extremely critical of the State's failure to put in place the Pathfinder project for youth mental health. This was proposed five years ago. Dr. Muldoon said its lack of implementation has been catastrophic for the most vulnerable young children with mental health issues. In a letter released under freedom of information, Dr. Muldoon describes how many thousands of children have languished on waiting lists for years and have been turned away from adolescent units. He goes as far as saying: "we have ultimately lost children and young people to suicide because of the Government's inaction." Can the Taoiseach confirm when the Pathfinder project will be delivered?

Minister for Health (Deputy Simon Harris): I thank Deputy Martin for the question. I note the Ombudsman's comments and I intend to meet the Ombudsman shortly to discuss this. A number of Departments have worked on it. It is a whole-of-Civil Service initiative. I will revert to the Deputy this week in terms of a timeframe for the Pathfinder project.

Deputy Mary Lou McDonald: I raise with the Taoiseach again the case of Emma DeSouza. I raised it with him yesterday and he informed the House that he was counting on a review that had been undertaken on the watch of former British Prime Minister, Theresa May. I told him yesterday that that response was wholly inadequate but, more to the point now, Emma DeSouza has reflected the fact that this review is inadequate. She questions whether there is, in fact, a review. The belligerence and the intent of the British Home Office and the British system is very clear. It is to insist, without consent, that Irish people living in the North are, in fact, British. The Taoiseach shares a common purpose to resolve this issue. What exactly does he propose to do now - now - to sort out this matter?

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney): As the Deputy knows, this issue needs to be solved by the British Government. I raised the issue at some length last night when I met the Secretary of State in Northern Ireland. I understand he is meeting the Deputy's party this morning. In fact, he has probably met it in the past hour or so. There is an opportunity to raise the concerns directly with him. I share the concerns raised by the Taoiseach yesterday during questions to the Taoiseach. I believe there is an understanding

on the British side that this is an issue that needs a fundamental review but we have to await a formal response from the Secretary of State on that.

Deputy Ruth Coppinger: I failed to get an answer on this issue. A €70 million cut in the capital budget for education was announced the day after the budget. As the Taoiseach knows well, approximately ten projects in Dublin West, and I am sure other Deputies know of others, are awaiting new school buildings or repair of school buildings. I refer to projects like Corduff national schools, Edmund Rice Schools Trust, the Blanchardstown secondary school, Pelletstown Educate Together and the Danu ASD special school as well as others requiring repairs. Will these projects go ahead? Where will the axe fall? Can the Taoiseach assure parents, teachers and the entire community, which is waiting for these new school buildings, that they are guaranteed to go ahead, as he and many others have promised those communities in past elections? We need clarity. I have put down this question for the Topical Issue matter all week and it seems that the Minister is not willing to answer it.

The Taoiseach: I thank the Deputy. I am happy to answer it. They are going ahead. All the projects the Deputy mentioned will go ahead and I look forward to turning the sod on St. Patrick's national school in Corduff in the new year.

Deputy Mattie McGrath: Will that be after the election?

The Taoiseach: It would already have gone ahead had the contractor who got the tender not pulled out but we have approached a second contractor and are ready to go in the new year. The same goes for the Edmund Rice Schools Trust but that does not have planning permission yet so that is the next step in respect of that particular project.

Deputy Ruth Coppinger: That is two.

The Taoiseach: The Deputy may ask how there can be a reduction in the schools capital budget and projects continue. I will explain how this comes about. The budget in 2016, when this Government took office, was €530 million. It was increased to €532 million in 2017. It was increased to €547 million in 2018. It was increased to €622 million in 2019 and it will be €620 million next year. That is a €2 million reduction. However, DIT has managed to sell the very large property at Kevin Street for €140 million whereas the guide price had been €60 million. Therefore, there is €80 million coming in from that transaction more than had been anticipated.

Deputy Mattie McGrath: For eight weeks during the summer, the Independent Farmers of Ireland, their wives and families protested outside the gates of meat plants because they were devastated by the price they were continually getting. It is not business as usual with the Government and the so-called task force because, first, the Taoiseach appointed the former Secretary General of the Department of Agriculture, Food and the Marine, who I believe is not independent, as head of it. Second, the Minister refused to meet Independent Farmers of Ireland, 600 of whom met in Athlone this night last week, and sent three representatives. Even worse, I asked the Taoiseach here last week about the injunctions against a Fine Gael councillor and two others in Longford, which have not been lifted. They were told the night of the agreement they all signed up to that all threats of court action would be lifted immediately. Are the beef barons going to dictate, day and night, and ignore what was agreed in Kildare, overseen by the Minister? They have had their way for 40 years. Time has changed. They have been found out in the practices they are undertaking. We discussed a motion on the living wage in the House

last night for two hours. Give the beef farmers a living wage so that they and the industry can survive and cut out this codology and this cartel.

Deputy Danny Healy-Rae: I too call for the lifting of the injunctions on these farmers in the spirit of the deal that was agreed. It is a shame that these people are still being threatened with an injunction. I point out that the price of beef has actually fallen in the past few weeks to €3.30 and €3.20 per kilogram. Farmers cannot survive on that. The quicker the Minister realises that, the better. It seems that everything he is doing relates to Dublin; he is Dublin orientated. He is forgetting about rural Ireland but he will have to stand up and do something for these farmers because this issue has gone on long enough. That farmers are now being offered €3.20 and €3.30 per kilogram is ridiculous. The Minister is the Minister for Agriculture, Food and the Marine. Will he, please, do something about that?

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): I am the Minister for Agriculture, Food and the Marine. If the Deputy, or Deputy Mattie McGrath, had an interest in these matters he might have turned up for agriculture questions in the House yesterday where I dealt with these matters at some length.

Deputy Mattie McGrath: We have a rota system for questions. That is outrageous.

Deputy Danny Healy-Rae: We could not get in.

An Ceann Comhairle: Please, Deputies.

Deputy Michael Creed: Many Members raised these issues here yesterday and we had a comprehensive discussion on them.

Deputy Danny Healy-Rae: We are entitled to raise them here. It is hard enough to get the Minister here.

Deputy Michael Creed: I dealt with the issue comprehensively yesterday. I also wish that all injunctions would be lifted. I felt the beef task force would have been the place where outstanding issues could have been raised. I am sure both Deputies will agree with me that the intimidatory tactics employed by people outside the Department offices on Monday, when we attempted to get that task force up and running, were disgraceful.

Deputy Mattie McGrath: It is not an independent task force.

Deputy Michael Creed: With regard to Deputy McGrath's contention that the chairperson is not independent-----

Deputy Mattie McGrath: He is an insider.

Deputy Michael Creed: -----he referenced that he was part of the negotiations for the programme for Government. Is that correct?

Deputy Mattie McGrath: What?

Deputy Michael Creed: Deputy McGrath inferenced in public comment here that the chairperson was part of the negotiations for the programme for Government.

Deputy Mattie McGrath: I did no such thing.

Deputy Michael Creed: He did; I checked the record.

Deputy Mattie McGrath: The Minister is trying to conflate the issue.

Deputy Michael Creed: I am not conflating the issue.

An Ceann Comhairle: The Minister's time is up anyway.

Deputy Michael Creed: The Deputy made allegations against the independent chairperson, which are disgraceful.

Deputy Mattie McGrath: Look after the farmers.

Deputy Michael Creed: His appointment has been welcomed by the parties as an independent, capable and impartial-----

An Ceann Comhairle: Your time is up, Minister, please.

Deputy Michael Creed: He had long retired before the programme for Government was negotiated.

Deputy Catherine Martin: There are a number of commitments in A Programme for a Partnership Government regarding student accommodation. Yesterday, I received a reply to a parliamentary question I asked the Minister for Housing, Planning and Local Government regarding properties availing of tax relief under section 50 of the Finance Act 1999 to provide student accommodation. I asked the Minister how many of the properties which have reached the end of the ten-year stipulation included in the Act have now been converted from student accommodation to private rental accommodation. Although I submitted this question to the Minister for Housing, Planning and Local Government, I received a reply from the Minister for Finance but it does not answer my question. Therefore, I am seeking some clarity on this issue. While I appreciate tax returns will not show the conversion of student accommodation to private rental accommodation once the tax relief has ended, this is an issue the Minister for Housing, Planning and Local Government should not only be aware of but he should be actively seeking this information as it relates directly to the supply of student accommodation across the country. Given the crisis in affordability and supply of student accommodation, does the Minister have any information regarding the number of properties in respect of which this relief has been sought after they have been converted and, if not, does he intend to seek this information?

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I thank the Deputy for her question. Issues concerning taxation are not compiled by my Department. We have a very ambitious plan for increasing student accommodation, which is well ahead of its targets. It is being rolled out by my Department and the Department of Education and Skills. The difficulty we have with student accommodation is local politicians and local communities objecting to it being built in their localities. We need student accommodation in many parts of the country. That will alleviate problems in other parts of the housing sector and free up rental properties for people who are working in our cities.

Deputy Catherine Martin: The Minister has not answered my question.

Deputy Peadar Tóibín: The BBC "Spotlight" programme has broadcast a series of documentaries on the Troubles in recent weeks. These have featured a great deal of information regarding loyalist collusion with British forces in the North of Ireland. Much of this information

was known but a large amount of fresh information has been put forward regarding MI5, the force research unit, RUC special branch and the British Army running loyalist agents and manipulating loyalist paramilitaries. This resulted in the murder of hundreds of innocent nationalists. Some time ago, I submitted to the Taoiseach a request that he meet some of the affected families but it has not been dealt with. I also submitted a request to the previous Taoiseach that he meet some of these families but it was not dealt with either. Six months ago, I again asked for the Taoiseach to meet some of these families but a meeting has not been held. Will the Taoiseach raise this issue with the British authorities and meet these families? Some of these organisations, MI5 in particular, are still involved in policing in the North of Ireland.

The Tánaiste: As the Deputy might know, I have met a number of families on both sides whose family members were victims of the Troubles, so there is no issue with setting up meetings.

Deputy Peadar Tóibín: There have been no meetings with them for three years.

The Tánaiste: What we are trying to do - and what we are focusing on - is to ensure the legacy structures linked to the Stormont House Agreement are set up fully in order that inquests can take place and a historical investigations unit can be funded and established to ensure all victims of the Troubles can access the truth regarding what happened to their loved ones.

An Ceann Comhairle: I will now call those Deputies who were not reached yesterday, starting with Deputy Brady.

Deputy John Brady: The N81 in west Wicklow is one of the most dangerous roads in the State. A new analysis carried out by Gamma Location Intelligence has identified some of the most treacherous roads, both national roads and motorways, and the N81 is on that list. Another tragedy occurred along that stretch of road two weeks ago. In 2016, after a process lasting nearly ten years, a route was selected for a 31 km new road between Tallaght and Hollywood Cross to address these serious safety issues. Unfortunately, the project was dropped and did not make it into the national development plan. It will not be considered until at least 2027. I would have liked to put this question to the Minister for Transport, Tourism and Sport but I do not think we have a Minister with responsibility for transport in this Government because he is never anywhere to be seen. I ask the Taoiseach if this scheme will be taken down off the shelf and looked at because it involves a serious safety issue. I urge him to encourage the Minister to do so and progress this project as swiftly as possible.

The Taoiseach: I know the N81 very well but I do not know the details of this particular project. We have a roads programme that is powering ahead but it is only really possible to do two major projects each year. As the Deputy will be aware, the Enniscorthy and New Ross projects are being finished, the Sligo project has just started, the Westport to Castlebar project was signed off yesterday and we should make progress on the Ballyvourney-Macroom project in the very near future. There is a pipeline of road projects. We would love to be able to do them all in one year or in two or three years but that is just not possible given resource constraints and the availability of staff.

Deputy Danny Healy-Rae: And the children's hospital.

The Taoiseach: It is certainly a matter I will mention to the Minister, Deputy Ross.

Deputy John Brady: Does he exist?

The Taoiseach: I met him yesterday at Cabinet and, subsequently-----

Deputy Barry Cowen: At the match.

The Taoiseach: -----when we announced a €240 million road investment in County Mayo.

Deputy Martin Heydon: As the Taoiseach will be aware, dementia advisers work not only with people with dementia but with their families and carers to provide a highly responsive and individualised information and signposting service. Kildare is one of the counties that does not have the services of a dementia adviser. I have worked and engaged with the Kildare branch of the Alzheimer Society of Ireland, as has the Ceann Comhairle, and we both know the great benefit the appointment of a dementia adviser will bring to Kildare residents. This and the funding of an additional 1 million home care hours announced in the budget last week should help to keep people with dementia and other vulnerable and ill members of society in their homes for longer. When does the Taoiseach expect the ten additional dementia advisers to come on stream and benefit dementia sufferers, their families and carers in new areas of the country?

Deputy Simon Harris: I thank the Deputy for this question. I am delighted that budget 2020 was able to deliver on one of the key requests of the Alzheimer Society of Ireland, namely, to ensure we have a dementia adviser in every county. The Deputy has pursued the matter with respect to County Kildare on a number of occasions. We will outline the recruitment process in the HSE service plan. Ten additional dementia advisers will be recruited in 2020, ensuring there is one in every county. I acknowledge the work of the cross-party group on dementia in this House, of which Deputy Buckley is a convenor, and also the input of Senator Kelleher. We have worked in a cross-party, bipartisan way on this issue and I am delighted to be able to report that progress.

Deputy Seán Crowe: The programme for Government contains a number of commitments regarding the concept of early intervention. A constituent of mine recently received a letter from the HSE school age team in Dublin South-West. This parent was told that it will be 52 weeks before their child is seen. Will the Minister accept that this makes a nonsense of the idea of early intervention? Will he agree to speak to staff in the area where there is a shortage of staff and the school age team is broken? What can he tell the family of this child who will have to wait 52 weeks for intervention? The child has profound needs and is non-verbal. It is a sad case but one of many. The system is broken locally and it needs to be fixed.

Deputy Simon Harris: I thank the Deputy for his question. If he wishes to provide me with the information on the individual case he raised, I will be happy to revert to him directly.

Deputy Seán Crowe: The waiting period is 52 months, not 52 weeks as I said.

Deputy Simon Harris: While I am willing to look at the individual case and liaise with the HSE, what I would say to the family in question is that, contrary to the inaccurate information Deputy Micheál Martin placed on the record of this House, 100 additional therapists will be in post by 31 December. Budget 2020 has also delivered funding for 1,000 additional front-line staff by the end of 2020, which will mean more speech and language therapists, occupational therapists and physiotherapists. We need to make sure they are located in the right areas and not in accordance with the bizarre way the HSE was set up under Fianna Fáil. I will revert to the Deputy with more detail on this matter.

Deputy Maurice Quinlivan: I am glad the Minister for Health is here. The programme for

Government refers to reducing the number of people on trolleys in our hospitals. This seems like a joke to people in Limerick. We have an emergency in our hospital every single day. So far this month, an average of 70 people have been waiting on trolleys in the hospital. Before the Minister gives me a spin about reducing the numbers, already this year 3,000 more people have been on trolleys in Limerick hospital than last year. One step the Minister could take immediately do to address this matter is deliver a second MRI scanner. Will he do that? He stated in a reply to parliamentary question on 10 October that the issue would be considered as part of the HSE budget. Will he make a commitment to deliver this scanner as it is exactly what nurses at the hospital are seeking immediately? Will the Minister give a commitment today that it will be delivered, funded and staffed?

Deputy Simon Harris: I have already given that commitment but I am happy to give it again. I have engaged with Deputies on a cross-party basis in the mid-west on this issue. It is fair to say that in years gone by the region was left with an inadequate number of beds. We are fixing that problem. I recently paid an unannounced visit to University Hospital Limerick where I saw that a 60-bed ward extension is under construction. We will deliver another 96 beds under the capital plan. We have delivered a new emergency department in University Hospital Limerick after years of neglect. I believe there is merit in having an extra MRI scanner. I have been convinced of that case by the chief executive of the hospital and Members of this House. I have asked the National Treatment Purchase Fund, the hospital group and the HSE to do their best to put a funding stream in place. I want to see a second MRI scanner provided urgently at the hospital. I will keep in touch with the Members from the mid-west on that.

Deputy Fiona O'Loughlin: Maxine Maguire is a name I have mentioned in this Chamber previously. Maxine was a young girl whom I had the privilege of teaching in primary school.

She was a beautiful young person who died by her own hand two and a half years ago. Today, her parents, Kathy and Robbie, and a number of friends, family and supporters, will come to the gates of Leinster House to protest about inadequacies in the mental health service. Maxine was somebody who looked for help and initially she received it, but there were huge gaps within the system that absolutely failed her. We know this because of the work that Maxine's mother, Kathy, has undertaken in the past two and a half years in terms of finding out the answers, and the HSE has admitted the shortcomings that were there.

The Taoiseach spoke earlier about funding for mental health services. It is not just about funding. It is about outcomes protocols and procedures, and about helping those who need it. Maxine mattered. Her life mattered and her death mattered also. I am asking the Taoiseach what can be done to make sure the proper protocols and procedures are put in place to make sure that lives like Maxine's will not be lost again.

An Ceann Comhairle: I call Deputy Barry on the same matter.

Deputy Mick Barry: Play was made earlier of the fact that the numbers on CAMHS waiting lists were down, but there are 2,500 children and adolescents currently on those waiting lists. Social isolation, poverty, inequality, unemployment, oppression and alienation have not gone away, but where is the funding that is necessary to get to grips with this situation? The €39 million that has been mentioned would be insufficient even if all of it were to be ploughed directly into mental health service provision. I would like clarification on this, flowing on from the previous discussion. Deputy Buckley said that the €39 million was broken down into €26

million for pay and €13 million for Portrane. Mental Health Reform is backing those figures. Is the Minister saying it is wrong and, if so, how much is he saying is going directly into mental health provision?

Deputy Simon Harris: I thank Deputy O’Loughlin. I can tell she knew Maxine personally and I would be very happy to talk with her about the learnings she believes there are in terms of how the system failed Maxine.

This is an issue on which we have worked on a cross-party basis and I think we have made good progress. We now have a budget for mental health that is more than €1 billion for the first time ever and we will open a new mental health facility in Portrane early next year following its completion this year. We have brought in a new HSE grade of assistant psychologist and we have recruited 114 of them. We set up only last week the first ever 24-7 signposting helpline so people who need help at any hour of the day or night can know where to go to get that assistance. As the Taoiseach said, we have seen a fall of 20% in the CAMHS waiting list, and we need to continue to do more in that regard. This year, we will also see the publication of the new A Vision for Change. I hope we can continue to work on these issues as there is an awful lot more work that we need to do.

On Deputy Barry’s question, first, I take offence at the use of the word “play”. Nobody plays in regard to this matter, which is one that everybody in this House takes seriously and works very hard on. We want to achieve the same outcome, which is building mental health resilience in our country and reducing the level of suicide, and we have seen some progress on both of those matters.

Deputy Mick Barry: What of the €39 million?

Deputy Simon Harris: In direct answer to Deputy Barry’s question, we cannot just confine the spending on mental health to those areas. As the Taoiseach outlined, the Minister of State with responsibility for higher education and the Minister for Education and Skills will also be spending money on mental health this year. In addition, a number of the 1,000 posts under Sláintecare will be in the mental health area.

Deputy Martin Kenny: I want to raise the issue of the mobility allowance, which was withdrawn in 2013. It is an issue that has been around for a long time, in particular how it was to be replaced and what mechanism was going to be put in place to do that. A proposal for a transport support payment scheme went to the Cabinet in May 2018 but went no further, and we are still where we are.

To give an example, a little girl I know, Billie, is three years old and suffers from brittle bone disease. She lives in Longford town and is being raised by her single mother. She has to go continually to appointments in hospital and for treatment, and there is no help or assistance. There was no crèche in Longford town that had space for her and she ended up going out to Drumlish, but she does not have transport to get there.

The core of the problem is that when a service like this is withdrawn, where there is an illness in a family, that family is condemned to poverty because of it. That should not happen in the society we live in today. There has been a commitment to do something about this but we have waited far too long. When will the mobility allowance be restored?

An Ceann Comhairle: I call Deputy Cowen followed by Deputy Breathnach on the same

matter.

Deputy Barry Cowen: This has been one of the most asked questions in this House over recent years. I heard the Taoiseach say earlier that previous Governments hammered disabilities. How long is it going to take the Government to honour the commitment it made on several occasions? The Taoiseach, as Minister, made the same commitment that he would find an alternative to that scheme to assist those who need the mobility allowance.

Deputy Declan Breathnach: We have gone beyond a joke. Actions speak louder than words. This House needs to make a decision in regard to the issue of mobility. I would say there is not a Deputy who has not raised it on some occasion since I came into the House. The time for talk is over. It is time for action. If there is a will, there is a way to solve this issue. I know of a lady who has disabilities and who has a son with disabilities. Not alone can they not get insurance for a 12 year old vehicle, but they cannot even use it and there is no facility to give them the opportunity to have the mobility that is required.

Deputy Simon Harris: I thank the Deputies for raising this important issue. The Minister of State, Deputy Finian McGrath, is actively considering options. It is important to say that the Government did not make a decision that this scheme needed to be ended. It was examined by the Ombudsman and found to be unfair. In fairness to the Minister of State, Deputy McGrath, he has been engaging with disability groups to find the fairest way to proceed. Everybody who is on it has retained it and we do not want anybody who is on it to lose, but we also need to look at how we can reopen it. I will ask the Minister of State, Deputy McGrath, to revert to the three Deputies with a timeline. I know he has been working on it extensively. He has a number of options to consider and I would like to see it brought to a conclusion quickly.

Deputy John Brassil: Page 58 the programme for Government contains a commitment to building capacity in emergency and acute services, and it states it will address hospital responsiveness to increased demand. I want to bring the attention of the Minister to an email that was sent to every GP in Kerry on 4 October informing them that the walk-in, same-day chest X-ray service would no longer be available in Kerry University Hospital. It also informed them that the current service, whereby ultrasounds are accommodated after 5 p.m., would be placed under review and that it is proposed to cease that service as of Monday, 14 October. Two critical services are, in effect, being scaled down in University Hospital Kerry. I ask the Minister to intervene directly to cease this proposal. We want to have GPs interacting with our hospitals so they can get their patients seen to in a timely manner. This is a regressive step.

An Ceann Comhairle: I call Deputy Healy-Rae on the same matter.

Deputy Michael Healy-Rae: The Minister will be aware I have raised in the House over a long period the issue of the downgrading of University Hospital Kerry, which is based in Tralee. I have studied very closely the decisions that have been taken by HSE South and I see it as being a power play by the HSE in Cork to downgrade our services in Kerry and centralise everything in Cork. It has been happening. It is happening. I know the Minister is not going to admit it but the fact is that this is what is happening. This walk-in service, which was essential, is being taken away from us. We are being hammered left, right and centre in that hospital, where we have an excellent manager and excellent staff. The people who are working in the hospital are doing their level best but they are getting no help whatsoever. There is a real and serious power play to downgrade our hospital and make it nothing more than a glorified community hospital. I and the other public representatives do not want that to happen and we will not let it happen

on our watch.

Deputy Simon Harris: I thank Deputy Brassil for bringing to my attention the issue in regard to the chest walk-in clinic and the ultrasound. I will revert to him directly and I will talk to the chief executive of the HSE, Mr. Paul Reid, in that regard. I was not familiar with this issue. I know Mr. Reid was in University Hospital Kerry yesterday to meet hospital management and hospital group management, so he should have a good update on it. I will come back to the Deputy on the matter, if not today, then in the morning.

In regard to Deputy Healy-Rae, just because he says something does not mean it is true. If he wants to support the staff and the very highly qualified professionals in that hospital, I do not think he should be suggesting they are working in a community nursing unit. It is a university hospital, providing an excellent service, and there are no plans whatsoever to downgrade it. Not only are there no plans to downgrade it, we plan to increase its capacity further, expand the number of beds and make it even busier.

Deputy Peter Fitzpatrick: Hyperemesis gravidarum is a serious and debilitating illness that affects fewer than 1% of women during pregnancy. It is an extreme form of morning sickness where the infected woman is unable to tolerate even moderate amounts of food, including water. Although the condition improves after three months for some women, for others the condition lasts for the full nine months. Cariban is a drug prescribed to women with this illness. It is very effective in improving some women's symptoms. Unfortunately, it is very expensive, costing more than €200 per month. As it is not a licensed drug, it is not covered by any of the HSE schemes, such as the drugs payment scheme, or the medical card. Many women are unable to afford Cariban and are forced to suffer unnecessarily during their pregnancies. The drug is now being advertised online. In a speech the Minister, Deputy Harris, gave on 17 January 2018, he asked, "Is it acceptable to any of us that women are once again left in a lonely and scary place sending off for a pill to be sent through the post instead of being able to access the medical advice and support they need?" This is happening in Ireland today. That is a fact. How can we ignore this? How can we consider it all right? Of course, on that occasion-----

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

Deputy Peter Fitzpatrick: -----the Minister was referring to the abortion pill. If it is unacceptable for a woman to be forced to source a pill online to terminate her pregnancy, surely it is unacceptable for a woman to be forced, due to the cost, to source drugs online-----

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

Deputy Peter Fitzpatrick: -----to help bring her pregnancy successfully to full term.

An Ceann Comhairle: Deputy Aindrias Moynihan has a question held over from yesterday. We will hear it now to finish yesterday's list.

Deputy Aindrias Moynihan: A commitment for a new secondary school in Ballincollig was made in recognition of the growing population and increasing demand in the area. Families in the area - in Ballinora and Ovens out as far as Aherla, and in Ballincollig itself - are finding it extremely stressful trying to get places for first years for the year ahead in local schools. There has been no apparent development or progress on getting the new school up and running. A patron has not been identified, and progress needs to be made on getting a site and so on. When will the process for getting a patron for the new secondary school in Ballincollig get under way,

and can it be prioritised when it is started?

Deputy Simon Harris: I thank Deputy Fitzpatrick for his question and his interest in women's reproductive health. He conflated two matters. I very much stand over my position on supporting women in accessing reproductive health services in our own country. I am very proud of the decision taken by the people and the decision taken in this House. I will revert directly to the Deputy in writing on the matter, but the answer to his question is that the drug to which he referred is not licensed. The HSE funds products for pregnant women which are licensed.

The Taoiseach: I am afraid I do not have information on the new secondary school for Ballincollig at present. I appreciate that the first step will be to identify a patron and then to identify a site and pursue the development of the new school. I will inform the Minister, Deputy McHugh, that the matter was brought up today in the Chamber and will ask him to provide Deputy Aindrias Moynihan with a reply. The Minister would be here but, as the Deputy will appreciate, he is visiting Coolock, where a school was burned down this morning. Unfortunately, the school will now have to be closed, and the Minister is working to ensure we can provide alternative accommodation for the 220 pupils there.

An Ceann Comhairle: That concludes questions on promised legislation. Fifteen Deputies were not reached today.

Gnó na Dála - Business of Dáil

An Ceann Comhairle: I understand that the Government Chief Whip has a business proposal to put to the House.

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): It is proposed, notwithstanding anything in Standing Orders, and pursuant to the Order of Business yesterday, that No. 21a, motion re Financial Resolution of the Social Welfare Bill 2019 [*Seanad*], and No. 3, Social Welfare Bill 2019 [*Seanad*], all Stages, shall be taken today on the conclusion of proceedings on all Stages of the Family Law Bill 2019. Any division demanded on No. 21a shall be taken immediately.

In the event that the proceedings on all Stages of the Social Welfare Bill 2019 [*Seanad*] conclude tonight, there shall be no suspension of sitting under Standing Order 25(1) tomorrow, and the Topical Issue debate shall commence on conclusion of the weekly divisions.

An Ceann Comhairle: Is the proposal agreed? Agreed.

Ceisteanna (Atógáil) - Questions (Resumed)

Cabinet Committee Meetings

1. **Deputy Richard Boyd Barrett** asked the Taoiseach when Cabinet committee C, European Union, including Brexit, last met; and when the Cabinet committee on Brexit, foreign and European affairs is next scheduled to meet. [41383/19]

2. **Deputy Brendan Howlin** asked the Taoiseach when Cabinet committee C, European Union, including Brexit, last met. [41979/19]

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

Cabinet committee C last met on Thursday, 21 June 2018. Following a Government decision on 25 July 2019 on the establishment of Cabinet committees, Cabinet committee structures were reorganised. The Cabinet committee on Brexit and European affairs was established to ensure a co-ordinated approach in the areas of Brexit and foreign and European affairs, including Global Ireland 2025. The committee met for the first time on 10 September 2019 and is due to meet again shortly.

Given the particular significance of Brexit, it is important that Cabinet Ministers are all fully across what is happening. Consequently, over the past 12 months Brexit has been discussed more than 30 times at length at the full Cabinet level, where all formal decisions are made. Several other important EU and international issues, including the EU budget, the strategic priorities for the EU and Global Ireland 2025, have also been discussed at Cabinet level in recent months.

I also meet regularly - at least weekly - individual Ministers or groups of relevant Ministers to focus on particular issues, including those relating to Brexit and other EU and international issues, to agree on and ensure delivery of priorities and commitments.

Deputy Richard Boyd Barrett: I noted the Taoiseach's earlier comments on the need for politics in the North not to be defined simply as nationalist or unionist. Not surprisingly, he did not mention People Before Profit in his list of all-Ireland parties with-----

The Taoiseach: I still cannot work out whether People Before Profit is nationalist, unionist or "other".

Deputy Richard Boyd Barrett: We are "other".

The Taoiseach: I know it is pro-Brexit so I think it is unionist.

Deputy Richard Boyd Barrett: We declare as "other", and since the assembly was set up we have railed against the fact that it is a requirement to designate oneself in that way because it institutionalises sectarianism. We need concrete measures, not just aspirations. I have suggested to the Taoiseach - and we have gone to the extent of writing to him today - how we could concretise the effort to cross certain boundaries, specifically asking him to contact Wrightbus, a company in which 500 workers, Catholic and Protestant, have been threatened with redundancy. It looks as if that has now been overcome and a new buyer has come in. Given our need to decarbonise our bus fleet, we suggest putting an order in with Wrightbus for 500 electric buses to add to our fleet. This would help to decarbonise our fleet and would be a tremendous gesture, across the Border and across sectarian lines, of the value of co-operation, North and South, while also maintaining jobs and positively impacting the environment. It seems to me a very good suggestion we are making to the Taoiseach. He will receive the email today, but I would be interested to know whether he thinks we could do this, for both our own sake and the

sake of challenging sectarian demarcation lines in a positive way that brings people together.

Deputy Mary Lou McDonald: When the people of Catalonia cast their votes on independence two years ago, they were met by riot police. These were extraordinary scenes not only for the people of the region but for all of Europe. The brutality meted out by the riot police on behalf of the Spanish state was as unnecessary as it was horrific. Police seized ballot boxes and used batons and rubber bullets to remove voters from polling stations and injured hundreds of people. Election observers, including elected representatives from Ireland, witnessed at first hand this state brutality against young and old who simply wanted to cast their votes.

The Universal Declaration of Human Rights articulates the right to free and fair elections as a fundamental right for all people. It states, “The will of the people shall be the basis of the authority of government”. That is the central proposition. Catalan leaders were imprisoned this week. They are elected representatives of their people. The referendum on independence in October 2017 should have been a triumph for democracy, no matter the result, but instead it became a battering ram to close down the call for independence and an opportunity to imprison or exile elected representatives who support independence. I am sure that, like me, the Taoiseach would condemn these actions. Nine representatives have now received lengthy prison sentences and are suspended from public office. By pursuing this course of action, the Spanish Government is undermining not only the stability of Catalonia, but also the values of the European Union itself.

Therefore, at the European Council summit tomorrow there must be an appropriate and proportionate response, one that is not simply about palming the prison sentences off as an internal matter for Spain. This is an issue that cuts to the core of democratic values right across the European Union, a union based on the rule of law, respect for democracy and respect for the right of the peoples of Europe to self-determination. I ask the Taoiseach to raise this issue tomorrow and to bring a very clear message on behalf of the Irish people that the behaviour of the Spanish state is not acceptable and that we stand with all peoples in defence of their right to free and fair elections and, crucially, their right to self-determination.

Deputy Micheál Martin: We will have a full session on European matters later, so quite a number of questions can be left until then. We have not seen the text of any proposals, and we have received no substantive briefings at any point in the past week. We must proceed on the basis of media reports.

I will address two specific points. The first is the overall Brexit agreement and the other specifically relates to Northern Ireland. Yesterday, I asked about the overall economic impact of Brexit, but I did not receive an answer. I would like to give the Taoiseach another opportunity to answer that as he may have been under time constraints yesterday. The proposal as explained by the British Government is that the United Kingdom, excluding Northern Ireland, wishes to adopt the hardest of Brexit options, amounting to it fully leaving the customs union and the Single Market and pursuing regulatory dealignment to attain competitive advantage. Over 80% of our trade with the United Kingdom will be hit by this hard Brexit if it materialises. Of course, there has been much focus on the North-South aspects in the exit agreement, but the large volume of trade between east and west is critical for small and medium enterprises and the agrifood industry.

Will the Taoiseach confirm if this is the case and the move from the May Administration to the Johnson Administration will prove to have been a move to a nearly complete hard Brexit?

It is clear the former British Prime Minister, Ms Theresa May, envisaged a softer Brexit and she needed a customs union because she understood it was in the best interests of British manufacturing.

Is the mechanism proposed for Northern Ireland a so-called all-weather process and does it answer the issue permanently? What is proposed to avoid the consent mechanism becoming a permanent source of instability that would keep alive the deteriorating position of the past two years?

The Taoiseach: I will pick up on Deputy Boyd Barrett's comments on People Before Profit in Northern Ireland. He is absolutely correct that it is one of the three parties designated as "other" - these are the Alliance Party, the Green Party and People Before Profit - and it does this on the basis that it rejects sectarianism, which is good. I acknowledge that. It is also a party that campaigned for Brexit-----

Deputy Richard Boyd Barrett: It did not campaign for Brexit.

The Taoiseach: It at least advocated Brexit, which is regrettable. There are some in the radical left family in Ireland who advocate a socialist federation of England, Scotland and Ireland.

Deputy Richard Boyd Barrett: It is not us.

The Taoiseach: It is not People Before Profit but Solidarity. We have unionists in this House, which is interesting.

Deputy Richard Boyd Barrett: Not us.

The Taoiseach: It is not the people we may think. I am pretty sure Dublin Bus, Bus Éireann or both get some of their buses from Wrightbus already. When any public bus company wants to get buses, it must go to tender. Not only is that the law under the rules of the European Single Market but it is also the right course of action. It is how we ensure we get the best product at the best price, which is right for taxpayers and people who use public transport. It would not be right for a politician to intervene and direct a State company to give any particular firm a contract for political reasons. I appreciate it would be a good political gesture-----

Deputy Micheál Martin: The Taoiseach might speak to the Minister for Rural and Community Development, Deputy Ring.

The Taoiseach: -----but it would be very wrong and it would probably constitute corruption.

Deputy Micheál Martin: I am not suggesting the Minister, Deputy Ring, is corrupt.

The Taoiseach: In socialist systems around the world, that form of corruption is normal but it is not normal in this State.

Deputy Richard Boyd Barrett: It is hardly corruption to try to save jobs in the North.

The Taoiseach: A politician directing a company to give a particular contract to another private company would constitute corruption. That is under law and it is not just my opinion.

Deputy Micheál Martin: It is not allowed.

The Taoiseach: Deputy McDonald raised the events in Catalonia, and this is an internal matter for Spain. We can have opinions and take stands on internal matters in other countries. The Government totally respects the constitutional integrity of Spain, but we firmly believe these matters should be dealt with through dialogue. We have seen independence movements in other parts of the European Union, including Scotland, and people have not been imprisoned for advocating self-determination, secession and so on. I have spoken to Spanish Prime Minister Pedro Sánchez about this before and I will do so again. In my conversations with him I have told him a little about Ireland's historical experience in 1916, when there was a revolution. Most people at the time did not support independence, but the very heavy-handed approach taken by the authorities of the time radicalised people and helped give rise to independence. Sometimes acting with too heavy a hand against people making a proposition can end up helping those people. It is a conversation I have had with previous Spanish Prime Ministers and I will have it again. In no way am I suggesting that we do not totally respect the constitutional integrity of Spain and its unity.

No text has been stabilised for the Brexit deal. I have seen some draft texts but none has been stabilised and for that reason they are confidential, so governments, unfortunately, are not in a position to share them. We intend to have a briefing for party leaders today. I know some are travelling so arrangements will be made for those briefings, which we are happy to organise. We want it to be a briefing on a stable text rather than when things are changing, as they are currently. Those briefings will be provided.

Deputy Micheál Martin: What about the east-west aspect?

The Taoiseach: That is the east-west trade issue.

Deputy Micheál Martin: This is an alternative to the withdrawal agreement advocated by the former British Prime Minister, Ms Theresa May. That seems to be the case from what has been made public.

The Taoiseach: Deputy Martin's analysis is correct and there has been a change in the position of the United Kingdom Government. The former British Prime Minister, Ms Theresa May, always advocated a relationship with the European Union that would be as close as possible, if we use her terms. British Prime Minister Johnson has taken a different view and it is more about dealignment. He envisages a harder Brexit and a relationship closer to the Canada model. At the same time, in our conversations he has said he wants a very close trading relationship between the European Union and the United Kingdom, with no tariffs or quotas. That will have to be teased out in the future relationship treaty and the free trade agreement when we come to it. For our part, we will certainly want a trading relationship between the European Union and the United Kingdom with no tariffs or quotas. There must be a level playing field and we cannot have tariff or quota-free trade with a country that does not have similar or better standards with regard to the environment, health and safety and labour rights. British Prime Minister Johnson has said his intention for the United Kingdom after Brexit is to have world-class environmental, health and safety and employment standards. All that will have to be written down and teased out if we get to that point of negotiating a free trade agreement and a future relationship. I hope we do.

3. **Deputy Michael Moynihan** asked the Taoiseach when the Cabinet committee on national security last met. [39947/19]

The Taoiseach: Cabinet committee F on national security last met in April 2019. A new Cabinet committee on security has since been established that deals with matters relating to justice, defence, Garda reform and national security. This Cabinet committee was scheduled to meet on Thursday, 10 October, but the meeting was postponed as I travelled to England on that day to meet the British Prime Minister. A meeting of the Cabinet committee will be rescheduled for later this month.

The Minister for Justice and Equality recently brought the fifth report of the effectiveness and renewal group to the Government. The report outlines the extensive progress made by the Department during the period April to July 2019. This was a pivotal period in the transformation, where Department defined the detail of the new functional design, developed business planning and process maps, defined new roles and titles, and communicated new work assignments to staff. The report has been published on the Department of Justice and Equality's website.

Regarding policing reform, A Policing Service for the Future, the Government's four-year plan to implement the report of the Commission on the Future of Policing in Ireland was published in December last year. Implementation of the plan is progressing, with the building blocks phase concluding at the end of the year. Two infographics on progress to date are available on the policing reform web page on *www.gov.ie*.

Following on the recommendations of the report of the Commission on the Future of Policing in Ireland, the Government has established the national security analysis centre to co-ordinate across the relevant Departments and agencies in providing strategic security threat analyses to the Government. Following an open competition, the centre's director was appointed in July and the centre is bringing forward its work and establishing its business arrangements in close co-operation with the partner Departments and agencies.

Deputy Micheál Martin: On many occasions, core emergency management structures put in place by Deputy Willie O'Dea in 2007 have proven to be highly effective. Thankfully, however, many of the more complex scenarios that the Office of Emergency Planning was established to prepare for have not yet materialised. In 2016, a review was undertaken of the structures and a new emergency management plan was written. In early 2017, the then Taoiseach told me that publication was imminent. What has happened to that plan?

In recent months, there have been worrying reports of paramilitary groups threatening violence in the event of different Brexit outcomes. So-called republicans and loyalists have apparently raised enough concerns that Prime Minister Johnson has been discussing this with people in recent days. What exactly is the overall security assessment of these groups? By the way, I do not hold that Brexit is an excuse or materially changes the motivation of these groups. They have been engaged in murder and mayhem ever since the Good Friday Agreement, killing soldiers and police officers and were responsible for the most recent murder of Lyra McKee. They have continued to plant explosive devices and so on. I am interested in the overall assessment of their current threat to peace on the island.

Deputy Joan Burton: I wish to ask the Taoiseach about his considerations and the committee's consideration of national security. What is the Taoiseach's current evaluation of the state

of the Army and its capacity? I was disappointed that there was no more significant reference to the Army in the budget. Some improvements were cited, and they were welcome. The Army is a significant support to the civil power but its strength is significantly below the target numbers set out in evaluations of what a force such as the Army should be in the Republic of Ireland. While I realise the Taoiseach is having a busy time with Brexit, has he had time to consider establishing a commission on the future of Óglaigh na hÉireann, the Irish Army? It is a cause of considerable distress for all the families in the country whose members have given significant service to Óglaigh na hÉireann that so many people are walking away from the Army because they cannot even afford to buy a house. I put it to the Taoiseach that soldiers who serve one or two terms of duty, and certainly those who serve three terms, should be able to access a Government scheme to help them to fund the purchase of a house. Many members of my family served in the ordinary ranks of the Army. I find it shocking now to meet great-nephews and great-nieces who are interested in an Army career because there is a strong tradition of service in the family but realise they would have no chance of being able to afford a house on an Army wage.

Many members of the Naval Service are sleeping on a ship in Cork Harbour. That is not good for morale.

I realise the Taoiseach has inevitably been preoccupied with Brexit and we wish him well in that regard. However, in the context of this new security committee, does he not think it is time to have a full commission to examine the future of the armed services and the important contribution they make?

The Taoiseach: Deputy Micheál Martin acknowledged the good groundwork done by Deputy O’Dea in his time as the Minister for Defence in putting together some of the emergency planning structures. I wish to acknowledge that too. The Defence Forces, the Garda and other support services have responded to severe weather and other emergencies very well in recent years. Much of that had to do with the work done in recent years in establishing the national emergency co-ordination centre and ensuring that it was fully up and running. I fully acknowledge the role played by the former Minister, Deputy O’Dea, and previous Governments in putting many of those foundations in place.

The emergency management plan was mentioned. I will have to check up on that because I am not familiar with that particular document, which has not crossed my desk. I get security briefings all the time but I am not familiar with that plan. I will check and revert to the Deputy.

Deputy Micheál Martin: It was in 2016. In early 2017, the Government said publication was imminent.

The Taoiseach: Honestly, I will check up on it. It is not a document I am familiar with. Obviously, it should have happened by now, but I will come back to the Deputy on that.

The Deputy asked a question about security assessments. The current assessment of the risk of violence from dissident republicans in Northern Ireland is high. Indeed, we have seen violence in Derry and other places in recent months. The risk of violence in the Republic of Ireland is considered to be low in the most recent national risk assessment.

Everyone in the House will be aware that the Defence Forces are currently under-strength, especially the Naval Service and the Air Corps. It has been a real struggle to retain staff. Recruitment is going well, whereas retention is not going well because there is a much higher turnover than one would expect for defence forces. High turnover is a good thing because it

keeps the Defence Forces young but when it is too high, we end up short-staffed, as is currently the case.

I am pleased that the Cabinet this week was able to authorise the return of two people to the Air Corps. Previously, it was not possible for people who left the Defence Forces, including the Naval Service or the Air Corps, to return to service. That is now possible and we have signed off on the return of the first two people seeking to rejoin the Air Corps. That is welcome and I hope it is a sign of things to come. People who try the private sector but miss life in the Defence Forces can now come back. I am glad that option is now in place.

The budget provides for a further increase in spending on defence pay and pensions as well as equipment. New ships have arrived and new aircraft are arriving. The Minister of State at the Department of Defence, Deputy Kehoe, will announce a five-year capital plan for investment in barracks, including accommodation, in the coming weeks. I expect that will be positively received.

Deputy Burton kindly acknowledged the fact that I am preoccupied with Brexit at the moment, but that does not prevent me from doing other things. I have spent a decent amount of time in recent months engaging with defence issues and the Defence Forces. I have been to the Department of Defence in Newbridge. I have met PDFORRA and the Representative Association of Commissioned Officers. I am pleased that RACO has approved the pay package on offer. I know it will want to build on that in the public sector pay talks next year. I am hopeful that PDFORRA will make the same decision on the pay package that has been offered when it ballots in November.

Over the summer, I spent two days with the Naval Service on patrol. I have been to the Curragh and I have also spent some time with the Army Ranger Wing. In addition, I have made various overseas visits with the Defence Forces.

Several people have suggested to me the idea of having a commission on the future of the Defence Forces similar to the Commission on the Future of Policing in Ireland. Most people would acknowledge that the latter commission, which was chaired by Kathleen O'Toole, carried out good work. The Minister of State, Deputy Kehoe, and I are giving consideration to whether we should have a commission on the future of the Defence Forces. It is easy to have a commission on something but we need to think through what the terms of reference might be, how it would work and so on. We already have a White Paper on Defence, which was put together under the Tánaiste, I believe, when he was Minister for Defence. The White Paper is still there and we would have to think through what a commission would do. Would it overturn the White Paper or build on it? To cut a long story short, it is something we are giving some thought to.

Legislative Programme

4. **Deputy Joan Burton** asked the Taoiseach to outline the status of Bills under preparation in his Department. [42282/19]

The Taoiseach: The sole Bill being prepared by my Department is the national economic and social development office (amendment) Bill. This Bill will provide for the dissolution of the national economic and social development office corporate framework, which is no longer

necessary. It also deals with related matters, including the transfer of functions to the National Economic and Social Council, NESC. Work is under way to prepare the heads of the Bill, but it is not a legislative priority for Government as it is merely a technical change that does not impact on the essential or day-to-day functions of the NESC.

Deputy Joan Burton: One of the reasons there has been a great deal of support for the Taoiseach and the Government in the context of Brexit from parties across the House is that we had a model of economic and social structure and oversight that has allowed national debates on issues of national importance with the aim of progressing economic and social issues. I am disappointed that more progress has not been made with this Bill. The Economic and Social Research Institute has made a significant contribution to the debate on how we should address the housing crisis. Bringing forward the Bill would give us the opportunity to relaunch social partnership and social dialogue, though I am aware that Fine Gael has problems with these. The outcome of Brexit is likely to be difficult for much of the United Kingdom and, in different areas, for Ireland. As a result, having a social partnership structure through a national economic and social development office, under the oversight of the Department of the Taoiseach, would offer us an opportunity to look at where we want to go and what kind of society we want to have. In particular, we could examine issues like working people being paid properly and moving to a living wage rather than just being paid a minimum wage, and providing training and education opportunities for young people and the 8%, 11%, 15 % and 25% of those who, in certain areas, are unemployed in an economy in which the overall unemployment rate is close to 5%. This would be an important focus for a national economic and social development office. Does the Taoiseach intend to bring forward this legislation or has it been permanently parked until there can be some agreement that it would contribute to national economic and social development?

Deputy Micheál Martin: As every Deputy knows, in the past few years the reality of hard drugs has hit more and more communities. In places where heroin was unknown, even during tough times, young people have been targeted by the ruthless gangs who promote addiction and destruction for their own profit. The Taoiseach will be aware of the report of the Blanchardstown drugs and alcohol task force on a new and devastating trend of gangs recruiting young children to sell drugs for them. Deputy Curran has published a Bill to target the savages who recruit children as young as eight to sell drugs. Notwithstanding the paucity of legislation coming from his Department, would the Taoiseach agree that this is a measure to which he could contribute and which he could help to accelerate in order to ensure that it is passed as soon as possible?

The policy adopted in 2011 to permanently abolish a highly effective approach to local development has directly undermined the focus on helping communities in which there are high levels of drug use. Deputy Burton is correct that the social partnership framework facilitated a targeted approach and that an all-agency approach, in which central Government took a major role, has been replaced by one which is more fractured and lacking in any real central leadership. The Taoiseach indicated how much he admires the work of the north-east inner city task force but that is what we had in many of the areas which suffered most acutely from drugs. Why is an approach with more dedicated funding and central leadership not being extended to other areas?

Deputy Richard Boyd Barrett: I have a positive suggestion in the context of something the Department could do, namely, take the lead role in the area of disability rights and services. Even today, two Deputies raised various issues of mental health and disability services on Leaders' Questions while carers were protesting outside about what they did not get in the

rather miserable budget. This morning, two disability activists were removed from Connolly Station following their ongoing campaign to highlight the constant breakdown of lifts at DART stations, a matter I raised last week only for more lifts - ten in total - to be broken last weekend than ever before. The lift at Seapoint in my area has been out of service for months. The list goes on and there are many issues. Activists state that disability issues are dealt with by the Departments of Education and Skills, Employment Affairs and Social Protection and Health but nobody takes the overview of driving through the commitment to equality as enshrined in the UN Convention on the Rights of Persons with Disabilities. The Department of the Taoiseach is ideally suited to this role as it could afford the issue the importance and significance it deserves in order to achieve equality and real rights for people with disabilities.

The Taoiseach: Deputy Burton is absolutely correct that the broad policy consensus in Ireland regarding social, economic and foreign policy has been beneficial. It has been one of our strengths in recent years that the political parties are so similar in their outlook in those areas. This has given people, such as those who invest here, and governments in other countries a great deal of confidence in Ireland. Those to whom I refer know that even if there is a change of Government here, fundamental social, economic and foreign policy will probably not change all that much.

The reason the Bill has not been prioritised is that it is really just technical legislation designed to restructure NESDO-NESC, while having no impact on the workings of the National Economic and Social Development Office and the National Economic and Social Council. The Government can get through in the region of 40 items of legislation per year. The 40 we pick tend to be those we have to do for one reason or another or those which will make a positive difference in people's lives. Those we do not prioritise are measures that would not have much effect on anything at all. This is a logical and sensible approach to prioritising legislation.

On the wider questions of social partnership and social dialogue, I would argue that the Government has relaunched a form of social partnership with the national economic dialogue, which was spearheaded by the then Minister, Deputy Howlin, but has been continued by this Government. In addition, the Labour Employer Economic Forum, LEAF, allows Government to engage regularly in a structured way with unions and employers on issues such as employment law, pensions and other things on which Government should engage with ICTU and IBEC, among others. We have tried to avoid going back to the form of social partnership that existed before the financial crisis, which we feel took decisions away from the elected Government and the elected Dáil and Seanad. While it was inclusive of some, it was exclusive of others and there was nobody there to represent the self employed, sole traders, the majority of small businesses that are not affiliated to IBEC, the taxpayer - though lots of people wanted to spend taxpayers' money - or consumers, even though there were many who produced things which they expected consumers to buy. That was the flaw in the old form of social partnership and I am pleased that neither the Fine Gael-Labour Party Government nor the Fine Gael-Independent Government decided to go back to it.

The north-east inner city partnership has been a very good and very successful project. I am not sure it would be possible to follow the model in all areas of deprivation around the country.

Deputy Micheál Martin: We had it before.

The Taoiseach: We did not. What is being done in the north-east inner city goes way beyond what was done in terms of community development under RAPID and other schemes. I

have asked my Department, along with the Department for Rural and Community Development, to examine what we could do to learn from the north east inner city task force and apply it to areas of significant disadvantage around the country. We do not want to reinvent RAPID but we are considering an initiative that will enable us to learn from it, and from the north-east inner city task force.

Deputy Micheál Martin: What about Deputy Curran's Bill?

The Taoiseach: To which Bill is the Deputy referring?

Deputy Micheál Martin: The Bill aims to make it a criminal offence for gangs to use young people to sell drugs.

Deputy Joan Burton: It provides for sanctions against those who use young people to deliver drugs, sell drugs or gain entry to complexes where they deliver drugs. It is a real problem in Dublin.

The Taoiseach: I know it is a problem but I am not familiar with the Bill. I will check up on it.

Deputy Joan Burton: The Bill aims to sanction such activities. There is currently no such offence.

Deputy Micheál Martin: There is no such offence, but the Bill would provide for such a sanction. I ask the Taoiseach to give it further consideration.

The Taoiseach: I will. I am familiar with the issue but not with Deputy Curran's Bill. I will check up on it. If it is a good idea and the Bill is in good order, I am sure we can work with the Opposition to progress it.

On the question asked by Deputy Boyd Barrett, people often suggest that X, Y or Z be brought into the Department of the Taoiseach because they believe that would afford it more priority and more co-ordination. Unfortunately, that is not the case. It is a very small Department with only 150 staff. It is minuscule compared with the Department of Health or the Department of Employment Affairs and Social Protection, for example. What would happen if something as important as disability was brought into such a small Department is that it would fall behind our core functions such as Brexit, European affairs, Northern Ireland and engaging with other Prime Ministers' offices. That would not be a good idea.

We have taken the right approach by having for the first time a Minister of State at the Cabinet table with sole responsibility for disability services at the Departments of Health, Justice and Equality, and Employment Affairs and Social Protection, thus co-ordinating all of the work that is being done. As we have a Minister of State with responsibility for disability at the Cabinet table, that is why we are in a position to do what other governments did not, namely, ratify the UN Convention on the Rights of Persons with Disabilities, increase the budget for disability to more than €2 billion for the first time, increase the disability allowance and have a real and meaningful programme to encourage and assist more people with disabilities to get into the workplace. All of those things that were done in recent years were aided by the fact that for the first time ever there was a person at the Cabinet table with sole responsibility for disability and co-ordinating that work.

Written Answers are published on the Oireachtas website.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputies Eugene Murphy and Michael Harty - to discuss the impact of the rising flood waters nationwide, particularly in the River Shannon basin; (2) Deputy Paul Murphy - to address the issue of underfunded mental health services nationwide; (3) Deputy Pat Deering - to discuss provision of the advanced IDA facility in Carlow and the timescale for the completion of the project.; (4) Deputy Frank O'Rourke - to discuss the advancement of housing development on vacant lands at Hazelhatch in Celbridge; (5) Deputy Seán Crowe - to address the conviction of Catalan political and civic society leaders; (6) Deputy Joan Burton - to discuss the delay of a permanent school on the Phoenix Park racecourse site for Edmund Rice college; (7) Deputies Anne Rabbitte and Michael Fitzmaurice - to discuss a date to reconvene the new beef task force meeting; (8) Deputy Alan Farrell - the need for additional secondary school places in Skerries, County Dublin.; (9) Deputy Ruth Coppinger - the reduction in the education capital budget and the impact this will have in Dublin West; (10) Deputy Michael McGrath - to ask the Minister for Justice and Equality if he will discuss with the Garda Commissioner the allocation of Garda resources to the Cork city Garda division, and if he will make a statement on the matter.; (11) Deputy John Brassil - to ask the Minister for Health if he will discuss the reduction in bed capacity in the coronary care unit of University Hospital Kerry from five to four beds, and if will he make a statement on the matter; (12) Deputy Niamh Smyth - to ask the Minister for Communications, Climate Action and Environment to address the decision of RTÉ to sell five works of art at public auction in November, and if he will make a statement on the matter; (13) Deputy Mary Butler - to discuss the Mental Health Commission report into conditions at the department of psychiatry of University Hospital Waterford; (14) Deputies Mattie McGrath, Seamus Healy, Jackie Cahill, Niall Collins, Marc MacSharry and Danny Healy-Rae - the economic impact that would follow any cancellation of the national coursing meeting in Clonmel and whether the Minister for Culture, Heritage and the Gaeltacht, Deputy Madigan, will address the impasse in the granting of the licence for the 2019-20 coursing season; (15) Deputy Sean Sherlock - additional funding for the COPE foundation of €34 million to deal with allocation of resources and accommodation for people with physical and intellectual disabilities; (16) Deputy Michael Moynihan - that the Minister for Rural and Community Development would discuss the recent allocation of CLÁR funding to County Cork.; (17) Deputies David Cullinane and Pat Buckley - to discuss the situation whereby children are being admitted to adult mental health units, including that at University Hospital Waterford; and (18) Deputy Fiona O'Loughlin - the lack of progress on the new transport mobility allowance.

The matters raised by Deputies Eugene Murphy and Michael Harty, Frank O'Rourke, Pat Deering and Paul Murphy have been selected for discussion.

Pre-European Council: Statements

The Taoiseach: I will attend a meeting of the European Council this Thursday and Friday, 17 and 18 October. Following my meeting with Prime Minister Johnson last week, I am convinced that all parties want an agreement and that such is in the interest of Ireland, the United Kingdom and the European Union as a whole. We have a pathway to a possible deal, but there

16 October 2019

are issues still to be fully resolved. First is the issue of consent and democracy, ensuring that any long-term arrangement that applies to Northern Ireland has the democratic assent of the people of Northern Ireland, and second is the issue of customs, ensuring that there is no customs border between North and South and no tariffs on trade.

This is about securing an agreement that works for the people of Ireland and the people of Britain and Europe. If it is to work for the people of Ireland, it means avoiding a hard border between North and South. That has always been the Government's primary objective, ensuring that the all-island economy can continue to develop, that North-South co-operation as envisaged by the Good Friday Agreement can resume and, just as important, that the Single Market, its integrity and our place in it are protected. Those are our objectives. This has always been about achieving those objectives, and I am confident they can be achieved.

Since my meeting with Prime Minister Johnson last week, work has been ongoing between the Commission task force and British officials. Michel Barnier provided an update to the EU 27 Ministers at the General Affairs Council in Luxembourg yesterday. I do not think it would be helpful today to say too much about the precise state of play of the discussions or the exact timeframe in which an agreement may be possible. I stated last week that I thought there was a pathway to a possible agreement, and that is still my view. However, the question is whether the negotiators will be able to bridge the remaining gaps in advance of tomorrow's Council meeting. What is important now is that all focus is kept on achieving a deal that delivers for everyone.

While I continue to work towards a positive outcome on Brexit, the European Council will have several other issues of considerable importance to discuss. The President-elect of the European Commission, Ursula von der Leyen, will set out her priorities for her term in office. The incoming Commission, based on nominations received from member states, strikes a welcome balance in terms of gender, geography and size. As we know, Ireland's nominee, Phil Hogan, was offered the position of trade Commissioner, one of the most significant and influential portfolios in the years ahead, and I know he will make a major contribution to the new Commission. The European Parliament has held hearings with the proposed new Commissioners. In some cases, these have resulted in the need for revised or new nominations. This procedure will continue until the Commission as a whole has received the approval of the Parliament and can take up office. Until then, the current Commission, under Jean-Claude Juncker, will stay in place. It is anticipated that it will remain in place until early December at a minimum. At our July meeting we agreed that Christine Lagarde should be the next President of the European Central Bank, and this week we will adopt a decision appointing her to that role.

Our discussions on Thursday will begin with an exchange of views with the President of the European Parliament, David Sassoli. This is the European Council's first opportunity to meet him collectively and we will discuss his priorities and how we will advance the European Union's shared work. We will then have formal working sessions and a working dinner during which we will discuss various issues, including the implementation of the strategic agenda for the next five years; the multi-annual financial framework, MFF, which is the European Union's budget for the period from 2021 to 2027; climate action, following the recent UN summit; enlargement, including the possible opening of accession negotiations with Albania and North Macedonia; Turkish drilling activity in Cypriot waters; and foreign policy matters, including recent developments in Syria and Turkey. We will also, of course, meet in Article 50 format to discuss developments in the Brexit negotiations.

In June the European Council welcomed work carried out on the MFF under the Romanian Presidency and called on the Finnish President to advance this work in order that we can discuss it this week with the aim of having an agreement before the end of the year. The European Union needs a budget that enables successful policies, such as the Common Agricultural Policy, to continue and equips us well to deal with new shared challenges such as migration, climate change, and the technological transformation under way. However, with a global economic slowdown likely and considerable uncertainty continuing to surround Brexit, it is also important that it should be realistic and fit for purpose. I do not expect that we will take any decisions this week, but it will be an opportunity to begin to identify a landing zone in which agreement on the MFF might be found. For my part, I will again strongly make the case for CAP and for the reversal of the cuts proposed in the Commission's initial draft. I will also defend the budget for other long standing and well-functioning programmes such as Horizon 2020, INTERREG and Erasmus+.

In June, the European Council adopted a strategic agenda for the next five years. In our discussions this week, we will consider its implementation. Our priorities are protecting citizens and freedoms; developing a strong and vibrant economic base; building a climate-neutral, green, fair and inclusive future; and promoting European interests and values on the global stage. This week, the Prime Minister of Finland, Antti Rinne, will provide an update on how this agenda has developed. Our discussions on climate change will follow the UN climate action summit, which I attended in New York in September. At the UN summit we saw that support for concerted and determined climate action is strengthening, driven not least by the voices of young people, who made their presence felt in New York. We need to build on that momentum. Ireland wants a climate-neutral EU by 2050. This is good environmental, social and economic policy, and it should encourage other countries to scale up their short and long-term ambitions under the Paris Agreement. I expect to see ambitious climate plans from the incoming Commission.

At our June meeting we discussed Turkey's illegal drilling activities in the eastern Mediterranean. We called on Turkey to cease such activities and to respect the sovereign rights of Cyprus. We will return to the matter this week. Ireland believes that the recent Turkish statements and actions on Varosha run contrary to the aim of finding a comprehensive and viable settlement in Cyprus. Ireland stands in full solidarity with Cyprus. Together with our EU partners, we will continue to monitor developments closely and respond appropriately. I am pleased the President is currently in Cyprus to help strengthen our relationships with that country.

The Minister of State, Deputy McEntee, will comment on enlargement and some of the other international issues expected to arise this week.

For my part, I look forward to engaging with my EU colleagues collectively and bilaterally. Until the last minute we will continue to search for a positive outcome to Brexit for Ireland, Europe and the UK. I will, of course, report back to the House next week, if not before.

Deputy Micheál Martin: This session is taking place at a moment when we do not have a final text and most of us do not have full knowledge of what specifics will be discussed at this week's summit. As such, we are holding this debate in a relative vacuum and are reliant on the incomplete briefings the Government has provided to the media.

One thing which has become very clear in the last three years is that it is important to step back from the frenzy of commentary during and immediately after negotiations. We need to

look at the overall picture and understand its implications for Ireland and Europe. The position of this new Tory Government has become very clear in regard to the long-term relationship between the United Kingdom and the European Union. It has essentially embraced the idea of a hard Brexit. The biggest changes in recent weeks, some relating to the political declaration, have all been to copper-fasten the UK's exit from the customs union and Single Market. In fact, the Johnson position is to move away from a commitment that future trading relations would respect the need for a fair level playing field. This is because the UK has explicitly moved to a position of Brexit being about cutting regulations, including worker protections, in order to obtain a competitive advantage.

As far back as July and August 2017, the Taoiseach and Tánaiste, as well as various Fine Gael representatives, criticised Fianna Fáil and other parties for making proposals in regard to Brexit which were specific to Northern Ireland. The avoidance of a chaotic Brexit is very important, particularly as many urgent preparations are not yet complete and the Government has only just hired consultants to check vital contingencies. However, let us try to avoid the narrow focus which has got in the way of a clear assessment of critical stages of this process.

The Johnson model for future relations between the UK as a whole and the European Union will hardwire in 80% of the damage to Ireland of a hard Brexit. It will not be a successful conclusion to the negotiations as a whole if this is the final outcome. We need to be aware of that. On this point, we need immediate clarity from our Government about the assumptions it will make relating to the impact of this deal. In a response to a question during Leaders' Questions, the Taoiseach confirmed it would be a harder Brexit with more dealignment than the withdrawal agreement negotiated by Theresa May. While conflicting positions are being adopted by the British Prime Minister, that seems to be a fact emerging from the current discussions.

Based on various independent reports and last week's budget documents, the economic impact of this hard Brexit will be less severe in the coming months but will be nearly as damaging in the medium and long term as a no-deal scenario. Ireland will get another year to prepare for the new customs and regulatory barriers, but the worst-case scenario would then kick in. It appears that the bulk of the Brexit reserve funding will be required to help those already badly affected by Brexit and those who need to more urgently diversify markets and products.

In regard to Northern Ireland the news is changing regularly. For the obvious reasons outlined by the Taoiseach, we have again not received a substantive briefing from the Government on the specifics. The idea that Northern Ireland would be treated as a special customs zone is one which has been around for three years and would address core concerns relating to the operation of the Border. Given that it was basically dismissed as an idea early in 2018, there has been relatively little work done on how it might operate. It appears to be something that would be unique in terms of administration and there are complexities in regard to the origins of components of finished products, something about which many questions have been raised and no answers offered, at least in public. It is not clear how the VAT regime will work, something which is obviously extremely important to cross-Border trade, or the treatment of different types of economic activities such as services. However, in regard to the issues of Border infrastructure and access to both markets, it appears to be a balanced and reasonable idea which has the potential to be a permanent solution rather than simply a route to further negotiations.

In terms of democratic consent, this is an issue which only arises because the pro-Remain majority in the Assembly has been silenced for nearly three years because Sinn Féin decided Northern Ireland did not need a democratic assembly at this critical moment when it collapsed

the Assembly.

Whatever is proposed on consent cannot become a source for keeping alive permanently the tensions we have seen in the past two years. We need to get beyond Brexit and back to focusing on restoring people's faith in the idea that democratic institutions can work. As I and my colleagues have said on many occasions in the past, most of the democratic parties in Dáil Éireann are not in any way using this issue to undermine the constitutional status of Northern Ireland enshrined in the Good Friday Agreement. That is an important point. The constitutional status of Northern Ireland is underpinned by the Good Friday Agreement and what is transpiring now does not in any way seek to undermine that.

A special economic status will be of benefit to all communities in Northern Ireland. If handled correctly and given the right type of long-term support, it could provide a new economic future for Northern Ireland. I once again call on the DUP to see just how much Northern Ireland has to gain and to realise that the UK now involves a significant amount of devolution. The standard of every part of the UK being treated the same is not relevant and is not a sustainable constitutional argument.

We need to see the hard details before we can assess if this proposal is indeed an all-weather solution which provides a stable future for relations on this island. However, the basic fact is that the majority in Northern Ireland wants a positive outcome and to be relieved of the ongoing Brexit saga. At some point when the current fog of commentary has risen, we should take the time to look at ways of never repeating the collapse of North-South and east-west relations which caused so much trouble in the past number of years.

A major mistake in the past two years has been to focus on parts of the process rather than its completion. The premature celebrations in Government Buildings of last year's withdrawal agreement are a case in point. We have no idea yet if what is being discussed can be negotiated to a conclusion, ratified in the House of Commons and workable in the long-term.

The Johnson Government's priority today remains the winning of a general election. After three months of talking up no deal, the emphasis for the past week has been to get a deal which involves a hard Brexit for Britain with a special status on customs and regulatory alignment for Northern Ireland. Who knows what his priority will be next week or how long it will take to reach an outcome. What we need here is full transparency from the Government about the implications of the final proposal for Ireland and an understanding that the proposed hard Brexit involves an almost worst-case scenario.

I will briefly mention two other matters which are due to be discussed at the summit. The EU should categorically condemn the actions of Turkey, Syria and Russia in the Kurdish region of north Syria. This was prompted by President Trump's appalling decision to withdraw troops who had helped to stabilise the region and were holding ISIS linked prisoners. The abandonment of the Kurdish people is shameful in the extreme. The Kurdish forces and parties in northern Syria have been by far the most moderate and democratic of all of the many groups fighting in Syria and were central to tackling the savage ISIS group. For them to be attacked by Turkey and forced to accept the support of countries which were until recently attacking them must be condemned in the clearest possible terms. We must also note the human rights emergency which has been involved in the systematic attack on Kurdish organisations in Turkey in recent years. It is striking that Brexit-obsessed Britain lifted its boycott of the Foreign Affairs Council in order to try to water down action against Turkey.

Separately, it has been reported that Ireland was one of the main countries seeking to dramatically water down President Macron's proposal for a new budget instrument to tackle recessions in the eurozone. What has emerged is a tiny intervention incapable of delivering the core objective of helping countries when they need it most. This, and the proposal to limit the overall EU budget to 1% of member states' total combined GDP, shows that some countries and our Government simply have not learned the key lessons from the recession. Ireland should be supporting a significant increase in the EU budget, not standing in the way of important reforms. Yet again, the Government has shown that it is not forward-looking or progressive in terms of the future role and abilities of the EU.

Deputy Mary Lou McDonald: I wish to share time with Deputy Crowe.

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

Deputy Mary Lou McDonald: The meeting of the European Council on Thursday is critical for all of our futures. Britain's decision to leave the EU has shaped and influenced politics on this island for the past three years and it will shape our history into the future. We are making these statements at a time when the prospect of a deal has greatly increased. From the very start, Sinn Féin's focus has been on ensuring that the impact of Brexit on Ireland is minimised. We have always asserted that there is no good Brexit. There can be no happy-ever-after ending to this story. We have argued from the start that special bespoke arrangements are needed for the North of Ireland. It was on that basis that we devised and presented as a solution the concept of designated special status for the North. We presented this solution at a time when the Taoiseach and his party told us it could not be done. Our MEPs, among others, worked hard to ensure that this position formed the basis of the EU's negotiating mandate. The components of the designated special status evolved into what would become the backstop.

Despite those days of Government rhetoric and naysaying, today all of us are defending the backstop to the hilt. The solution we proposed, involving special arrangements for the North, formed the nucleus around which a unified front on Brexit could be built among parties across the Dáil. If a deal is struck in the near future, the unified front in this House will have been of significant assistance in its delivery. I am very glad we are back in that unified space today. I was more than a little alarmed when the Taoiseach began thinking out loud about where customs posts might be located on our island. That would have been an entirely unacceptable situation. It would be extremely damaging to Ireland. I am very glad the Taoiseach has returned to first principles. Sinn Féin has always been of the view that a strong and firmly articulated position is needed in order to get Britain to take the Irish national interest seriously. This view is based on our long-standing experience of dealing with successive British Administrations. I believe that if a deal which protects Ireland's interests transpires - I hope it does - our analysis and our position will have been fully vindicated.

We are making these contributions at a juncture when a deal is still speculative. If a deal is announced, it will have to be scrutinised and examined. It is important to outline the key aspects of an agreement that would protect Ireland. When I spoke to the British Prime Minister, Boris Johnson, on Sunday, I told him that any deal which is agreed must have legal and enduring guarantees for this country. Protections cannot be time-limited. There certainly cannot be any bartering away of the guarantees contained in the backstop. I told him there can be no question of reimposing a hard border on Ireland. Our livelihoods, our economy and our peace must be protected. This means the Good Friday Agreement must be protected and championed to the very last letter. In my conversation with the British Prime Minister, I sought confirmation from

him that no veto on protections for Ireland would be gifted to DUP Brexiteers. Such a position would be absolutely intolerable. It would be outrageous to place Irish livelihoods, our economy and our peace in the hands of a party that has acted in defiance of Ireland's interests and those of its own constituents. Such an outcome would be absolutely unthinkable. I reminded Mr. Johnson that there is no consent to Brexit in Ireland. It is important to restate that here today. People in the North voted to remain. That democratic fact and imperative cannot be ignored or reduced. I should remind the leader of Fianna Fáil that the assembly came down not least because of acts of corruption in the case of the renewable heat incentive scheme. I accept that he has a more permissive view of corruption than many of the rest of us in this House.

Deputy Micheál Martin: Has the Deputy been watching the “Spotlight” programme?

Deputy Mary Lou McDonald: Therefore, he struggles to compute or understand that fact.

Deputy Micheál Martin: If she had been watching it, she might be less pass-remarkable.

Deputy Mary Lou McDonald: Regardless of the deal that emerges, the Tory Brexit has been rejected by people on this island, not least those represented by my party, Sinn Féin, which is an all-Ireland party. Clearly, we are in the negotiation endgame. It is important to recall that there is no good Brexit for Ireland. There will be significant challenges for our island in any post-deal environment. The threat posed by the British Government's attempt to undermine the Good Friday Agreement will be ongoing and will have to be challenged. East-west trade will have to be provided for. Irish fishermen need clarification on what any deal might mean. Ireland's interests will have to be fought for when the future trading relationship is being negotiated. There is no doubt that the ramifications of Brexit will be felt indefinitely. The big solution to all of this will be found when partition on this island is eventually ended. Reunification, and the ending of the involvement of the British Government in our affairs, is the future. The constitutional arrangements for the North are codified in the Good Friday Agreement, as are the mechanisms for the emergence of new constitutional arrangements for Irish unity. Brexit has shown us once again why Irish unity is not simply an aspiration. Irish unity is now an absolute necessity.

Deputy Seán Crowe: We are not sure whether another Brexit deal will be debated at tomorrow's European Council meeting. It has been another long week of speculation and uncertainty as we rapidly approach the 31 October deadline. According to the latest news reports, the DUP is holding up the process again. Throughout this process, the DUP has acted against the social and economic interests of people of the North, most of whom voted to remain in the EU. The entire Brexit process has strained the Good Friday Agreement. The British Government has abandoned all pretence of acting with the impartiality required by the Good Friday Agreement.

We know the Brexit process will not end on 31 October next. It will continue for many years, and perhaps for a decade. It is of fundamental importance that the Irish Government stands up for the Agreement and for Irish interests. The Taoiseach once stated that Irish citizens in the North would never again be left behind by the Government. I suppose that assertion rings hollow following the outcome of the DeSouza case, which has significant ramifications for the rights of Irish citizens.

As Brexit approaches, there are concerns that the British Government is continuing to undermine the Good Friday Agreement. It is not acceptable that it is failing to live up to new and existing commitments. There can be no hardening of the Border and no weakening of the Good

Friday Agreement in any Brexit deal. Partition has failed the vast majority of people on the island of Ireland. Most people are opposed to the artificial divisions that exist in our country. It does not matter whether these barriers are visible or invisible. An increasing number of people on this island believe Irish unity is the democratic alternative to the unwanted Brexit that is being foisted on citizens here.

As we speak, Senator Niall Ó Donnghaile is hosting a briefing in the audiovisual room with Irish academics who have produced an independent legal and academic report on the need for the EU to plan and prepare for constitutional change in Ireland. I believe this timely report is the first of its kind. It elaborates on the positive and proactive role the EU can play in the transition towards a united Ireland. It highlights the assistance the EU provided in the case of the reunification of Germany. It refers to the crucial importance of the Good Friday Agreement and the implications of Brexit for Ireland's membership of the EU. I urge the Taoiseach to get a copy of the report. If he likes, I can give him a copy after the debate. Maybe he will read it on the way to the European Council meeting and bring some of its ideas to the attention of his counterparts at that meeting.

Brexit is not the only issue that will be discussed at the European Council meeting. I would particularly like the Taoiseach to raise the case of nine Catalan political and civic society leaders who have been sentenced to between nine and 13 years in prison for their alleged role in organising a democratic vote on self-determination. I attended the trial in question, which was somewhat farcical given that the president of the court is against the constitution. His supposed role in the court was to uphold the Spanish constitution. The court's decision is a crude attempt to criminalise the Catalan independence movement, which is a legitimate political movement. I urge the Taoiseach to call for dialogue between the Spanish and Catalan authorities rather than more repression.

Other Deputies have referred to the invasion of Syria by Turkey after the US military abandoned the Kurds in the region. I urge the Government to stand in solidarity with the Kurdish people. The Taoiseach should look for something positive from his meeting with our European colleagues. Sanctions could be considered.

Clearly, we need to ban weapons exports to Turkey but we also need to isolate the Turkish regime over its actions against the Kurdish people and others in Syria.

Deputy Willie Penrose: The forthcoming Council meeting is clearly one of the most important to take place in recent times. We are acutely aware of the significant amount of speculation surrounding the Brexit negotiations. We are also acutely aware of the impact of Brexit and are now debating the outcome of same in a vacuum, as deliberations appear to be heading towards a deal or arrangement, the details of which are emerging as we speak and to which we are clearly not privy. Substantive briefings and developments have been absent to date.

Brexit has already cost every family in Ireland hundreds of euro. This is money the Government has had to spend to prepare for the threat of a no-deal Brexit and we all subscribe to that. It is money lost from the economy because business in some sectors has already slowed down. The fact that Brexit is taking place at all is not good news for the Irish and UK economies or the wider European economy. Uncertainty about the future trading relationship has caused some businesses to hold back on investment or new contracts. Trade union officials have spoken to the Labour Party about manufacturing companies that have let temporary staff go and stopped all overtime. Brexit is already doing significant harm and I am sure all Members agree that it is

damaging for Ireland as well as for the UK.

For over three years, Brexit has caused an unprecedented level of uncertainty. It has caused anxiety for people living on either side of the Border. It has caused endless headaches for businesses, especially small businesses, in terms of new paperwork being created if the UK leaves the European Single Market and customs union. Even the outline of the deal that is emerging indicates that paperwork will figure significantly in areas such as how VAT is dealt with and other issues relating to customs. It is somewhat ironic that British Brexiteers talk of EU red tape *ad nauseam* but by leaving the EU, it is the UK that will reintroduce a load of red tape and bureaucracy around trade that the EU spent years eliminating.

From the Labour Party's perspective, with two weeks left until a potential no-deal Brexit, our first concern is protecting jobs. The Minister for Finance has announced a so-called package of €1.2 billion to respond to Brexit, excluding EU funding. Peculiarly, he has only made approximately €200 million available for next year. Notwithstanding what is emerging, it appears that significant sums must be made available to cushion or lessen the possible impact of Brexit. As some of my colleagues have said, Brexit by its very nature is not good for this island. I hope the Taoiseach or the Minister of State, Deputy McEntee, will return with a clear indication of what level of EU funding will be available for Ireland in the event of a no-deal Brexit in just 17 days' time - a prospect that, hopefully, has now passed - or if a deal is reached. The money allocated by the Minister of Finance will cover staffing, IT and infrastructure at our ports and airports. While this is welcome, it is hardly sufficient. The Labour Party has raised repeatedly the need for cash subsidies to employers to protect jobs, possibly a grant to enable employers to introduce short-time working schemes with workers on shorter hours having their pay topped up by the State. In Germany, this approach saved large numbers of jobs and the workers involved were given in-house training, which helped prepare them for the future. This is real preparation for Brexit but there is no sign that the Government has thought this through. While the emerging situation brings some rays of hope, the Government must continue on the path of ensuring that companies are assisted through the early and medium stages of Brexit. The Taoiseach would do well to talk to his German counterparts this week to learn more about what Germany did to save jobs. ICTU and IBEC have proposed schemes similar to the scheme the Labour Party has proposed. They have asked that much larger sums of money be made available to support jobs and businesses. We must continue to focus on that area. The trade unions are the voices of experience from the real economy and the Government would do well to heed them.

At this stage, we are none the wiser about the nature of the deal that will emerge or what it might include. Details of the emerging proposals must be made available as soon as possible. As time is running out, it is important they are made available so that we can scrutinise and assess them in the overall context of Brexit.

We have been discussing Brexit for three and a half years but for many members of the public, the prospect of Brexit is only becoming real now as the threat to their daily lives has moved closer. Any observer would be forgiven for thinking that the Heads of Government will do nothing but discuss Brexit at the European Council later this week. In fact, Brexit is not even mentioned on the formal agenda, notwithstanding that it will be a central part of the meeting. The first item on the agenda is the new multi-annual financial framework. The second item is the strategic agenda being set out for the next six years, while the third focuses on foreign policy issues. The ordinary business of the European Union is continuing. It is highly unfortunate that Brexit has become central and taken up so much of our time and energy.

The Labour Party has serious doubts about the direction of the new financial framework and strategic agenda. They lack the necessary ambition to deal with the climate crisis and they lack any vision for Europe that people across the Continent can rally around. Europe needs to be more than just a trading club, particularly if Brexit goes ahead. People want political leadership on the social, economic and environmental challenges they face and a progressive vision of Europe is needed to address people's concerns and give them hope for the future.

Before I conclude, I will mention a few foreign affairs issues which have been referred to by some colleagues. The leader of the Labour Party, Deputy Howlin, has called on the Taoiseach to condemn the Turkish attacks on the Kurds in Syria. I hope the Taoiseach will take a strong message to the European Council that the EU needs to impose immediate trade sanctions on Turkey until it stops its military aggression, which has already claimed the lives of dozens of people, including civilians. Recently, we saw the results of the Israeli election, where both leading parties have taken a hardline position regarding Palestine and illegal settlements. I hope the Taoiseach will take a strong message to the European Council that we cannot allow whatever new government emerges in Israel to dilute in any way the rights of Palestinians or Israeli Arabs or to damage the prospects for a peaceful, two-state solution to the conflict.

Deputy Richard Boyd Barrett: Seventy nine years ago, the Nazis extradited Lluís Companys i Jover, the Catalan President, to Spain where he was executed by the fascist Franco regime for rebellion against the Spanish state. In the past few days, the Spanish Prime Minister has suggested that this action by the Franco regime was legitimate as he commented on the Spanish Government's right to imprison leaders of the Catalan independence movement, elected politicians and officials. One could not get a more stark, alarming and sinister reminder of the brutal and repressive nature of what the Spanish state is doing to elected representatives of Catalonia and millions of Catalans, who have done nothing more than exercise their legitimate aspiration through democratic means by way of a referendum for national self-determination and independence. The Spanish Prime Minister quotes favourably the decision of a fascist regime to execute a Catalan President for doing the same thing. Our Government and the EU sit idly by and remain deathly silent. As we speak, five demonstrations in five Catalan cities are taking place, each of which is 100 km long, involving hundreds of thousands of Catalans who are horrified by the decision of the Spanish courts to impose 100 years of imprisonment on the Deputy Prime Minister of Catalonia and other leading figures in the region. Their crime was not declaring independence but, rather, organising a democratic referendum.

Police violence is occurring in Catalonia as we speak. I have just watched disturbing footage of Spanish police throwing pensioners and old people to the ground and beating them ruthlessly for attending peaceful demonstrations in Catalonia and exercising their key international human right to self-determination. Nothing has been said about this. I appeal to the Government to speak out clearly and condemn the Spanish Government for jailing people who have done nothing more than exercise their legitimate rights under international law to fight for self-determination. They did so through democratic means by holding a referendum. The Government must condemn the Spanish state's violence against this peaceful movement for self-determination. I hope the Minister of State will do so and that she will also raise the issue with her European Union colleagues, otherwise the EU's claim to be an upholder of human, civil and democratic rights is nothing but hollow talk.

Deputy Ruth Coppinger: The EU has been put forward as the force that will safeguard the interests of people on this island during Brexit. Yet it has played a role in the Spanish state's horrendous actions in Catalonia, not only during the referendum but also in the draconian im-

prisonment of its people. Seven pro-independence leaders have been sentenced to between ten and 12 years in prison by an EU country. The response of workers and youth in Catalonia has been both swift and angry. I do not have much faith in this Government because it has maintained a dumb silence throughout the whole fiasco. Will the Government condemn the Spanish state for its repressive actions? A general strike looks likely in Catalonia, which I would support. The Catalan people also need solidarity from the rest of Spain, as well as Europe and beyond. What the Spanish state is doing is not very different from what is happening in Hong Kong. All political prisoners in Catalonia should be freed and granted the right to self-determination. That self-determination must allow for real change in people's lives, which would lead to a socialist republic in Catalonia.

I refer to Brexit. We keep hearing that a deal is imminent but we do not know whether it will happen or what it might contain, so I will make some general points. We know who attended the negotiations, namely, the Tory Government headed up by Boris Johnson, who is a hard-right leader, the European Union and Fine Gael. These people, who will ultimately write the agreement, do not represent the interests of working-class people, Protestant or Catholic, North or South, rather, they represent the interests of big business. Neoliberalism has been written into these agreements from the outset, particularly in the context of their complete opposition to State intervention, State ownership, public home building, etc. The bargain-basement Brexit that Boris Johnson and the Tories would like is on the cards. I emphasise that there can be absolutely no hardening of borders, North, South, east or west, which would lead to a further increase in sectarian tensions in the North.

Workers have only themselves to rely on when jobs are put at risk, which is a potential outcome of Brexit. Harland and Wolff in Belfast and Wrightbus in Ballymena are two brilliant examples of that. Those jobs have been successfully defended by trade unions and militant and determined action which mobilised support from the local communities. New owners are now taking over those companies due to the hard stand taken by those workers. We need working-class action by the trade union movement in order to use workers' strength to defend jobs and living conditions in any Brexit outcome. That is what will have an impact.

Deputy Paul Murphy: Hevrin Khalaf, one of nine civilians tortured and summarily executed by Turkish-based forces on Saturday, was 35 years old. Earlier in the week, the Turkish military bombed a civilian aid convoy in Ras al-Ain, killing more than 20 people. These are only some of the tortures, mass executions and indiscriminate military attacks on civilian targets that make up Turkey's war of terror and genocidal invasion in Rojava. The body count will keep rising as long as the Erdoğan regime continues with this war. People across the world are outraged and horrified at this brutality. This regime has pursued a decades-long policy of oppressing national minorities and attacking democratic rights inside its own borders, and it now faces outwards in order to pursue that policy in Syria. Its forces have been on a campaign of terror in Afrin since it was seized in March and the regime has carried out rampant human rights abuses in Turkey by arresting journalists, political activists, anti-war activists and socialists by the thousands. This regime has been using its military against the Turkish population within its own borders for years.

For all the horror and disgust rightly directed at Erdoğan, we must not forget who his helpers are. Part of the pretext for Turkey's invasion of Syria is the creation of a zone into which the Erdoğan regime could forcibly transfer the millions of refugees currently residing in Turkey. The President of the European Commission, Jean-Claude Juncker, has claimed that the EU will not pay for this. At the same time, however, the EU is paying €3 billion a year for a rotten,

disgusting deal which effectively imprisons refugees and prevents them reaching the bloc's borders. Up until yesterday, EU member states were selling huge amounts of arms to Turkey in violation of their own rules, without any consequences. The EU's tears are crocodile tears, and criticism of the EU by Turkey is hypocritical. The EU has blood on its hands from what is currently happening in Rojava. The same applies to the Irish Government. Not only has it facilitated the US murder machine and the destabilisation of the Middle East by allowing US military use of Shannon Airport, but it also exported millions of euro worth of military and dual-use equipment to Turkey in 2016.

The Kurdish people have a saying, "No friend but the mountains", which is particularly clear in this betrayal by various forces of imperialism. The only way to move forward in Syria is to build a multi-ethnic, democratically organised force, a socialist solution which uses existing resources to meet people's needs and ensures the rights of all national minorities to self-determination and other democratic rights. Such forces must also be appealed to internationally, rather than various forces of imperialism. Working-class people, the anti-war movement, socialists, activists, and so on need to raise their voices and demand an end to the invasion. The Government should expel the Turkish ambassador as long as this invasion continues, in order to express our solidarity with the Kurdish people.

Deputy Maureen O'Sullivan: While much of today's debate is dominated by Brexit, the reality is that other issues are not getting the attention they should. The European Council list states that it may address specific foreign policy issues, but these are serious foreign policy issues which must be addressed. Last Thursday, Deputy Gino Kenny and I raised the issue relating to the Kurdish people with the Tánaiste. I stated then that President Trump's rationale that the US should not help the Kurds because the Kurds had not helped the Americans at Normandy or during the Second World War left me speechless. He later claimed that because the Kurds are fighting for their own land, it has nothing to do with the US. He is completely oblivious to the fact that the Kurds were America's allies in the fight against ISIS. The President of the United States has abandoned the Kurds in order to satisfy some of his supporters and he recently brought in sanctions against Turkey to satisfy others. In the middle of this is the horrendous suffering of those who already suffered due to the war in Syria, ISIS atrocities and displacement. Do those who should know better, and from whom we expect better, ever think through a decision before they actually make it? Do they, not just the US President, Donald Trump, but others, ever think to examine the consequences of that? There is no question that the US President has opened the gates to an ethnic cleansing of the Kurds, the US's ally for five years. It was the Kurdish Peshmerga forces which defended parts of Iraq against ISIS when those areas were abandoned by the Iraqi army.

The history of the Kurdish people is one of abandonment over many years with the result that they do not have a state of their own and are scattered in several countries. They are treated horrifically in most of those countries, especially in Turkey, where their rights to their language, culture, land and jobs are eroded. The motives of the Turkish President, Tayyip Erdoğan, are highly suspect. His popularity and his ego took a bruising in the recent mayoral contest in Istanbul. Turkey and the United States are trading partners. The EU is reliant on Turkey in terms of refugees which has been a lucrative business for it. Turkey is now looking for more money in this regard.

The Tánaiste and Minister for Foreign Affairs and Trade was one of the first to condemn Turkey's aggression, recognising how it undermines stability in the region, as well as the prospects for a lasting and just peace in Syria. Just as it appeared that rebuilding Syrian society

could advance, there is an escalation in the conflict. Again, there is no limit to the indifference of certain political leaders to the suffering of ordinary people.

The Tánaiste referred to the threat of a resurgence of ISIS. We have already seen some of its members escaping from camps. When some Members were in Syria last year, it was made clear to us that we have no idea of what could be coming towards us in terms of ISIS, what it represents and what it could do to areas it takes over.

The Tánaiste was also clear that the ethnic Kurdish population in north-east Syria should be protected and that international humanitarian law is paramount. How can that be when we see political power is totally indifferent to humanitarian law and completely disregards it? Ireland is supporting the work of the UN special envoy who has called for Turkey to cease military operations. We have called on all to engage with the UN led peace process. Those are fine words. However, this is in the face of an increasing authoritarianism and repression in Turkey with a president who does not care about democracy. There was his reaction in 2016 to an attempted coup with tens of thousands of people jailed, many of whom were teachers, from the media and from the judiciary. Any opportunity is taken to put down protests or criticism.

What has happened in north-east Syria did not happen overnight. The EU had to have known something but it must have looked the other way, perhaps because of the refugee crisis. It is ironic that Turkey is the country trusted to look after refugees from the Syrian war. Mr. Demirtaş, the leader of the pro-Kurdish People's Democratic party, was third in the last Turkish presidential election despite being in jail. Any sign of independent thinking leads to sanctions and jail. The EU must be a much stronger voice on this. This is a test for the effectiveness of the EU in upholding its principles.

The so-called safe zone is 32 km into Syrian territory and along the Turkish border. Even if sanctions work, the Turkish President, Tayyip Erdoğan, already has an area of Syria that is twice the size of Gaza. Trying to lodge 2 million Syrian, Sunni and Arab refugees from Turkey into this pseudo-safe zone is problematic. President Donald Trump's almost overnight decision has created havoc and has given Turkey the space to do what it had obviously planned to do for quite some time. That type of military operation does not happen overnight. There had to have been communications and discussions between Turkey and the US. Now we have an alliance between Syria and the SDF, Syrian Democratic Forces, supported by Russia, also suggesting the Syrian President, Bashar al-Assad, had prior knowledge. In the middle of all that, we have thousands of jihadis and many senior figures of ISIS fleeing. Where are they going?

I am afraid to mention Brexit because no sooner has one reacted to one aspect of it, another appears. Deputy Crowe hosted a meeting in the Leinster House audiovisual room last week with members of some of the Border communities to discuss the implications for them. It is good to meet ordinary people, rather than the political groupings, who are just talking about the reality in their lives. Apart from their concerns about agriculture, fisheries, business, education or freedom of movement, they were also concerned about a space opening up in which paramilitaries could take advantage. We know there are positive signs. While they may be positive for the EU and British negotiators, there is still a long way to go before the British Parliament will agree to a deal. Regardless of what kind of deal is achieved – be it no deal, a soft deal or a hard deal - it is only after that lead-in period that we will see the real consequences, intended or otherwise.

On the recent sentences handed out to Catalan leaders, officialdom will say this is an inter-

nal matter and refer to the independence of the Spanish courts, the legal system, etc. Spain is a member of the EU, however. The sentences were extremely excessive. There had been no violence on the part of the 12 Catalan political and civil society figures in question. They were not planning to assassinate the Spanish King or overthrow Spain's central government. This was about a referendum on self-determination for Catalonia. The extent of the sentences - 13 years, 12 years, 11 and a half years, ten and a half years and nine years with fines for three others - is excessive. This was about freedom of speech, peaceful protest, rights which we take for granted here, as is the right to self-determination. I can only conclude that the sentences were acts of vengeance rather than justice. Spain has endorsed international treaties which grant territories the right to self-determination. It has chosen a penal route, however, for those wanting Catalan independence.

How does jailing these Catalan leaders resolve the issue? The Spanish criminal code does not say that holding a referendum is a crime. However, that is how the courts interpreted it. The sentences are disproportionate. They will deepen tensions and make a bad situation worse. We have seen reports on television and heard on radio about the increasing violence there which had not occurred before. What has happened to discussion, dialogue and reasoned debate to find a resolution to an issue? Calm heads and common sense are needed now. The EU must step up to its role in this regard.

There seems to be a majority in Catalonia who want independence. There are also plenty of people in the region who do not want independence. All that any of the pro-independence Catalan people I have met want is a referendum. They are clear that they will accept the result of such a referendum, even if it is against independence for Catalonia. Again, there has to be a peaceful way to do this. It was a sad day for democracy when those prison sentences were announced. If the EU cannot condemn what is happening, at least it should show some concern.

This summit will set priorities. We cannot forget about the sustainable development goals. These are a major issue and the clock is running down on them. The EU budget is going to be a significant issue. We know how much groups in the North depend on EU funding, whether it is INTERREG or Erasmus, and the work that funding has enabled those programmes to do. On enlargement, I just came from meeting with a delegation from Montenegro. They very much want to be part of the EU and its respect for values. On the other hand, these values are being allowed to be completely undermined. These are difficult days. However, the big issue is to stop the violence and suffering that has been caused by Turkey and the United States.

Deputy Mattie McGrath: All of us are waiting to see whether the hopes of this week's developments in Brexit will bear fruit and if a deal will emerge. We have all supported the Government in its efforts on this. The middle of October used to be harvest time for apple farmers in Tipperary. Hopefully, the harvest will be rich and we will get a deal. The kind of deal is the question, however. Cén sórt? We are waiting with bated breath.

At the end of the EU meeting on 21 June 2019, the EU 27 leaders briefly addressed the issue of Brexit. Members were informed of the state of play of planning for a no-deal scenario. We passed some legislation last night and recently with the Brexit omnibus Bill to prepare for this scenario. The Gospel tells us to have our oil lamps filled. We are not even half ready, however. It is rushed and that is the Government's fault. There is uncertainty but we should be ready. We should have had a dual strategy from the start.

From reports today, Michel Barnier, the EU's chief Brexit negotiator, has told European

Commissioners that he is optimistic of a deal and that the Brexit withdrawal agreement can be done today. Tá súil agam. We all wait and hope. Hopefully, it will be done because there will be no such thing as a good Brexit. An agreed Brexit strategy, however, is far preferable to a crash-out. If the deal happens today, that will represent a massive leap forward in negotiations that it is to be hoped can be welcomed by everyone. What I want to see, of course, is the retention of Ireland's key and non-negotiable demands. The proof of the pudding will be in the eating. It is always in the small print that one finds what the issues really are. We must see a retention of Ireland's key and non-negotiable demands. We have to see the backstop. It caused a lot of trouble but we must have it. We cannot have a border. I have said this here every time I have spoken on this.

I questioned Mr. Michel Barnier when he was in this Chamber about what would be different with the Border with Northern Ireland at Aughnacloy, at Caledon, or at Belleek in County Fermanagh and a border like that between Croatia and Bosnia and Herzegovina, where a massive border checkpoint was built in the past eight or ten years. I have witnessed it, having been held up at it for hours. On the one hand, they were saying there would be no border with Northern Ireland and then they had this massive border at the other extreme of Europe, at Croatia and Bosnia and Herzegovina. We cannot have a two-tier EU. That is quite obvious to me but Mr. Barnier did not answer the question. I said we would not have it. I hope we will avoid it.

Whatever emerges, we must have protection for the Good Friday Agreement. Above anything else, we must have protection for our fishermen and women and those within the agrifood sector who are being thrown to the wolves. I heard a debate on fisheries last week on radio. I heard Mr. Dermot Ahern talking about when he was the Minister dealing with the fisheries, and we lost a lot of fisheries. We had to have a token area, a so-called box, in which EU fishermen and others could not come to fish. We must protect our fishermen. We have to protect our farmers. Above all, we have to protect the Good Friday Agreement.

I always refer to the Good Friday Agreement because it was hard won by former taoisigh, the late Albert Reynolds and Mr. Bertie Ahern, people from Tipperary such as the late Fr. Alec Reid, who was a wonderful man, the former Aire Stáit, Dr. Martin Mansergh, and many others. The late Mr. Martin McGuinness and many others worked so hard for this. We got the agreement but I think we took our eye off the ball as regards the horrible events that we are seeing in the Border area. It happened recently with former Quinn executives, and others. The Minister of State, Deputy McEntee, must know more than me as she is closer to the Border than I am, although I go up there occasionally. We all know that racketeering and all kinds of extortion are going on there. It has mushroomed. They got a *carte blanche* free-for-all up there. They should not have because now we see it culminating in horrific violence being perpetrated on those officials. There was the closure of Garda stations and RUC stations. There was nothing. We did not want to see massive checkpoints in Forkhill in south Armagh, in Caledon and every place else, but we needed a police presence and a Garda presence and we did not have it, and those people have been left to the mercy of the waves. Whatever emerges, we must protect the Good Friday Agreement.

We must certainly protect our agriculture. What is going on in agriculture, in the beef sector, is nothing short of a scandal. Today, I said to the Taoiseach it cannot be business as usual in the agri-industry because they have hoovered up all reasonable respecting farmers and pulverised them. As I said, they spent eight weeks protesting. The Taoiseach was not interested in them. The Taoiseach was more interested in marching in a gay pride march in Belfast than visiting the farmers on the picket line. The Minister, Deputy Creed, has a situation now where

16 October 2019

agreement was reached in Kildare. The bulwark of that agreement was that the injunctions were to be taken off the farmers and now we find out they are still not because the moguls, the beef barons, whom the Government is afraid of and kow-tows to, would not listen. They made an agreement that they would, and it was signed by all there.

The chairman of the so-called task force is an insider. I mean no disrespect to the man. He is a good man but he is a former Secretary General of the Department of Agriculture, Food and the Marine. He has his fingerprints over every rule that we have been trying to get amended and every restriction that has been imposed on farmers. How will he be fair and partial? He cannot be. We needed someone who would be fair and impartial and bring Meat Industry Ireland, MII, to book, to heel, and to respect the producers and farmers, but they will not. Independent Farmers of Ireland, which was at those talks in Kildare and agreed that document subject to consulting its members, met a week ago in Athlone. They were 600 strong. Its three representatives are not allowed into the talks at all. Who is the Government coddling?

It cannot be business as usual. The Irish Farmers Association, IFA, Irish Creamery and Milk Suppliers Association, ICMSA, Irish Cattle and Sheep Farmers Association, ICSA, Bord Bia, Bord Baine, Teagasc - the usual suspects - fill up the room, pass the newspaper around, talk about it, break for lunch, and go on and get an agreement after several weeks that will be toothless, useless and fruitless. That is what has gone on for the past 40 years when the barons have been allowed to suffocate and strangle the beef industry. That has to change because the farmers know now that many of the farmer organisations have not represented them. They know that retired presidents of the IFA are now some of the biggest beef producer lots for the factories. They know who has been in bed with whom. They know what has been going on. They must have respect now that a new situation has dawned and the game is up for them.

We met people recently about the poultry industry and the shenanigans and skulduggery that has gone on there. The Minister of State is aware of it, so is the Taoiseach, so is the Tánaiste and so is the Vice President of the European Parliament, Ms Mairead McGuinness MEP. I refer to the corruption and blackguarding that has gone on there, and the same is going on in the beef sector. It cannot be business as usual. It has to be dealt with.

When added to that are the harmful measures adopted by the Government in terms of carbon tax, fuel price increases for hauliers, agri-contractors and farmers, and the rise in the cost of living here, life will be difficult for ordinary citizens here in Ireland. The Government remains as a threat to the rural economy, and I do not say that lightly. I and my colleagues in the Rural Independent Group negotiated for six weeks with Fine Gael and we insisted, and had it in many sections of the programme for Government, that every bit of legislation would be rural-proofed for the impact it would have on rural dwellers. The Government has not rural-proofed a sentence of any legislation. Bill after Bill has thrown those in rural Ireland to the wolves. The Government did that at its peril because rural Ireland has always been a strong supporter of the Fine Gael Party. It is a two-way street where Fine Gael supports the people and they will support the party, but Fine Gael has not. Fine Gael has abandoned them in their hour of need.

I have not even got to talk about the horrible issues that are going on in Syria at present with the Kurds. I have tried on a number of occasions in the House - the Government has not - to deal with the persecution of Christians and minority Muslim sects in Syria and elsewhere. What is going on now is a war crime. It is savage. The European nations stand idly by and assist in this by their absence. President Trump must be questioned as to why he removed soldiers. I think there were only 50 soldiers but it obviously gave the green light to Turkey. We

all know about the Johnny Turks and how they are armed, but the official consensus is that we could have this going on not too far from our own borders. I have gone to Lebanon and met the Syrian refugees. It is unthinkable that this can start again and that people who stood with the American soldiers and took down ISIS now can be wiped out like that.

Deputy Eamon Ryan: It is funny. In politics, one learns the lesson that a lot of time is spent trying to jump over one hurdle only to realise that, once that has been achieved, there is another hurdle ahead. I hope a deal is agreed between the negotiators today in Europe and that it gets over the hurdle of being agreed at the European Council on Thursday and Friday. I presume it then has to get over the hurdle of getting through the UK Parliament on Saturday. Even then, there are hurdles ahead. They are probably a bit more like Becher's Brook. It is a grand national we are jumping here, not a hurdle race, because the scale of the implications and change that is coming if Brexit goes ahead, as seems possible today, will bring such challenges.

The first thing is to note is what an incredible loss it will be, particularly for this country but also for the European Union, not to have the UK in the EU, if that is the outcome of the negotiations this week. It has completely transformed our relationship with the UK that we have been fellow members of the European Union. It has allowed us to get over an obsession with our relationship by jumping over the UK into the Continent, as it were. It has given us great confidence as a country and the ability to progress our development in a way that has not been overshadowed by the history with our neighbouring island.

We should focus on the challenges that will arise. People are asking what the difference is between this putative deal today and that which had been agreed with the former British Prime Minister, Mrs. Theresa May. One of the main fundamental differences is that the United Kingdom Government at Westminster - not so much Whitehall but the political system, the Conservative Party - seems to be hell-bent on following a form of Brexit that will allow it deregulate, reregulate or change regulations in a variety of industries to free it from European regulatory systems as a way, I can only presume, of gaining competitive advantage in international trade.

That is its right. The UK Government is going to loosen its approach. If it does so and proceeds in a way that is fundamentally different in the context of standards, then it will find it increasingly difficult to trade with the European Union. Regardless of how much it trades with the Union, it will be the net loser.

I heard David Davis, the former Brexit Secretary, saying that Europe is stagnant and that the growing markets are in the Far East and developing countries elsewhere. However, he forgets the lesson of geography. I cannot recall the exact equation but it is that as distance increases, the volume of trade falls. We and the European Council need to start thinking about

how we manage that. I want to give the Minister of State a few examples.
3 o'clock First, in the area of digital policy, there are real challenges. Anyone involved in digital policy in the past ten to 20 years will attest that the UK Government has been the most progressive, engaged and advanced in its thinking when it comes to European digital policies. We will miss the UK in that regard. This country, which has large digital social networks and other industries, has to be very careful that we try to maintain some common standards in terms of digital services, particularly in order to ensure that a divide does not open up and gives rise to chaos and inefficiency.

On 7 November, this House will host the International Grand Committee on Disinformation and Fake News, which will be attended by parliamentarians from a variety of countries,

including, I am glad to say, the UK. The key question we will be asking is how to get collaboration in international governance of the Internet because if we fragment on that, we will not be able to protect our citizens, get the benefits of those systems and advance our economic well-being. That is not a minor issue. We have to avoid a situation where we go ahead with the e-commerce directive, the UK goes ahead with its White Paper on harmful content and the US goes ahead with amending section 230 of its communications Act. This country has an interest in trying to avoid the breakdown of collaboration in that area. I put it to the Taoiseach that we should include that within the strategic agenda of the upcoming Council and Commission for the next five years.

This is a very local issue in terms of environmental regulations. Two weeks ago, I asked the Tánaiste the likely arrangements we will get in any putative deal in terms of the habitats, water framework, birds and nitrates directives. It is very important that that regulatory alignment is nailed down because we cannot manage this island as we proceed to address climate change if we have divergent systems. As we try to protect and restore nature and avoid cross-border pollution, we have to have common alignment in those areas. I would argue that we have to have alignment with the UK, even if it is looking to ship in chlorinated chicken and beef that is “steroided” up to its eyeballs. That has implications for us also. If there is a deal, the beef industry will not wake up tomorrow morning and say, “That crisis is avoided” if our biggest market and nearest neighbour is using a Canada-minus or Canada-plus model to undermine the standards we have all agreed across these islands and across Europe in recent years. That is an important issue that we will have to focus on in any future trade talks. In other words, we do not stop meeting challenges. While the negotiating task will not be as much in the public eye, it will still be there.

In that regard, it is very important that the Government engages on the CAP negotiations in a strong way. It is ironic that the UK is leaving the European Union at a time when it states that it does not want top-down regulation. The European Commission appears to be saying, in terms of the CAP and the national energy climate plan, that it is putting it back to each state as to how they see themselves fulfilling the broad objectives of CAP reform or the climate plan on which we agree. Last Friday, we sent our submission on THE CAP reform proposals but I hear nothing from Fine Gael that recognises the scale of change we need to make in the CAP system.

The issue is not just about the size of the European budget, it is about changing the entire budget and payment system. We need a larger budget in order that we might pay young people to go into farming. We need to think 20, 30 or 40 years ahead as to how the environmental services we want our young farmers to provide will be looked after. That is a challenge about which I do not have any sense of ambition or long-term vision from the Government.

Similarly, on the national energy and climate plan, we will have to work with the UK, not just North-South but also east-west. It will be impossible for us to meet our 70% renewables target if we remain isolated as an energy system from the UK. It will be impossible for us to ensure our gas security if we do not have a long-term, deep energy relationship. Whatever else happens on trade with Singapore, India and so on, we have to make sure, in the next hurdle of negotiations, that energy collaboration works because it will work for everyone. It is one of those issues where, by sharing, we strengthen every country’s position.

In terms of our grouping in the EU Parliament, I am very glad we now have two Green MEPs in what is a significantly enlarged Greens-European Free Alliance group, which now has 75 members. I get the sense from a distance, however, that we have been frozen out from the

appointment of the Commission and the other high offices in the Union. It speaks to me of an EU that is clinging to an old conservative way of doing things and that the Christian Democrats and the Social Democrats, perhaps with the help of the liberals, will sort everything out. If Europe is clinging on to that old model because it believes it has worked for the past 50 years, it is missing this opportunity and important moment for change.

I hope our parliamentary group within the European Parliament will start to exert a much more significant influence on the European position. It should start with what is happening in Syria and Turkey at the present time, recognising that the fundamental source of the problem dates back more than 100 years to the Sykes-Picot Agreement, the divvying up of land and the big game of global politics where colonial and imperial powers, the likes of the British and the French, and now the Americans and the Russians, are using the Middle East almost as a chess board within which their power games are drawn out. The Green Party does not come with that perspective as to the way Europe protects its borders, manages its security or should be involved in European foreign policy. It would serve the Taoiseach well if he adopted that approach because Ireland, as a country, suffered from rather than took part directly in that imperial gain. We have everything to benefit from being a voice in Europe for a different approach to how we deal with our neighbours.

An Leas-Cheann Comhairle: Before calling the Minister of State to make a statement in reply, I wish, on my own behalf and on that of the Members of Dáil Éireann, to offer a céad míle fáilte, a most sincere welcome, to a delegation of the Legislative Committee of the Parliament of Montenegro, led by its Chairperson, Marta Šćepanović. Montenegro is a candidate country for EU membership and the delegation is in Leinster House to study the processes here regarding legislation and scrutiny of EU affairs. They are most welcome to Leinster House and I hope they find their visit useful and to our mutual benefit.

Minister of State at the Department of Foreign Affairs and Trade (Deputy Helen McEntee): I also welcome the delegation and our visitors.

This week's meeting of the European Council comes at an important time for many reasons. The institutions are renewing themselves and now leaders have an opportunity this week to set the direction of the EU for the years ahead. The Taoiseach has already outlined his expectations for the discussions on the implementation of the strategic agenda, the MFF, climate action and Brexit. I will focus on foreign policy issues and enlargement.

As the Taoiseach stated earlier, as the Tánaiste stated on Monday and as I stated yesterday, Ireland stands in full solidarity with Cyprus in light of illegal Turkish drilling activities in the eastern Mediterranean and recent Turkish statements and actions on Varosha. We deeply regret that Turkey has failed to refrain from its illegal activities in the Cypriot exclusive economic zone. On Monday of this week, the Foreign Affairs Council agreed that a framework regime of restrictive measures targeting persons involved in illegal drilling activity be put in place.

The Foreign Affairs Council and the Tánaiste also unanimously condemned Turkey's military action in north eastern Syria and agreed to halt arms exports to Turkey. Turkey's actions in Syria undermine the stability of the region. This will result in more civilians suffering and will make prospects for the UN-led peace process in Syria much more difficult. It also undermines progress made in the international fight against ISIS. Ireland stands united with our EU partners in urging Turkey to cease unilateral military action and withdraw its forces from Syria. Respect for international humanitarian law and unhindered humanitarian access are also vital.

16 October 2019

Leaders will hold further discussions on Turkish activities at their meeting this week, where the Taoiseach will reiterate these points.

In terms of enlargement, as Minister of State with responsibility for European affairs, I attended yesterday's meeting of the General Affairs Council in Luxembourg where we discussed enlargement and stabilisation in the region. The focus of our discussions was whether to open accession negotiations with the Republic of North Macedonia and Albania. Last May, the European Commission published its annual enlargement package and recommended opening accession negotiations with North Macedonia and Albania. We discussed this matter at the meeting of the General Affairs Council in June but in light of the limited time available to examine the country reports, and the importance of the matter, it was decided to delay this decision until no later than October. Unfortunately, our discussions at the General Affairs Council were inconclusive and this means leaders will take up the matter at the European Council. I am extremely disappointed with the outcome. Ireland's view has not changed since we discussed this in June. As I reported to the House following that debate which took place on 20 to 21 June, Ireland welcomes the Commission's findings, including the recommendations to open accession negotiations with the Republic of North Macedonia and Albania. We believe the reforms they have made and which we asked them to make should be recognised. In North Macedonia they have not only made significant reforms but those combined with the signing and ratification of what was an historic Prespa Agreement need to be recognised.

While the situation in Albania is much more complex, despite the polarised political situation, it has made progress across all chapter areas. In particular, it has made comprehensive justice reforms, again, a significant achievement which deserves to be acknowledged. I believe opening negotiations would be the right thing to do. We have concerns that if a decision is not taken to open these negotiations, it could have far-reaching and long-lasting negative political effects within the region. Currently, it places an onus on us to fulfil the commitments we have made. There is the potential to undermine our credibility, not only within the EU but further afield.

Looking towards tomorrow's European Council meeting, it is important leaders give a very clear, strong and substantive signal but make a decision on the next stage of the process as promised in the June conclusions. I sincerely hope we can send positive signals to both member states.

I thank Deputies for their attention and look forward to following on these discussions and answering questions further to the European Council meeting, which will take place tomorrow and Friday.

Sitting suspended at 3.13 p.m. and resumed at 4.13 p.m.

Saincheisteanna Tráthúla - Topical Issue Debate

Flood Risk Management

Deputy Michael Harty: I wish to address the flooding issues in County Clare, in particular the River Shannon flooding at Springfield, Clonlara, but also the flooding of the Limerick to

Ennis railway track at Ballycar and, if I have time, I will also address the coastal flooding at Ballyvaughan and Kinvara, as well as the coastal protection at Spanish Point and Doughmore beach in west Clare.

Springfield, Clonlara, was flooded in the winter of 2015 and 2016. River surveys, hydrology evaluation and cost-benefit analyses have been carried out in this area. Two issues need to be addressed. The first is the erection of an embankment and associated works at Springfield, Clonlara. When will planning permission be sought and when will this work commence? The second issue is in regard to a pinch point at Plassey involving 70% obstruction of the River Shannon. Until this is addressed, there will be flooding upstream at Clonlara and Castleconnell. A feasibility study is to be carried out as to how to address this issue but when will it be carried out and completed? The river bank and bed have not been properly maintained, allowing an island to develop in the middle of the River Shannon, as the Minister of State, Deputy Moran, has seen. The embankment is flood mitigation but clearing the pinch point will give lasting flood relief. When will action be taken on both of these issues?

The other issue is in regard to Ballycar, where the railway line is being obstructed by flooding. This interrupts the service between Limerick and Ennis almost every year for months on end. This line is part of the rail link between Limerick and Galway, carrying more than 400,000 passengers, and it is one of the Irish Rail lines that is growing year on year. The western rail corridor is part of this line, which will potentially extend to Claremorris and Tuam, and which is being promoted by the Minister of State, Deputy Canney. This flooding needs to be urgently addressed. Irish Rail, the Office of Public Works, the National Parks and Wildlife Service, Clare County Council and the Minister of State, Deputy Moran, need to get together to solve this issue.

Deputy Eugene Murphy: I will not blame the Minister of State for the rain that falls. While we can blame him for many things, I do not think we can get around that one by suggesting he has the power to stop the rain. Like Deputy Harty, I am dealing with ongoing problems. I acknowledge that the Minister of State works well with me, as the Fianna Fáil spokesman on the Office of Public Works and flood relief, and we share many views. I just wanted to put that on record.

We will not discuss Lough Funshinagh because the Minister of State arranged a meeting and we know what has to happen, given it is a very difficult situation for the farmers. I want to mention Tarmonbarry on the Roscommon-Longford border. The Minister of State was good enough to visit recently to see the problems there. When does he think that work can be tackled and how quickly can we get going on it? I understand we have to go through a procedure. The other area of concern is Jamestown on the Roscommon-Leitrim border, again on the River Shannon. There are difficulties there that require the carrying out of works. I accept it is difficult to control the water levels of the River Shannon, and I know the Minister of State has worked well and the agencies have worked well with him. However, the fear is that this flooding is going to expand. As the Minister of State knows, more and more land around Clonown in south Roscommon is being covered by flooding and this has been happening for years. With regard to Tarmonbarry and Jamestown, I understand that we cannot carry out work in one area and not carry it out in the other, because the water will back up again. What is the situation in regard to the work at Tarmonbarry? I would also welcome a comment from the Minister of State in regard to Jamestown, which is on the Roscommon-Leitrim border and has had a lot of flooding.

16 October 2019

An Ceann Comhairle: The Minister of State will be relieved to know we are not blaming him for the rainfall anyway.

Minister of State at the Department of Public Expenditure and Reform (Deputy Kevin Boxer Moran): I am glad to hear it. I will deal with Deputy Murphy's point first and then with the points made by Deputy Harty, who asked about protection measures in County Clare and a number of other issues. I will try to address all of the questions raised.

I thank the Deputies for raising this important matter. At this time of the year, as we approach the winter season, it is opportune that we consider our preparedness as a country to respond to severe weather events, such as flooding. I am aware of the impact flooding can have on individual households and on communities at large. Since taking up my current position, I have visited many such communities and have first-hand experience of seeing the devastation flooding can cause.

On 3 May 2018, I was delighted to launch 29 flood risk management plans and €1 billion in investment in flood risk over the coming decade. These plans are the output from the catchment flood risk assessment and management, CFRAM, programme, the largest ever flood risk study carried out in the State. The plans set out the measures proposed to address the flood risk nationally and include 118 new schemes to protect towns, villages and cities nationally. They include 19 in the catchment of the River Shannon in particular, in addition to the scheme already under way in Athlone, which is due to be completed in 2021.

I and the Government are working extremely hard to ensure the greatest possible progress is made over the next number of years on the continued delivery of a very ambitious programme of investment in flood defence and flood risk management measures. The commitment of €1 billion in the national development plan to this objective is a clear sign of how high a priority this is for the Government.

Twelve of these schemes have been prioritised as part of this ten-year programme. Engagement with the local authorities is ongoing in regard to Springfield, Ballinasloe, Nenagh, Longford, Rahan, Castleconnell, Mohill, Leitrim, Clonaslee, Carrick-on-Shannon, and Killa-loe, and for Limerick city, King's Island and its environs. The OPW has completed a scheme at Portavolla in Banagher and I am also working with Roscommon County Council on the Athleague scheme. Along the banks of the Shannon, procurement is scheduled to commence in the coming months to appoint engineering consultants for the design, development and planning of flood relief schemes in Limerick city and environs; Leitrim village; Carrick-on-Shannon, County Leitrim; and Killaloe-Ballina, in counties Clare and Tipperary. Local authorities have been supported through funding from the OPW under the minor flood mitigation works and coastal protection scheme in putting in place more than 540 local-scale flood protection projects, protecting more than 6,800 properties nationally. The funding available from my office to the office of minor works projects has increased from €2 million to €5 million per annum. This is a huge endorsement by the local authorities, and I encourage all local authorities in this regard because sometimes they do not realise that money is available for minor works. People do not come into my Department to discuss this. I would like to see them do so more often.

As Deputy Eugene Murphy mentioned, this year to the end of September, average rainfall was 820 mm in areas of the Shannon catchment area. This year we have had a lot more rain - 1,050 mm in certain areas. That is more than 230 mm, or 9 or 10 inches, above average.

The Government established the Shannon flood risk State agency co-ordination working group in 2016 to support plans already in place to address flooding on the Shannon and to enhance the ongoing co-operation of all State agencies involved with the River Shannon. The group has taken a number of significant decisions since its establishment, including targeted maintenance activities at a number of locations; trialling the lowering of levels on Lough Allen; studies to explore managing flood risk at the Callows; and a study on the cause, degree and rate of restriction downstream of Parteen Weir. I thank all those involved in the working group.

The group is also considering a feasible long-term maintenance programme for the River Shannon. Work done includes Maddens Island and Meelick Weir, where tonnes of silt, dead trees and other material have been removed, along with six other areas along the Shannon. Removing pinch points will drop levels on the Callows, benefiting the environment, wildlife and the farming community. I hope that report will be with me in the not-too-distant future.

An Ceann Comhairle: We will come back to the Minister of State.

Deputy Michael Harty: My specific questions concerned Springfield, Clonlara, and when the feasibility study will be carried out to deal with the pinch point at Plassy. It makes common sense, if flooding on the Shannon is to be dealt with, to deal with the lower river before dealing with the upper river. This does not seem to be happening, though. The Department is dealing with issues around Meelick Weir but needs to deal with issues farther down the river, where the obstruction to the flow is greatest.

My second point concerned Ballycar. At what stage is planning to address this issue? What meetings has the Minister of State had on addressing the flooding at Ballycar? If that rail line is to be interrupted year-on-year, it will make the service unreliable. It carries 400,000 passengers a year, and that is growing every year, linking Limerick with Galway.

The two issues are the feasibility study on the pinch point at Plassy and the Ballycar rail line flooding.

Deputy Eugene Murphy: I will be very brief because I know I have only a minute. The Minister of State might, if he can, give me an answer as to when he thinks the work in Tarmonbarry will be done. I accept the Department probably cannot do Tarmonbarry and Jamestown together. One has to be done before the other, going back to the point Deputy Harty made about the levels of the river.

The Minister of State mentioned something about the low-cost scheme. He indicated that local authorities may not be using it to the extent they should be using it. One often sees a side road that is flooded, and it goes back to the Shannon. It is a question of the water making its way around, through drains from the Shannon, or whichever way the flow is coming, as it makes its way to the Shannon. Is the Minister of State saying such roads are possibly entitled to funding from this low-cost scheme? It is very important that local authorities make submissions in respect of all those roads in order to solve those flooding issues because often it is only a bit of a drain that has to be cleaned out or whatever.

There was to be a Bord na Móna pilot scheme to take out more silt. Where are we with that? There is still a capacity issue with the Shannon.

Deputy Kevin Boxer Moran: The questions are getting longer. In fairness to Deputies Harty and Eugene Murphy, we have about seven, perhaps eight, schemes ongoing in Clare,

16 October 2019

some of which have gone to planning. Some are going to construction and some out to consultants.

Regarding the area Geraldine Quinlivan is from, Clonlara, I am very hopeful that a report will be on my desk in the not-too-distant future and that it will contain a positive response on the matter. I have also looked at the pinch points in that area and I am working with my Department on that.

I cannot give Deputy Harty an answer to his question on the railway line because I did not know it would come up today. I can tell him, however, that talks on that have been constructive and I hope we will have something positive to tell him about that.

The minor works scheme does not protect roads unless there are culverts on them. There may be blockages.

I was in Tarmonbarry and saw at first hand the issue there. We will apply for a licence and look at the works in that regard. As Deputies will be aware, if we do Jamestown first, we will have problems in Tarmonbarry. I am not prepared to do that. I will look at one and then the possibility of doing the other. We must work with Waterways Ireland on that.

I stress to the Deputies that we are in high waters. For this time of year the rainfall is higher than normal. I always say when people criticise me that we are only three days away from a flood. At the same time, the amount of work taking place down the Shannon, right across the Shannon catchment area, including in Limerick, is enormous. People should see the works we did at Meelick. There they will see that tonnes and tonnes of silt, peat and other material have been taken out of there. It has been a huge success. The depth at Meelick Weir was 2 ft. It is now back to 10 ft, which is what it always was. There was a build-up due to a lack of maintenance on the Shannon. People say we should have a single agency for the Shannon. We should not. To have one would be to tie ourselves up in red tape and legalities. What we are doing collectively as a group is massive and is moving things forward.

Regarding the pinch points we all talk about so much nowadays, there are 22 on the Shannon, 16 of which are significant. I am waiting for a report on this to come onto my desk. I want to see these 16 pinch points dealt with because in removing them we will drop the levels of the Shannon downstream of Athlone right down to where Deputy Harty lives. We are talking about dropping the level of the Shannon a foot and a half. The number of people who would benefit from this - the local farmer, the local business, BirdWatch Ireland - is enormous. The Government is committed to putting huge money into this. I must praise the Taoiseach because not a week goes by that he is not on to me asking me different questions about this and ensuring we get on top of everything. It is not easy but we are working together. I acknowledge Deputy Harty and in particular Deputy Eugene Murphy, who has worked closely with me on the Shannon over recent years and has given me no problems, only worked with me in trying to help me enhance projects. I thank him for that.

Vacant Sites

Deputy Frank O'Rourke: I thank the Ceann Comhairle's office for selecting this Topical Issue matter and thank the Minister of State, Deputy English, for giving the time to come before the House to discuss it with me. I also wish to use this as an opportunity to acknowledge the

Minister of State's co-operation in this regard in helping to deliver the funding to progress the much-needed second bridge for Celbridge. The local authority was awarded funding for this some months ago through his offices and his Department. This would help to bring the second bridge to Celbridge with ring roads, which are much needed in Celbridge to avoid the current traffic congestion and delays, all the way from concept through to design and tender. I acknowledge the Minister of State's positive work with me and Deputy Durkan in this regard. I want to put that on the record of the House.

I am disappointed I have to bring this issue before the House again. This is the third or fourth time we have been here looking for the support of the Minister of State and his officials in the Department in progressing this master plan for this area of Celbridge. It was identified through the local area plan recently as an area of key and strategic development. What I am looking to do, on behalf of the people of Celbridge, is get the Minister of State's support in engaging, communicating and liaising with the local authority to progress this master plan in order that the area can progress and develop, as I said, as an area of key development.

Looking back over the record of the House from previous occasions on which we discussed this, it is important to recap what we are talking about. This site is right beside Hazelhatch train station. It is less than a five-minute walk from the primary school in the area, St. Patrick's national school, the sporting clubs and the site the Department of Education and Skills owns, which is identified for two if not three schools to be built over the short to medium term. The Department has acknowledged it will use not only that site but also a site off Shinkeen Road which is progressing at present for development of schools, such is the need in the area. The site is also extremely close to the M50 and on to the M7, M8 and M9, so it is in quite a good location. The Department of Transport, Tourism and Sport has acknowledged that the Kildare rail line, serving Hazelhatch and Sallins, is a priority in the context of the allocation of the new rail carriages that are due to be delivered in 2021. The train line has also been identified for electrification, and that process will commence in 2022. It is all positive and it is the reason this area has been identified as an area of key strategic development for residential, commercial or whatever type of development is decided on by the governing local authority.

The stakeholders and landowners want to engage with the local authority and do the master plan in partnership with that authority. We should remember that in the previous local area plan, it was agreed a master plan for this land would be formulated before the expiry of the local area plan. The next local area plan for Celbridge is due in less than two years. We know the local authority has stretched resources and the Minister of State knows this from engaging with it. It needs support and the template identified here has been used in many different counties, including Kildare. There is nothing wrong with the suggested template, as the local authority would be the supervising body working in partnership to see what is critical for the site.

Unfortunately, nothing is happening and there is no progression. That is the reason I brought this matter before the House. This is important to Celbridge, where there is much land zoned for development in the recent local area plan but very few areas can be developed before we get the much-needed infrastructure. The Minister of State allocated funds in that regard earlier this year. Other lands cannot be developed until the infrastructure is in place.

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): I thank the Deputy for raising this important matter relating to housing and community development in Celbridge, the wider Kildare region and other areas. I am from Meath and many in the Chamber today are from Kildare, so we all understand the pres-

asures being felt in our counties. We also know how a lack of master plans led to developments that were not exactly what we wanted in many cases, and in some cases there was overdevelopment. In general, I am in favour of master planning well in advance. I have said it before during these debates that this is something we should encourage. I will address the matter before me but as a Department we encourage local authorities to plan ahead on the use of such land.

I remember there was much scrutiny of the local area plan for Celbridge at the time and it was clearly mentioned that this land is targeted for long-term growth. I cannot believe two years have passed since we had all those debates about the local area plan. It is important to scrutinise such matters and I thank the Deputy for raising this to allow me the opportunity to discuss the advancement of housing development in Celbridge and the continued planned growth of this important town in tandem with the supporting infrastructure and amenities required. I am glad there has been some progress with the various infrastructure projects as well.

The Celbridge local area plan for 2017 to 2023 was adopted by elected members in August 2017 and came into effect on 14 September 2017. I welcome the fact that the plan supports the provision of substantial new housing development in a key urban area close to Dublin. Kildare County Council, in its current county development plan, has earmarked Celbridge to grow in population by approximately 10,000 people over the next five to ten years. We need to plan for this increase and to ensure Celbridge grows in a coherent fashion with the timely delivery of the new infrastructure that will be needed for this expanded population. In fairness, there was a link in the plan between infrastructure and development and it is important that they are planned together. We must tick all the boxes and progress has been made on the various pieces of infrastructure. The bridge is a key point and I am glad that project is moving on as well.

I welcome the provisions in the plan that will enable future housing growth on the southern side of the town in proximity to the existing commuter rail station at Hazelhatch. This development strategy is consistent with established national and regional planning policy, which encourages new housing accessible to such high-quality public transport facilities in the interest of sustainable development. On the lands adjacent to Hazelhatch train station, I understand that the local area plan did not identify them for immediate development due primarily to flood management issues. I understand Kildare County Council has engaged consultants in order to address the issue with a final report due early next year. The plan indicated these lands were not for immediate development but we did stipulate they should be considered for future growth. The Deputy referenced this and I have checked it. I understand a report on the flooding issues is due in January or February, and the Deputy might know more about that than me. It will enable us to look at those lands at an appropriate time and develop a master plan. We certainly encourage that. Timelines for delivery and prioritisation are a local authority decision. This specifically relates to what lands become available and at what time. We encourage master planning and we are happy to work with authorities. I have referenced this before and I can say it again.

Notwithstanding this, the local area plan also identifies the key pieces of strategic infrastructure that are required to be delivered as part of the planned new housing development areas. The phasing arrangements set out in section 13 of the plan include requirements relating to the provision of new road, bridge, open space and other facilities that will support the new homes in being constructed. Design briefs are also provided for the five key development areas earmarked for future housing development, which will further assist in ensuring the construction of quality residential neighbourhoods that are integrated into the existing urban fabric of the town.

Many pieces of the jigsaw seem to be coming together and it is important that we keep adding to the process. As part of the roll-out of the local area plan and in the interests of supporting the integrated development of housing within that plan, Kildare County Council is committed to preparing a transport mobility management plan to support the sustainable growth of the town. State agencies, my Department and the National Transport Authority will be active in their support of the development of such a plan, which will inform future infrastructure delivery. This will facilitate proper timing of master plans, etc. This is something on which we can work.

Deputy Frank O'Rourke: I thank the Minister of State for his detailed reply. I refer to two of his comments. First, there is no key infrastructure required for the progression of this site because of its location. As I mentioned earlier, it is beside services such as a train station and motorway so no key development is required. The site could progress and it is not solely dependent on the second bridge and ring roads. We need those in Celbridge urgently but this location is not completely dependent on those projects.

Second, on the flooding issue it is worth noting I have engaged with the Minister of State's colleague, Deputy Kevin Boxer Moran, whose Department has allocated funding to the local authority, which in turn carried out flood alleviation works in the area over the past two years. Senior officials in the Department, along with the local authority, feel those issues have been addressed and dealt with fully. However, as a final piece to the jigsaw, they have agreed to fund a final detailed study, which is currently under way and will be completed just after Christmas. This is to ensure there are no other possible causes of flooding in the area. Technically speaking, there is no expectation of such flooding. The flooding issue has been almost fully, if not fully, dealt with.

A master plan will not be done overnight, as the Minister of State and his officials know. In light of everything that is positive here, will the Minister of State and his Department engage with Kildare County Council and stakeholders? Will he write in support of the master plan in order to progress it for this key area of development? It will eventually deliver housing, if that zoning is agreed through the normal statutory process, as the location beside these services has been identified through the Department, the local authority, the municipal district and the public as an area of key development for delivery of housing, etc. I hope we will not have to bring the matter before the House again and that the Department can send some correspondence to the local authority in support of this development for Celbridge. This will answer many of the problems caused by the current housing crisis.

Deputy Damien English: To be clear, the Department supports logical and sequential planning, as well as master plans for areas. The process exists where a local authority can appoint a planner to work with a team of people to develop a master plan that can maximise resources. It is something we certainly encourage. We have no problem corresponding with Kildare County Council in offering that support but we cannot instruct any local authority to develop any parcel of land or assign priorities to individual sites. It is in its own plan to do this so we support such action because we believe in it.

It is something we have discussed with the Office of the Planning Regulator. We have asked the new regulator, Mr. Niall Cussen, to engage proactively with local authorities. He has done it with Meath when it brought forward a development plan. Part of the job is to oversee the implementation of local area plans, which makes sense. I will correspond with Kildare County Council through the Department offering our support and any resources it needs. I will not tell

16 October 2019

the council what it must do as that is its job but we can certainly offer support and work as best we can.

The focus should now be on all the stakeholders, including the council, local businesses, State agencies and the wider community in implementing the Celbridge local area plan. I confirm that my Department and I will continue to work proactively with Kildare County Council in this regard on infrastructure delivery and sustainable urban development. The train station is there and there are lands that have been identified for development around that as well. We are also ready to work with Kildare in tackling the wider infrastructure delivery challenges to be addressed so as to ensure Celbridge can play a full part in delivering the core strategy of the Kildare county development plan and implement the full range of housing and planning policies available to it. Certainly, it is something we would encourage and we will work on that as well.

I did not get to mention earlier about my Department's allocation of the rural development fund towards technical assistance in the development of the Kildare County Council Celbridge southern relief road and second Liffey crossing proposal. This demonstrates our commitment to ensure that Celbridge is supported with appropriate infrastructure to accommodate growth and development in the area. I know that Deputy O'Rourke and Deputy Durkan pushed hard to ensure that happened, but it makes for good logical planning as well and I am glad we could do that. It makes sense now.

I repeat that the jigsaw is coming together. What the Deputy is asking for makes total sense with the master plan. I will certainly get our Department to correspond to support that as well.

IDA Ireland Portfolio

Deputy Pat Deering: Thank you, a Cheann Comhairle, for selecting this important issue. I have highlighted this issue in the House in recent years, whether through a Topical Issue matter or written or oral questions. The timelines have dragged on considerably in recent times.

I want to hear from the Minister of State today on where exactly things are at the moment. This is a highly important potential development for Carlow town. It is an advance facility. Carlow town was one of the nine towns selected in 2015 as part of the €150 million project at the time for an advance facility. Towns were picked or selected on the basis that they suffered job losses in the previous period. Like many other towns in the country, Carlow suffered many job losses, including at the sugar factory. The sugar industry was wound down approximately ten years ago. Another large factory in Carlow town at the time was the Braun facility, which at its peak employed 1,400 people. Again, that came to a conclusion approximately ten years ago. As a result, it was decided that an advance facility would be helpful to try to reinvigorate Carlow town.

It must be acknowledged at the same time that several extra facilities have come on board in Carlow town and have been developed, including the MSD facility, which has gone from strength to strength in the past ten years. That was done on the basis of an advance site being purchased approximately ten years ago in conjunction with Carlow County Council. The company could have been attracted to several different facilities, but we were fortunate in Carlow that MSD came along and purchased the whole site. The company is now expanding, and by the time of completion it will have an employment capacity of approximately 800 people. Ob-

viously, that is important for Carlow town. What we need at the moment is the other advance facility that has been promised to give Carlow town and the surrounding areas an extra boost to push on employment prospects.

This issue has been dragging on for several years. In May this year, in answer to an oral question, the Minister informed me that the site for the facility had been purchased by IDA Ireland. It was suggested that planning permission for the advance facility would be lodged within several weeks. That was on 14 May 2019, which was five or six months ago. We are no wiser in Carlow now about when the planning application will be lodged. In answer to my oral question in May, it was suggested that, depending on planning permission, construction would commence towards the end of 2019. As of today, 16 October, no planning permission has been lodged. It is obvious that there will not be a commencement date this year, and so another year will go by. There is no sign of the planning application. The site has been built. In my estimation it will be several years before we go through the planning process, commence the stage of building so that the facility will be in Carlow.

I thank the Minister of State for his presence today. I want to know about the timescales. The purchase of the site was completed in May, as per the answer to my oral question. There is no sign of the planning application. I would like to know a definite timescale for when that application will be lodged. Presuming that the planning process will be completed in the normal time, when is it hoped that the facility will start operating? What work has been done to ensure that appropriate tenants come into this facility so that we provide appropriate employment in the general area in the coming period?

Minister of State at the Department of Business, Enterprise and Innovation (Deputy Pat Breen): I thank Deputy Deering for raising this issue. In fact, Deputy Deering has been raising this issue regularly with the Minister, Deputy Humphreys, and me at the Department of Business, Enterprise and Innovation.

I wish to emphasise that the Government is focused on doing everything possible to deliver the fairest possible spread of foreign direct investment throughout the country. Our success is evident from IDA Ireland's recent figures of 58% of foreign direct investment being outside of Dublin. Strengthening regional development is important. Carlow and the south east remain an absolute priority for my Department and IDA Ireland.

Since 2015, IDA Ireland has been working hard towards ambitious regional development targets set out in the agency strategy for the period 2015 to 2019. These include the goal of increasing investment in every region of Ireland by between 30% and 40%. IDA Ireland, to its credit, is on track to achieve that objective by the end of the year. An important instrument of IDA Ireland in its efforts to boost investment outside of the main urban areas is the regional property programme. The programme, as Deputies may be aware, is designed to ensure the ready availability of an adequate supply of marketable serviced land, office and industrial buildings in advance of demand by existing and potential client companies of the agency. Deputy Deering alluded to this as the reason MSD located in Carlow. He suggested it was because there was an advance property portfolio available for that company. The company now employs in the region of 400 to 450 people. The IDA Ireland facility in Carlow will form part of this regional property programme. It is hoped it can help to attract more investment to the county and the surrounding area.

I can inform the Dáil that the agency has acquired a 12.6 ha site at Rathnapish in Carlow

town. IDA Ireland is intensively engaging with the local authority there regarding planning issues concerning access to the site. It is important to have this preliminary engagement before we put in the planning application.

My Department has been informed by the agency that a planning application is being finalised. The good news for Deputy Deering is that it is expected that the application will be submitted later on before the end of this month. It is on target for what Deputy Deering was talking about, that is to say, to have the planning in place. The normal planning process will apply, obviously, but I hope that permission would be given with all the preliminary discussions with Carlow County Council. I hope that it goes as speedily as possible.

As the Deputy will be aware from a previous briefing on the matter, IDA Ireland did not originally own land in the county for this important facility. As such, it had to acquire a site through the open market. The process associated with this purchase was lengthier than anticipated. This led to a later than planned completion date. I imagine the Deputy will understand that as well. I have every confidence that this building, once completed, will be a significant asset to Carlow in terms of attracting further multinational investment to the town and the wider region.

Deputy Pat Deering: I thank the Minister of State for his response. He outlined the advantage of having the advance facility in any town, but especially Carlow town. In Carlow we are proud of the MSD facility coming to town. It is celebrating its tenth anniversary this year. The co-operation between IDA Ireland and the local authority ten years ago resulted in MSD coming to town. When the company completes its latest extension, it will employ up to 800 people, which is important.

It is important to move on. Time always moves on. More wants more, obviously, as we all know. The fact is there is an expectation now that the advance facility will be coming on board. It was promised some years ago. We have waited so long. It is important now that progress is made. I am pleased to hear that the planning application will be ready to roll at this stage.

I wish to impress on the Minister of State the importance of having the planning application lodged before the end of the month. It is essential that it would be lodged before the end of the month. Obviously, there is a planning process to go through after that, which will take several months. That will bring us into 2020, which could be an interesting year in many ways, as we all know. It will be for everyone bar yourself, a Cheann Comhairle. It is important that we would make progress in that regard.

I would also like to know from the Minister of State whether progress is being made in attracting a tenant to this facility. The site is one thing. It is 12.6 ha, which is substantial. The building then will come on board in due course. I hope by this time next year we will have the building in place or we will be a long way towards completing it. Obviously, a building is no good without a tenant, which will obviously employ people for the future. That is what the people in Carlow and surrounding areas want to know. What work is being done at this stage by IDA Ireland to attract a tenant to fill the facility? What type of facility will we have? Will it be an engineering facility? Carlow has a long track record from an engineering point of view. We had the sugar company there previously. We have the Burnside Eurocyl facility in Carlow and surrounding areas. It employs 1,000 people in three different facilities. People want to know what potential there is for employment in the general area for the future.

I am keen to hear about the timelines first of all. I am delighted to hear that the planning application is ready to be submitted. I would also like to know what type of facility it will be and what the timeline will be for completion.

Deputy Pat Breen: I work closely with IDA Ireland. It is one of the most professional agencies we have to attract industry into Ireland against stiff competition. It will continue to engage with its clients to identify further opportunities for new investment in Carlow and the south east. I have visited the region with the Deputy and have also visited Carlow IT, which is important for attracting industry into the region. The region is well positioned to attract further foreign direct investment and the agency is working with all its stakeholders in the region to support that goal. Carlow has experienced a year-on-year increase in foreign direct investment employment since 2011, so extra jobs are coming to Carlow each year. There has been a two-fold increase in employment by IDA Ireland client companies in that period and last year alone, the number of IDA Ireland-supported companies in the county increased by 31%, with 275 net jobs added.

Another key development in the context of foreign direct investment in Carlow was the beginning of the construction of MSD's second manufacturing facility in the county. The new production facility will create up to another 117 new jobs and the expansion reflects Carlow's appeal to overseas investors. County Carlow is making real strides when it comes to overseas investment, though we cannot rest on our laurels and we want to see more, particularly given that Brexit is coming. We have ensured IDA Ireland has the necessary resources to continue to attract investment into the country and the new IDA Ireland facility, which we hope will be constructed as soon as possible, will be a very important part of that. It will add to the other good companies in Carlow such as Autolaunch, Thermo Air Environmental, Imofa and DeLaval and we should not forget the indigenous companies, both from Enterprise Ireland and the local enterprises, which have all contributed to making sure the Carlow economy is well served and jobs are created.

Mental Health Services Funding

Deputy Paul Murphy: This matter was originally scheduled to be taken last week to coincide with World Mental Health Day but it is appropriate that we discuss it today in light of the incredible and tragic situation of people who have lost loved ones to suicide being forced to protest outside the Dáil. They carried placards reading "She died waiting" and "24-7 Mental Healthcare Access Now", in a clear appeal to the Government to save people from suicide, and they referred to the budget of last week.

Does the Minister agree that we have a mental health crisis? The last census saw an 29% increase in people with mental health problems and over one in 15 young people has engaged in deliberate self-harm. By the age of 24, up to one in five young people has experienced suicidal ideation and ten people tragically die by suicide every week. There is an immense crisis in our society but it is unmatched by the response of the Government. Between 20% and 25% of overall ill health is caused by mental health problems but only about 7% of the health budget goes on mental health. Last week's budget included €39 million for mental health but two thirds of that is going towards pay increases, which are deserved and necessary, and addressing the existing level of services which means the increase in availability and access, at a time when there are massive waiting lists, is extremely small.

The impact of this on our society and economy is immense and an OECD report from 2018 stated that mental health problems cost the economy over €8 billion annually. However, the introduction by the Government of the Your Mental Health information line simply directs callers to one of over 1,000 other helplines and does little to assist those in dire need. Suicide support services may alleviate someone's situation in the immediate term but they are not a long-term solution for anyone with severe mental health difficulties and for the Government to suggest that it is a solution is a slap in the face for those who struggle with such difficulties on a daily basis. It is proven that calls increase with new helplines but what does that mean when we lack consistent State-funded mental health support such as specific centres, support groups and particular treatments for certain illnesses? At the end of last year, over one quarter of the people on the waiting list for psychology in primary care had been waiting more than 12 months to be seen. Helplines will typically advise someone in urgent need to go to an emergency department but they wait there for ten hours and end up on a waiting list, which does not resolve the situation.

A helpline is the bare minimum we need to have. What we need is sufficient investment, the implementation of A Vision for Change and 24-hour access to appropriate care. We need to get rid of waiting lists so people can access, publicly, the mental healthcare services they need. This needs to be linked to a struggle for a society without alienation and where people have control over their lives, their housing and their jobs and do not suffer from eco-anxiety or eco-guilt because of a sense of a climate that is headed for a catastrophe. These services are linked to a fundamental socialist change in our society.

Minister of State at the Department of Health (Deputy Jim Daly): I thank the Deputy and express my appreciation to him for withdrawing this matter last week. He had wanted it to be dealt with during Mental health Week but it is every bit as appropriate today. I acknowledge the parents who are at the front gate today. I went out and said hello to them and it is heart-breaking to see parents who have lost their gorgeous children and are wearing T-shirts with pictures of their children on them. They have nothing to gain from improved services but they care enough to try to provoke movement on behalf of other families to spare them the same fate. It is a wake-up call for all of us. None of us can imagine what it is like to be one of the parents at the gates of Leinster House with a picture of their child who was lost to suicide. I acknowledge their bravery and the contribution they are making.

I will not read my script because a lot of it is already on the record and the Deputy is up to speed on the issues. I have gained a good insight into the issues but I do not have all the solutions or a monopoly of wisdom on the right thing to do. Money is a very important part of the service and the Government will respond to this. There has been a 44% increase in funding the past number of years, from €700 million to over €1 billion. I am far more interested, however, in what we are doing with that €1 billion than arguing every day about how much of the €39 million increase is going to pay increases and how much to new developments. I am concerned as to whether we are doing the right thing with the money because throwing another €50 million at it may get me off the hook but I need to be more responsible.

One of the things I have championed are lower-level interventions because that is how I believe we will tackle the waiting list issue which has bedevilled CAMHS for so long. I can throw €3 million or €4 million at a waiting list initiative, as my predecessors have done, but doing that means that, while the numbers initially go down, they come straight back up again as soon as the money is spent. I have tried to structurally reform what we do and how we do it. I have put in a lower level of psychology in the infrastructure. While psychiatry is a spe-

cialist intervention, led by a consultant psychiatrist with a highly disciplined team, some 2,000 children are waiting to access the service so 134 psychologists have come into primary care to reach out to children earlier.

The Deputy referenced the helpline and I do not mind people questioning its validity but we should also acknowledge progress when it is made. There are 1,027 different services funded by the HSE and the State but if a person is in trouble, I am not sure they know who to call, whether it is Aware, Pieta House or Jigsaw or some other service.

By calling our phone number, one can access 1,027 services, including face-to-face therapies and complementary therapies. It is about ensuring a lower level of intervention is available such that problems do not escalate to needing psychiatry and medication. That initiative is working. I do not like talking about waiting lists going down because they may go up again tomorrow. That said, since the beginning of the year, there has been a 20% reduction in the waiting list for CAMHS, which is a significant development. More important, the reduction is sustainable. I am not interested in a headline figure of a 20% reduction in the waiting list; I want it to be sustainable. Having the lower level of psychology infrastructure in primary care centres has lessened the demand for CAMHS. The reduction has come at a time when there has been a 24% increase in demand for the services. We must acknowledge what is working while recognising that there is far more we need to do.

5 o'clock

Deputy Paul Murphy: To put it bluntly, the Government is failing to listen or to address the needs on the required scale. I agree that, in addition to increasing funding, it is about listening to affected communities about what is really required and what works. Funding is part of the solution.

On the staffing gap, there are approximately 10,000 mental health whole-time equivalents, but A Vision for Change recommends having 13,000 such posts. How will that be addressed without a substantial increase in funding? What about the argument - with which I agree - of Mental Health Reform that the office of a national director of mental health should be reinstated in order to properly co-ordinate funding across the country? It is striking that when the State fails to deal with its responsibilities to provide these services as part of a properly funded national health service, the burden falls on many others across society. There was a briefing of community groups in the audiovisual room earlier today. They are struggling to provide help to those who need professional mental healthcare.

There is a broader point about what has been referred to as the mental health plague in our society. Mark Fisher, the late socialist author, wrote: "Capitalist realism insists on treating mental health as if it were a natural fact, like weather ... we need to ask: how has it become acceptable that so many people, and especially so many young people, are ill?" There has been an explosion in mental health problems not just in Ireland but across the world. That relates to the levels of alienation and oppression in our society.

Deputy Jim Daly: I agree with the Deputy's last point. I am not trying to pass the buck but there are wider questions to be answered on a societal level. We need to look at the cause of these issues and what is driving them rather than treating the symptoms.

The Deputy referred to recruitment. There are challenges in that regard but, as I have said repeatedly to officials in the Department, that is no excuse. We must do more. There is a global

scarcity of highly specialised trained mental health professionals. The Deputy asked what we are doing about it. Money is one aspect of the issue. I have limited control over the budget.

I have looked at how it is done in other countries. Of great interest is how other countries are utilising the online space to deliver consultant psychiatry. Rather than having a consultant psychiatrist in the emergency department of Cork University Hospital waiting for one or two presentations in a 24-hour period, another in Waterford hospital and another in Kerry, one consultant could cover the three sites using a screen. Mental health care can be delivered online. That is being done in other countries such as the United States and Australia. We are making psychology available online 24-7. Many people are more comfortable availing of it online. The anonymity involved suits people as they do not have to go in and register their name and address and so on. Mental health is an area in which that can be done.

We have also developed a crisis text line which will be live before the end of the year. That is a very significant investment which will cost approximately €2.5 million per year. Similar initiatives have enjoyed phenomenal success worldwide. I do not have time to go into its merits. We also offer other digital supports such as cognitive behavioural therapy. We are embracing the role of technology and seeing how it can assist in dealing with the lack of availability of specialists by maximising their contribution while making services more accessible.

I refer to the serious mental health crisis among the Traveller community. Suicide prevention is key and safeTALK training needs to be rolled out in those areas. We need to look at new ways of dealing with old problems rather than trying to blame it on a recruitment and retention challenge.

Road Traffic (Amendment) (Use of Electric Scooters) Bill 2019: Second Stage [Private Members]

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

An Ceann Comhairle: Is the Deputy sharing time?

Deputy Marc MacSharry: I am sharing with Deputies Lahart and Butler, as well as Deputy O’Keeffe if he arrives in time. I am glad to bring the Bill before the House on behalf of Fianna Fáil. In so doing, I wish to single out Deputy Troy. The Bill had its genesis in his work and that of our Dublin spokesperson, Deputy Lahart, who is beside me. They undertook considerable work on the issue rather than procrastinate on it endlessly like the Minister for Transport, Tourism and Sport, Deputy Ross, who is not present. The Minister of State, Deputy Griffin, who is present, predominantly focuses on the areas of sport and possibly tourism. It is surprising that the Minister did not see fit to be here to discuss this important Bill. No doubt, there is a pressing photo call which trumps the need for e-transportation and support for those commuting in misery in Dublin in particular, as well as in many large towns and cities. It is regrettable that he is not present. Perhaps the Minister of State will enlighten us as to the current location of the Minister and his reason for being absent from the debate.

This issue is very much in the here and now. All Deputies see e-scooters every day, particularly in Dublin and large towns. Many people are at their wit’s end trying to navigate con-

gestion, over-capacity in rail and bus transportation and difficulties in going about their daily business when travelling to college, school or work. For such people, electric scooters work.

Under the current legislation, the 1961 Road Traffic Act, it is illegal to operate an e-scooter without tax and insurance. That anomaly must be addressed. As far back as 2017, the Minister for Transport, Tourism and Sport discussed prevailing on the Road Safety Authority to introduce appropriate guidelines and considering legislating for e-scooters, but we are still waiting. Indeed, a Fine Gael Deputy saw fit to issue a press release last weekend to state that the Minister must stop dragging his heels on e-scooter legislation. That move was, no doubt, prompted by our Bill which has been on the Order Paper for several weeks. The Deputy stated that he had been raising this issue with the Minister for many years and so on. Needless to say, I agree fully with the Deputy. The Minister of State will be glad to hear that the Deputy in question is not an Independent but, rather, a member of his party. No doubt, he completely shares the sentiments outlined through the Fine Gael press office at the weekend in terms of the unnecessary delay and procrastination which is a hallmark of the Government. It tells us, "Leave it to us; we will look after this", on matters such as national broadband, the children's hospital, universal healthcare and countless other measures. However, all we get are photo calls, profile launches, celebrations, back slapping and so on.

I note the amendment tabled by the Government. Clearly, a significant amount of thought went into it. It can be paraphrased in one sentence: "Let us kick this can even further down the road." The most recent budget took a smoke and mirrors approach whereby capital expenditure is down €150 million compared with the mid-year forecast but current expenditure is up approximately €27 million. We are robbing Peter to pay Paul. I know the Minister of State's aspect of the Department will be the larger beneficiary of that. There will be support for other photocalls during the Tokyo Olympics and the European under-20 championships, which we will be hosting.

The time for procrastination is over. We will not be supporting the Government amendment. We hope our colleagues in other parties are prepared to support this vital legislation. It is new territory for this country. It is new ground. We are open to useful amendments as we seek to regularise the situation for the many people who are already using e-scooters and to help us build on that. We know that public consultation is under way. It will be finished at the beginning of November, which is two weeks away. There is no need for a three-month delay. We need to press ahead. The outcome of the public consultation will coincide precisely with the Committee Stage debate on this Bill, if the Government is prepared to order it as such. We are open to any suggestions the Government may have with regard to this legislation that would help us to regularise the situation for people who use e-scooters.

This Bill seeks to amend the definition of a "mechanically propelled vehicle" in the Road Traffic Act 1961, thereby removing the need for tax and insurance in the case of e-scooters. It also seeks to amend the Road Safety Authority Act 2006 to give the RSA the ability to advise on the safest and best regulations we can use. This legislation will provide for the mandatory use of helmets. As my colleague, Deputy Lahart, has clarified, people will not be required to carry helmets the size of footballs under their arms. As technology comes forward from manufacturers, foldable and non-intrusive helmets are becoming available.

There are many good things in this Bill. If the Minister for Transport, Tourism and Sport had seen fit to be here today - he may participate in the Committee Stage debate - he might have made some tangible suggestions and we might even have embraced them. We look forward to

doing so on Committee Stage, which is the appropriate time for such discussions. There should be no further procrastination. Delay is the hallmark of this Government. This was epitomised by Deputy Rock in his press release at the weekend. It came from the Department's press office. The Deputy said we need to see action because we have had enough delay on this matter.

This legislation is being proposed on behalf of people who are trying to think green, to get away from the misery of commuting and to take advantage of the technology that is available to them. They want to travel to work in an efficient manner on e-scooters with a carbon footprint that is a fraction of the carbon footprint of the standard combustible engines of buses, cars and vans, which we are all so used to.

I will hand over for now to Deputy Lahart and my other colleagues who wish to make some points on this legislation. I appreciate that the Minister of State may have been given a hospital pass in this regard. I am guessing that the Minister, Deputy Ross, is jetting off to the rugby match in Tokyo on Saturday. No doubt the Minister of State will be able to inform us. I hope his response will embrace the fact that this legislation is being introduced with sincerity and genuine thought for people who are being criminalised, in effect, because of the Government's failure to bring forward appropriate regulations.

Deputy John Lahart: I thank the Minister of State for being here today. It is a much more difficult task to have a go at him because his personality absorbs these kinds of things seamlessly.

Deputy Brendan Griffin: I will take that as a compliment.

Deputy John Lahart: We are depending on the Minister of State to pass on our comments to the Minister for Transport, Tourism and Sport. As my colleague, Deputy MacSharry, has said, the context for this debate is the worsening congestion in Dublin. As my party's Dublin spokesperson, I am conscious that congestion in the city is increasing on a daily and weekly basis. As the Minister of State is aware, Dublin is now known as the slowest moving city in Europe. When all of the accumulated hours are added up, it is estimated that the average person in Dublin spends ten days sitting in traffic each year. As I have said in this House previously, congestion is costing the economy approximately €350 million. It is predicted that this will increase to almost €3 billion by 2030.

The Minister, Deputy Ross, has weighed in on other Government portfolios, including social protection and - most notably - justice. Nobody from Fine Gael other than the Minister of State, Deputy Griffin, is present for this debate. Nobody in Fine Gael seems to weigh in on the Department of Transport, Tourism and Sport. Transport has been neglected. The Minister is broadly disengaged from the issues that will fill the gap between now and 2027, when the metro will come on stream and BusConnects will be delivered. We are trying to fill the gap by bringing climate action-friendly legislation before this House.

Deputy MacSharry and I admit that e-scooters are not a silver bullet. They have a small part to play. They are one of many things that can contribute in a small way to lessening and overcoming the chronic congestion we are increasingly experiencing. Given that this is one of the first genuine climate action Bills to have been brought before the House, I am disappointed no Green Party Deputies are present. I exhort them to support this legislation when it is put to a vote. I would be very surprised if they did not do so.

The Minister of State, like all Deputies who are worth their salt, will know that the whole

transport technology space is evolving very quickly. Two years ago, e-scooters would not have been considered as a possible response to traffic congestion other than in places like China. As a result of a splurge of activity in the US, many people have been trying to make money quickly. Our Bill is perfectly timed to take advantage of the mistakes that were made in other countries where e-scooters were introduced in advance of the introduction of regulations. In many such countries, e-scooters were banned from certain campuses, cities and towns because they were seen as a nuisance. As Deputy MacSharry has said, in this Bill we are trying to create a legal framework for ensuring e-scooters are safe for the public to use.

I would like to refer to an interesting article that was published in *The New York Times* last year. I read it because I was aware that the US has a great deal of experience in this area. It was written by a journalist who wanted to experience the scooter craze for himself by spending a week using shared e-scooters, like the Dublin city bikes scheme, as his primary mode of transportation. The article states:

I rode them to meetings, ran errands across town and went for long joy rides on the Venice Beach boardwalk. In all, I took more than a dozen scooter rides, from just a few blocks to several miles. And here's my verdict: E-scooters might look and feel kind of dorky, but they aren't an urban menace or a harbinger of the apocalypse Like the earliest ride-hailing providers, many e-scooter companies have taken a cavalier approach to growth, dumping thousands of vehicles on city streets with no permits and little advance notice. This tactic has not endeared them to cities [which have ended up paying fines, etc] Emerging technology should always be scrutinized.

In this legislation, we are trying to put in place a model of best practice which learns from the mistakes of other countries. As we have said, we are completely open to amendments in this regard.

According to the article in *The New York Times*, the perception among the public is that there are three major issues with e-scooters. The first perceived issue is that "Scooters are a public safety hazard". As Deputy MacSharry has pointed out, the RSA could approach this issue by setting speed limits and requiring people to use crash helmets. Some providers are providing lessons because some people fall off when they take a ride on an e-scooter for the first time. However, people are far less likely to fall off than they anticipate. The second perceived issue is that "Scooters are cluttering sidewalks, roads and other public spaces". Our legislation reassures the public that this simply will not happen. The third perceived issue is that "Scooters are annoying symbols of tech-world elitism". In fact, they are incredibly cheap, incredibly affordable, flexible and agile. As we have said, e-scooters alone will not solve the congestion problems of Dublin or any other urban area. I know Deputy Butler will speak about them from a Waterford perspective. E-scooters should be a small part of our effort to deal with the problem of chronic traffic congestion.

The technology in this area has evolved since e-scooters started to be introduced. It is continuing to evolve. It is clear that in respect of technology and e-technology, the Government has put all of its eggs in the basket of e-cars. The climate action plan, which is a laudable document, does not mention the role of e-bikes, which are playing a critical role in cities in countries like Belgium, Austria, France, Denmark and the Netherlands. The plan does not mention the role that e-scooters can play. It is all about e-cars. It suggests that there will be 1 million e-cars in Ireland by 2030. When the Minister for Transport, Tourism and Sport spoke after the budget last week, he did not mention the provision of tax incentives, tax deductibles or general funding

for the provision of e-scooters and e-bikes. Equally, there were no incentives for associated infrastructure. The Government has had eight years to try to introduce these initiatives. Its cupboard is clearly bare when it comes to technological solutions and using smart technology to solve some of the problems that face us.

In summary, we do not see why we should delay our Bill for three months. No representative in the House cannot bring the arguments the public are bringing to the public consultation which is finishing in a few weeks. By the time this moves to the next stage, the fruits of the public consultation will be available to everybody. Why kick this into January next year? In his response, the Minister of State, Deputy Griffin, must defend that in a way that the public finds acceptable.

Deputy Mary Butler: I thank the Ceann Comhairle for the opportunity to speak on this issue. I commend my colleagues, Deputies Lahart, MacSharry and Troy, who worked very hard to bring the Bill forward.

The use of e-scooters is growing in popularity with commuters, and companies in our cities are offering e-scooter rentals to tourists. The Bill is timely. Whether one is a fan of e-scooters, they have become very popular in European countries. I will concentrate on health and safety issues because whether one likes them, health and safety have to be paramount.

Clarity needs to be brought to their use as they are in a legal limbo. The Road Safety Authority, RSA, has recommended that e-scooters be legalised, with important safety regulations laid down. The RSA carried out research into how other EU member states regulate the use of these vehicles. The report recommends that legislation should be developed which encourages the use of protective equipment by users, the provision of training and safety standards regarding their use and guidance on where they can be used. It also found that the use of such vehicles could help Ireland to reach its climate emissions targets. Providing these alternative travel means is sustainable and will ultimately reduce carbon emissions and provide a benefit to the environment.

E-scooters offer a green alternative to commuters making short journeys around cities and suburbs. They have the potential to reduce congestion and emissions. As it stands, e-scooter users should have insurance, road tax and driving licences, with penalties under road traffic laws, including fixed charge notices, penalty points, fines and possible seizures of vehicles for not being in compliance with these requirements. Despite this, it is currently not possible to tax or insure an e-scooter. Therefore, they are, essentially, illegal on Irish roads, and that is a worry.

The Bill aims to create a legal regime for the use of e-scooters that is based on a common-sense approach and lessons from other jurisdictions. It first removes the requirement for these vehicles to be taxed and insured, which are overly onerous requirements that do not recognise the nature of the vehicles. It also sets out a speed limit as well as a requirement to wear a helmet, which is very important.

With Christmas approaching, we will see more and more e-scooters on our roads and paths. As I thought about what I would say during this debate I did some research. I am not as familiar with these vehicles as other Deputies. They are prevalent in Dublin. I walked down a street at lunchtime and somebody whizzed past me on one. They are growing in popularity. I looked up what they cost. A lightweight e-scooter is available for €325 online and more expensive models cost anywhere from €600 up to a couple of thousand euro. My worry is that many young

children and teenagers will be using e-scooters and that is why it is important to have this conversation. These scooters will be used by young people in particular, and health and safety has to be our main concern. I especially welcome the provision in the Bill on wearing a helmet as this will be the only protection for people's heads if accidents happen.

We need to invest seriously in Ireland's transport network and it is evident that in urban and suburban areas in particular new alternatives are needed. As we consider the route forward, the pressing issues of climate change and air quality need to be factored in. The reality is that e-scooters, like e-bikes, present an exciting new possibility in terms of personal transport. The current ban on their use on Irish roads is pointless, inconsistently applied and stuck in the dark ages.

Safety considerations must be taken into account when it comes to e-scooters, which have caused a number of serious and minor injuries abroad. The Bill sets a speed limit of 25 km/h, a limit which is mirrored across other jurisdictions. The Bill requires that all e-scooters be fitted with a limiter, a device that prevents them from travelling above a certain speed. Experience from other jurisdictions underscores the need to set down sensible regulations on the use of e-scooters before their use becomes commonplace. The Bill is timely and merits support.

Of course, e-scooters will always be safest where there is high-quality segregated infrastructure available to those who use them and to cyclists. Given the pressing nature of the issue, as my colleagues have said, they are open to accepting amendments on Committee Stage and hope the Bill will receive cross-party support.

Minister of State at the Department of Transport, Tourism and Sport (Deputy Brendan Griffin): I move amendment No. 1:

To delete all words after "That" and substitute the following:

"Dáil Éireann resolves that the Road Traffic (Amendment) (Use of Electric Scooters) Bill 2019 be deemed to be read a second time this day three months, to allow for the consideration of the outcome of the Public Consultation on Powered Personal Transporters, as commissioned by the Department of Transport, Tourism and Sport to be finalised and to allow for that outcome to be then taken into account in the consideration of the Bill."

I thank Deputies for bringing forward the Bill. The Minister for Transport, Tourism and Sport, Deputy Shane Ross, sends his apologies. He is unable to be here because of departmental commitments.

It is fitting that we are having this discussion. When I first came to Dublin almost nine years ago after the 2011 general election, I was able to drive in, out of and around Dublin city very easily. The congestion in Dublin, which is heavy at times, is a result of the growth in the economy and the fact that we are now in a very different place compared with 2011. That said, there may well be a place for e-scooters in the future in terms of how we address that problem.

It took me 44 minutes to drive to Tayto Park from Merrion Square today. Sometimes we talk about congestion in Dublin city, but it is not the worst city to drive around. Sometimes we can talk it down too much, which can be detrimental. I am not ignoring the fact that there are crunch times where the city is at a standstill. There are also times when one can travel around Dublin more easily, which was the case during rush hour earlier today. As Deputies know, lowly Ministers of State do not have access to bus lanes.

Deputy Marc MacSharry: Or to rugby tickets.

Deputy Brendan Griffin: We can sometimes talk down our city and I do not think we should do that.

I thank Deputy MacSharry for bringing this Bill before the House, which proposes to regulate the use of e-scooters and provide for their safe use on Irish public roads and streets. While I can state that the Minister, Deputy Ross, appreciates the broad thrust of the Bill in that respect, rather than opposing the Bill outright, he is proposing to table a timed amendment to the motion that the Bill be now read a Second Time to allow three months for the consideration of the outcome of the current public consultation process, which concludes at the beginning of next month. Following that consideration, should the Minister decide to legislate for the safe use of these mechanically propelled vehicles on public roads or in public places, any necessary amendments to existing legal provisions will be identified and the necessary legal advice obtained in respect of such amendments.

One of the difficulties in proposing amendments to road traffic legislation is that such amendments can never be constructed and put forward in isolation from other existing provisions, particularly when it comes to key road safety measures such as intoxicated or dangerous driving offences. This is an important consideration to be borne in mind when reading Deputy MacSharry's Bill. The Bill aims to amend a key cornerstone provision in road traffic law, namely, the definition of a "mechanically propelled vehicle", to allow for the use of e-scooters on public roads and in public places. However, in doing so, the Bill inadvertently removes certain necessary legal obligations that give protection to other road users from the misuse of these vehicles, such as using an e-scooter while intoxicated or in a dangerous or careless manner. This would be the end result of the proposed amendment contained in section 2.

Is it the Deputy's intention, through this Private Members' Bill, to try to define an e-scooter and then allow for its use on a public road or in a public place without any restriction or prohibition being applied under existing road traffic law? The media coverage of this Bill claims that it will provide for a fine of €2,500 for users of e-scooters exceeding a speed limit of 25 km/h. There is no such speed limit provided for in legislation. This section is silent on where such a restriction may be applied. Perhaps the Bill is intended to cover a maximum vehicle speed limit of 25 km/h. However, that is not achieved by section 4 either. In attempting to impose a maximum speed restriction on e-scooters, notwithstanding that the Bill defines such vehicles as having a design speed of 35 km/h in section 1, it proposes to impose that maximum speed restriction through a requirement in section 3 "to bear a speed limitation device which limits the scooter to speeds of 25 kilometres per hour". In the ordinary meaning of the word "bear", this means that such a vehicle will be required to "carry" such a device but the Bill is silent on any requirement regarding its use. It is also noted that no offence is proposed for using the vehicle without having such a device on it.

The restatement of section 51A of the Road Traffic Act 1961 at section 6 of the Bill dealing with driving without reasonable consideration is yet another example as to why the Minister cannot accept the Bill as drafted. The inclusion of such a provision in this Bill would seriously undermine the existing important provision in respect of such behaviour, and in doing so, however, actually fail to include e-scooters. I doubt that any of these consequences were intended by the Deputy. They are what we would call unintended consequences that would arise as a result of the Bill being implemented as it is.

As Deputy MacSharry will be aware, the use of e-scooters and suchlike vehicles, commonly referred to as powered personal transporters, PPTs, is an issue being examined by the Minister along with his officials. They are not alone in that regard as many other member states across the EU and other international jurisdictions are trying to address the sudden proliferation of such vehicles in their respective cities and provide for their safe use. This is not a straightforward task by any means.

At this point, the Minister and I would like to make it very clear that the use of such vehicles on public roads and in public places in this country is currently strictly prohibited. Despite some claims to the contrary and inaccurate references to a legal grey area, that position has been clarified on a number of occasions, including a public notice to retailers regarding such vehicles. This reflects the approach taken in a number of other countries, including the UK.

To be better informed when making a decision as to whether the Minister should legislate for the use of such vehicles in this country, in November last year he tasked the Road Safety Authority, RSA, with carrying out research into the use of PPTs in other countries and the implications for their interaction with other vulnerable road users along with other, what would be termed normal, vehicular traffic.

The RSA commissioned the Transport Research Laboratory, TRL, Limited in the UK to carry out the required research. Notwithstanding the lack of robust evidence available to the researchers, because e-scooters and such vehicles are emerging around the world as new and innovative forms of personal transport at this time, the key findings were that there was no clear universal consensus and much confusion as to how to approach the issues surrounding PPTs, and there was significant variation in how different countries are regulating for their use. Obviously, there cannot be a one-size-fits-all way of regulating the use of these vehicles since each jurisdiction has its own road traffic laws.

Ireland is not unique in its attempts to legislate for this relatively new transport phenomenon. Many other jurisdictions have attempted to legislate for their use, with some reverting to an outright ban following fatalities and serious injuries. The RSA and TRL have recommended that the legislation be amended but with significant caveats being applied, including the promotion of the use of helmets and other protective equipment, the need to provide training for the operators of these vehicles, and clarification as to who can legally use the vehicles, including age restrictions and possible licence requirements. I need not remind the House that a valid licence is but one of the requirements for driving a mechanically propelled vehicle.

However, recognising that the reviewers encountered significant difficulties in carrying out their research due to a lack of robust evidence being available at this time, the Minister initiated a two-month public consultation process, ending on 1 November, to investigate from a purely Irish perspective the conditions under which e-scooters and such vehicles might be legalised. I urge Members and anybody watching this debate to contribute to that process. I think there have been more than 600 submissions to date. The closing date is 1 November. People can make submissions through the Department's website. Making any decisions in advance of the completion of the consultation process would be unfair to the contributors. The Minister firmly believes that the submissions from the public consultation process will assist in providing a clear understanding of these issues. It is essential that the process be allowed to be brought to a conclusion and to give the appropriate respect to those who have gone to the trouble of making submissions.

That is not to say that a decision to legislate for their use can be done in isolation of careful consideration both in terms of other road users and the impact of any such amendment on existing legislation. I note that the Deputy is reported in the media as saying that his party is open to amendments to this Bill from other parties. This is important given some of the concerns I have outlined regarding the robustness of the Bill.

In saying all that, the Minister recognises the role that such vehicles can play in terms of dealing with traffic congestion and climate change issues. The question remains, however, whether that role can be undertaken in a safe manner. Providing for certain prohibitions and restrictions in road traffic legislation permits enforcement where irresponsible and unsafe usage arises. Such enforcement is used to change behaviour and make our roads safer for all.

As I am sure the Deputy is aware, any amendments to road traffic legislation involving the introduction of new road traffic offences will require changes to the existing administrative supports, such as amendments to the Garda IT systems, to include those offences. However, in responding to the Bill before us today, I am obliged to point out to the Deputy that such changes will incur costs to the Exchequer and will have implications for this Bill. Accordingly, should the Minister decide to legislate for the use of these vehicles on our roads, he can address the necessary amendments to the Road Traffic Acts, in consultation with the Office of the Attorney General, through a Committee Stage amendment of the current road traffic (miscellaneous provisions) Bill 2019. As that Bill is planned for publication before the end of the year, he proposing to table a timed amendment within a three-month timeframe.

Deputy Dessie Ellis: I welcome the debate today on e-scooters. We are increasingly seeing these vehicles on the roads and footpaths across the city and they are becoming a familiar sight, for example, around the roads leading to DCU in my own area. I can see the attraction of this carbon-free, affordable mode of transport, especially among the younger population. However, I do have concerns about their use in pedestrian areas as well as the way some scooters are used on main thoroughfares. I also have concerns about the safe use of e-scooters, not just with regard to the person on the e-scooter but also the public. There is an obvious grey area in law with regard to e-scooters and this needs to be addressed.

I know there are some who are opposed to these vehicles and see them as a public nuisance. We are not talking about banning this form of transport but we must give serious consideration as to how we want to regulate e-scooters. A time-limited public consultation is under way at the moment, which I support. This consultation process will be complete in a matter of weeks. I hope that this consultation process is not being done in a cynical way and that when the process is completed, the outcome of the consultation will be given due consideration and acted on. We will be supporting the Fine Gael amendment, but in doing so, we need a commitment from the Minister that he will act when the consultation concludes.

A colleague of mine visited Brussels recently. The model there seems to be what is called the hire model, where a user hires an e-scooter and when he or she is finished with it, simply drops it wherever it ends up. This is convenient for some and maybe the community of users of such vehicles in Brussels can work this system, but it might be difficult to imagine e-scooters simply being dropped off in Grafton Street or Henry Street. A recent report by *fora.ie* stated that Paris has introduced new local laws to restrict where e-scooters can be parked to avoid obstructions. There may be a number of issues that will need to be considered as part of the consultation process. For example, should we have a licence plate or some sort of other visible ID for the vehicle? My experience in Dublin shows me that the reality is that we are far from

having an advanced, developed first-class public transport system. Simply inviting companies to put thousands of e-scooters on the streets is not a magic solution to climate or public transport problems. The larger questions, which remain unanswered, are about the lack of investment and planning, particularly in public transport.

I agree that e-scooters should be regulated. However, I am also concerned that Fianna Fáil's Bill and its interpretation of how they should be regulated may not go far enough. I am a firm supporter of the need to adapt to changing technologies and encourage environmentally-friendly means of transport. We should be open to innovations that change our cities and the lives of those who live in them for the better. I welcome this debate but I also encourage the public to get involved and give their views on e-scooters as part of the current ongoing public consultation process, which will conclude on 1 November.

We do not only have to think about e-scooters, but also of what Bills we will be looking at next. Will we have to regulate hoverboards, wheel hoverboards or hovercarts? We have seen them around the city. Are they next?

Deputy John Lahart: They might be.

Deputy Dessie Ellis: We need to look at this very carefully as we will also have to address other areas which have similar problems. I am referring to people flying around on two-wheeled units, many of them on footpaths. We will have to look at the latter very carefully.

This issue will affect all members of the public, young and old. As such, we should encourage people to let their voices be heard on this matter before we make a definitive decision about the way forward.

Deputy Denise Mitchell: I welcome the opportunity to speak about e-scooters, which have become a common sight on the streets of Dublin. It is important to properly classify these vehicles as their current status, which ranks them closer to cars than bikes, puts them in an impractical legal limbo that has clearly been widely disregarded, given that we often see dozens of them on our streets at a time. Some people have called for an outright ban on these devices, while others such as the RSA claim that an outright ban would be counterintuitive and impractical. As legislators, it is our job to work towards what is most fair and workable. An outright ban is likely to be ignored. The Government has shown that even regulating scrambler bikes in city parks is beyond it. Sinn Féin does not support a ban on e-scooters. They are already on our roads and we should be doing what we can to ensure they are used in a manner which is safe and considerate of other road users.

If, however, we pursue the type of regulation contained in the Bill, the House will leave itself open to accusations of treating some road users differently to others. The system of fines in the Bill is completely at odds with the fixed-rate charge offences issued to cyclists. While riding a bike without reasonable consideration results in a €40 fine issued by a garda on the spot, an e-scooter user would be liable for a class D fine, which would rise to a class C fine on a second offence. Instead of a €40 fine, one would receive a maximum of €1,000 or €2,500 in addition to a court appearance. This is like using a hammer to crack a nut. I do not want to prejudge the public consultation process, but it seems fair to incorporate e-scooters into a fixed-charge system. Similarly, e-scooter users would be legally obliged to wear a helmet or high-visibility clothing where bicycle users are not. While all road users should make every effort to be visible for their own safety and that of others, we need to ensure a level of fairness.

In the age of climate change, we cannot simply disregard attempts to take more people out of fossil-fuel-dependent modes of transport. Fewer cars on our roads means less congestion and pollution, which makes sense. I am not suggesting that the Irish motoring community will suddenly switch to e-scooters *en masse*, but every little bit helps. Consideration should also be given to age restrictions and other restrictions regarding which roads are suitable for e-scooter use. That is why it is important to have all the facts available to us before rushing to judgment. We often take a risk in legislating hastily for new innovations, which does not necessarily result in good legislation. The most prudent course of action, therefore, is to await the publication of the public consultation on powered personal transporters.

Deputy Brendan Ryan: E-scooters are increasingly found in many US and European cities. Ireland is proving no different. My daughter recently returned from two weeks of inter-railing across Europe, and she spent much of that time exploring cities on e-scooters. She said that everyone, even men in suits going to work, used them and that they are a magnificent way to get around. The company operating the scooters in some of these cities uses an app through which one locates and scans a vehicle, and off one goes. This particular company has a presence in almost every US state, as well as cities in Austria, Belgium, the Czech Republic, France, Finland, Denmark, Germany, Greece, Hungary, Italy, Poland, Norway, Romania, Sweden, Switzerland, Spain, Portugal and the UK. Many people, from tourists to commuters, use e-scooters as a cheap, convenient and green alternative to bikes or cars. As such, their existence in Ireland is not reversible, and will only increase.

Many people already own these scooters, and their practicality renders any ban unrealistic. However, regulations are necessary to ensure that they are used in a way which maximizes their potential without endangering their riders or anyone else already on the roads. These regulations are coming somewhat late to the game in light of the popularity of e-scooters. Not only do we need to retroactively pass legislation such as this Bill to address the current situation of e-scooters in Ireland, but we also need to work under the assumption that use of these scooters will continue to increase in the future. This Bill would establish speed limits, require devices to limit speed, require riders to wear helmets, and restrict driving conduct in public places, all of which would be enforced through fines. While this Bill creates some necessary safety guidelines, potential grey areas remain, such as what constitutes reasonable consideration for other persons when using an e-scooter in a public place. Additionally, the Bill does not address potential safety concerns regarding e-scooter visibility.

This amendment is a start in establishing workable safety measures for e-scooters. However, as has been acknowledged, the existence of these scooters is irreversible and they will only increase in the foreseeable future. Thus, it behoves all parties involved, including e-scooter users, other road users, and the Garda to have clear and specific regulations in place regarding e-scooter conduct and safety. That said, it must be acknowledged that both the Government and the Road Safety Authority have been working on this issue. The Transport Research Laboratories, TRL, limited review of current practice and safety implications of electric personal mobility devices, which was published earlier this year, states:

Despite the limited direct evidence, it is clear these devices have potential benefits for active travel and possibly for improving air quality and reducing traffic congestion. In most countries there is increased uptake by users, regardless of the legal situation, and little enforcement of any regulations that exist and hence an outright ban would be both counterintuitive and impractical. Prohibition without justification is generally held to be unsustainable.

The report also states:

The key finding from the case study investigation was that there is no clear universal consensus – and much confusion - as to how to approach the issues surrounding powered transporters and there is significant variation in how different countries are regulating their use. In the absence of clear evidence on which to base detailed legislation, it is recommended that powered transporters should be allowed for use in certain circumstances, with a controlled and considered roll out to mitigate against potential negative safety implications.

In the aftermath of this report, the Department has opened a public consultation on the matter. It has been live since 1 September and closes two weeks from now on 1 November. We should let this consultation run its course and examine its findings. The Bill seeks to marginally jump the gun on this process. It is better to wait for the outcome of the consultation. The Labour Party will support the Government amendment as being a reasonable response. I am confident that the House will find a reasonable consensus on the regulation of e-scooters and similar vehicles. We should allow the public consultation to be completed. Then we can take up the next Stage of the Bill at the appropriate time. Fianna Fáil has suggested that this is kicking the can down the road. To some extent, I agree. Normally, I would not find such an approach acceptable. However, in this case, the Bill will have been deemed to have passed Second Stage in three months' time when the public consultation will have been completed. The Labour Party is happy with that arrangement.

Deputy Thomas P. Broughan: I commend Deputy MacSharry on introducing the Road Traffic (Amendment) (Use of Electric Scooters) Bill 2019. Road and traffic safety have to be the cornerstones of all legislation, along with regulation regarding transport vehicles and road traffic structures and systems. We have all noticed the growing popularity of e-scooters and electric-powered bicycles in many cities across Europe, including in our capital city and in other towns. The development of personalised powered transport vehicles in recent years by manufacturers and distributors like the Lime Company is reminiscent of the roll-out of Airbnb and Uber. Pedestrians, cyclists and drivers, however, are increasingly anxious that all the safety implications of powered scooters and bicycles should be closely invigilated by the Minister for Transport, Tourism and Sport and the Road Safety Authority, RSA, to ensure the current unregulated situation would be addressed. In that context, Deputy MacSharry's Bill is timely and welcome.

Google carries a long list of e-scooter supplies and machines highlighted by companies like Tomtop and iHoverboard with prices ranging from as low as €141.20 to €693.46 and higher for electric scooters. Many of the vehicles can travel at speeds in excess of 50 km/h. Across Europe, hundreds have been involved in crashes, resulting in several deaths. In London last month, the popular TV presenter and YouTuber, Emily Hartridge, was killed when her scooter was struck by a lorry. In Sweden last May – I noted on a visit to Stockholm during the summer that e-scooters are prolific there - a young man was killed in a crash that took place in a bicycle lane. In August, a 92 year old woman was hit and killed by an electric scooter user in Barcelona.

Some regulations have been introduced in several European countries, such as Germany, France, Austria and Switzerland, permitting the use of electric scooters. So far, however, these personalised motor vehicles are illegal here and in the UK. For example, Sweden has banned the use of motorised scooters capable of speeds above 20 km/h. Section 4(1) limits the speed of e-scooters to speeds of up to 25 km/h. Section 3, however, includes the necessity for all electric

scooters to be fitted with speed-limitation devices which is a welcome provision for most road users. Section 3(2) and (3) will make it an offence to tamper with such devices.

Most citizens will welcome section 5, the requirement to wear a helmet and section 6, the use of powered personal vehicles to be driven carefully, as well as the sanctions for persons not driving such a vehicle in public without reasonable consideration for other, and perhaps vulnerable, road users, like pedestrians and cyclists. Section 8, which gives the Minister power to make regulations for motorised personal vehicles like scooters and battery bicycles, is also a key aspect of this legislation.

Section 7 is weak, however, because it refers only to the RSA's power to make guidelines for the safe operation of electric vehicles rather than instructing the agency to implement detailed regulations which the Minister may make.

The Minister for Transport, Tourism and Sport has tabled an amendment requiring the Road Traffic (Amendment) (Use of Electric Scooters) Bill to be read a second time this day three months from now in order to allow for consideration of the public consultation on powered personal transporters which began on 1 September and concludes on 31 October. The RSA already submitted a report on e-scooters to the Minister on 22 June. It is reported in the media that the RSA report looked at the proliferation and regulation of e-scooters across the EU. Apparently, it had broadly favoured the use of e-scooters but only under strict conditions, including licensing and possible insurance, speed restrictions and visibility. The latter point needs to be addressed in Deputy MacSharry's Bill. It was also reported that An Garda Síochána and the traffic corps are not in favour of legalising these machines due to the danger to other road users and in light of the appalling road traffic deaths and injuries that have already occurred.

In France, where e-scooters are ubiquitous in cities such as Paris, fines have been introduced for riding electric scooters on footpaths and for the obstructive parking of scooters. Belgium originally had an 18 km/h speed limit for these vehicles but that has been raised to 25 km/h. Copenhagen will be introducing new regulations. Under our Road Traffic Act 1961, e-scooters fall into the category of mechanically-powered vehicles, all of which require insurance, road tax and for the owners or drivers to possess driving licences.

As with all motor or electric vehicles, plans for legislation in this area must address the performance of companies like Lime and Bird which manufacture personalised powered vehicles. Section 4 would be a key requirement for any such vehicles manufactured or imported into Ireland. For many cyclists or drivers, users of e-scooters seem particularly vulnerable on streets or in bicycle lanes. They are moving quite fast and the silhouette of the standing e-scooter user seems less visible than that of a cyclist, while pedestrians generally have the safety of the footpath. Perhaps designers and manufacturers should be required to look at more safe designs to protect the users of e-scooters first of all.

The requirement for helmets in section 5 is crucial given what we know about concussions and head injuries. Deputy MacSharry might also add a section on user visibility on Committee Stage.

The protection of cyclists and pedestrians must be absolutely central to any legislation on these vehicles. The implementation of current road traffic law is patchy. There are many lacunae in the administration of sanctions applied under these laws which also urgently need consolidation. That is why, in the context of the ministerial consultation, we must take the views of

the traffic corps and An Garda Síochána most seriously. The Garda has to deal with the unending tragedy on our roads and continuing flouting of traffic laws by a small but significant minority of drivers, cyclists and pedestrians. Up to today, for example, 117 citizens have tragically lost their lives on our roads. While 76 of these deaths were those of drivers and passengers, 21 pedestrians and seven cyclists also died. As usual, the number of motorcyclists with 13 deaths so far this year is also unacceptably high. We know from research by heroic road safety organisations like Promoting Awareness Responsibility and Care, PARC, that this appalling death toll was accompanied, as it has been each year, by several thousand injuries, many of them serious and life-threatening. Looking back over Garda traffic statistics since the turn of this century, one will note the death toll on our roads far exceeds the appalling level of deaths in the northern conflict from 1968 until 1998.

Powered personalised transport seems attractive in terms of offering an alternative to the use of large vehicles, especially where fixed-line public transport is poor. Any proposal to regulate e-scooters and e-bicycles must incorporate road safety as absolutely paramount, however. I am a supporter of Vision Zero, the Swedish originated campaign to eliminate road deaths and injuries. Any legislation like that before us needs to be placed fully in the context of the necessity to implement a Vision Zero approach. Manufacturers could have made cars and trucks much safer for many decades. Until recently, companies such as Toyota, Nissan, Ford, GM, VW and Mercedes chose not to do so, mainly on cost grounds.

Therefore, we must require e-scooter manufacturers and distributors to put safety first and foremost. That is why the proposed speed limits in the Bill are welcome, and as I stated, perhaps they could be lowered on Committee Stage to at most 20 km/h. Also, the Department of Transport, Tourism and Sport's final regulations, if any, must incorporate the other safety features of this Bill but also decide where exactly on roads and streets and which roads and streets are suitable for any type of e-scooters and e-powered vehicles.

The Minister for Transport, Tourism and Sport's amendment that approval and development of this Bill should wait until the public consultation is completed also seems a reasonable request. The public has widely different views on these machines. Deputies will recall that the Amárach-"Claire Byrne Live" poll for *journal.ie* showed that 46% of people polled believe that the law should not be changed to permit stand-up e-scooters while 41% were in favour. There was also a significant majority in Dublin against change. Obviously, we have listened carefully to the debate. If we decide to support strictly regulated permission for these machines, the safety of pedestrians and cyclists will have to be ensured.

As I said, I would support Deputy Brendan Ryan's view that, in the ongoing consultation, it would be critical to hear everybody's views and then we will have an opportunity to have a detailed debate on this Bill in the House.

An Leas-Cheann Comhairle: We will move on now to the Rural Independent Group. I call Deputy Michael Collins.

Deputy Michael Collins: I welcome the opportunity to speak on this Bill regarding the use of electric scooters by the public as a form of transport. I am fully in favour of this. My belief is it will end up being over-regulated, like many matters that go through the Dáil, with people having to insure and tax them and every sort of thing. We must ease up and use a bit of common sense here in future.

16 October 2019

Unfortunately, scooters will be of no benefit to areas of west Cork where the road system is not fit for cars, let alone electric scooters. The people of west Cork are blue in the face from repairing their cars from damage by potholes. I counted 11 punctures one morning in Bandon in the space of an hour and a half. I am afraid there will be no room for scooters in west Cork. No matter what legislation is brought before us here, that is important to the people there.

There are no cycle lanes to speak of in any of the towns in west Cork where an electric scooter could be used. Many of the roads do not have adequate markings or cat's eyes, which becomes especially evident coming into the long winter nights.

The Minister for Transport, Tourism and Sport's Road Traffic Act has destroyed rural Ireland. If any politician tells me differently, he or she is completely out of touch with their constituents. An e-scooter will not work on roads in Baltimore, Union Hall, Castletownshend, Castletownbere, Allihies, Eyeries, Ardgroom, Mizen Head, Sheep's Head, Ballinadee, Timoleague or Kilbrittain.

While the Government announced recently a new Local Link bus service by night, looking at the front of one of the national newspapers, *The Examiner*, it was as if the whole of Cork was being sorted out whereas it is only Adrigole. There is nothing wrong with sorting Adrigole out because it is in my own constituency, but if that is the best effort the Government can make in the largest county in Ireland, there is something very seriously wrong. That is not resolving the issue of the complete mess the Government made with the Road Traffic Act. Unfortunately, we will not be able to use scooters to take people home in the night. The Government left people in very difficult circumstances.

The Government has no vision for rural areas. The only consultation is consultation on scooters. Even at the level of people wanting to go to the local test centre, I have been reliably informed this evening that a person can sit a category C test for big trucks, but if he or she wants a category D test for big buses, that person must go to Tralee or Cork city. It is a kick in the teeth to people in rural Ireland. Licences are badly needed for the big buses.

In my estimation, the Minister, Deputy Ross, is one of the worst Ministers ever in this country. He has not had the decency to face the people here in the Dáil. We do not see the Minister. We assume Deputy Ross is the Minister for Transport, Tourism and Sport. Deputy Griffin is the junior Minister. In fairness, he has often been here. I give credit where credit is due. Under Deputy Ross's brief, we would love to see funding allocated for the roads in Bandon and for bypasses. The southern relief road bypass is incomplete. The northern relief road might be only half complete. An Inishannon bypass is not even being considered.

On e-scooters, the House might be over-regulating them. We must be careful here.

Deputy Mattie McGrath: As Deputy MacSharry indicated when he initiated this Bill on First Stage, the purpose here is to set legal parameters for the safe use of electric scooters. Currently, it is effectively illegal to use an electric scooter on Irish roads and such vehicles are liable for seizure by gardaí.

There is also a requirement that these vehicles be taxed and insured as mechanically propelled vehicles. Let us face it, every other vehicle has to be and it must be asked why these should be exempt. As I understand it, the Bill removes the requirement for electric scooters and electric bicycles to be taxed and insured by altering the definition of mechanically propelled vehicles. I would have major concerns here as regards fairness to others. We must be fair to

everybody.

I see no reference to the Road Traffic Act regarding breathalysing or drug testing for these vehicles. Is it in the Bill? What is the story? Will we have one law for Dublin and a different law for the country because the scooters will not be used in Tipperary or Cork?

The scooters cannot travel at high speed, but they are capable of 25 or 30 km/h, and even 40 km/h in some of the more expensive varieties. That is a high speed if they run into somebody or as far as the ability to stop is concerned, because they have tiny tyres. It is Deputy MacSharry's prerogative to bring this in.

I had a young man in Cahir, Mr. Jason Maher, who has produced a tyre app. It is the finest app one could have. If the Road Safety Authority or insurance companies embraced it, we would cut down on a multiple of serious accidents and fatalities. He has put some ideas into it. We must think outside the box and listen to young men like him when they have researched this and have done tremendous work on it. I have yet to see a clear reason scooters should be exempt from tax.

The road safety campaigns in housing estates require the speed be kept under 20 km/h. They should be. Some years ago, we introduced Jake's law regarding cars. This is a clear recognition that mechanically propelled devices are capable of harm and should be used with due care and discretion.

Is there mention of age of user? Can a child drive them, as I often see, unfortunately? Is there an age limit? The fact that this method of travel is increasing, especially in the cities, only serves to highlight a greater necessity to treat them as we do other mechanically propelled vehicles.

Maybe the Minister, Deputy Ross, would consider one instead of his electric car that he plugged in outside his village. There was nothing there only a fake. It was fake news, fake Minister and fake green emissions. It was a total fake and a fraud. It is terrible the Minister of State, Deputy Griffin, has to come into the House every evening to represent him. We will have to get an effigy of the Minister made and put it over there in the seat an odd time so that we will not forget what he looks like.

I wish this Bill more investigation. There is another thing I want to see. Tail lights are luminous. They are very dangerous in the dark. One does not see these vehicles. There are many issues in this area.

Deputy Michael Healy-Rae: I thank Deputy MacSharry and Fianna Fáil for bringing forward this important subject to debate here tonight. Certainly, the use of e-scooters has become more common.

Something I would dearly like to see would be the use of helmets by those using e-scooters because at present they do not use helmets. None of us wants to see anybody, no matter his or her age, being hurt, especially if that person is not wearing a helmet and he or she gets knocked off one of these things and hits his or her head off the ground. Having that bit of regulation would be great.

I do not want to see e-scooters being over-regulated. All we want is that they are made safe and that there is a bit of regulation. I do not want to see us becoming a nanny state altogether.

All we want to do is mind people and make sure certain measures are put in place.

In talking about this, I thank Deputy MacSharry for showing, as has been outlined by my colleagues, the divide in Ireland. Here we are debating scooters and how they will work and will not work in Dublin and in other cities. The Minister of State, Deputy Griffin, should know, because I hope he gives a share of time in the county that I represent, County Kerry, but I know for a fact the hardship that people experience, especially after the Minister of State and the Minister, Deputy Ross, brought in the recent Road Traffic Act and the detrimental way that has affected rural Ireland. Indeed, many of the places that I have had the privilege of going to for many years have been very adversely affected by this anti-rural Government.

I am talking about the rural public houses that have closed in many areas. The Minister of State might not be too familiar with many of the places I am talking about. I remind him of where they are around south, east, west and north Kerry. These were pubs that wanted to stay open. Their proprietors desperately wanted to run their family businesses, but because of this anti-rural Government and because of decisions taken by this Government, they had to close. Sadly, instead of lights being on and instead of the pubs being vibrant, they are shut. Where there was music and people gathering, there is nothing but quietness and no light on. There is no tax being collected by those people anymore. They were tax collectors and employers but not any more. Those premises are now shut because of decisions taken by this Government.

Another measure that hit us very hard, which the Minister and Minister of State supported despite requests not to do so from people involved in the business in County Kerry and throughout the country, was the increase in VAT in the hospitality sector. Since its introduction, it has had a detrimental effect on our hospitality sector. Many people who have their feet on the ground and are dealing with that industry know the effect that increase has had on the profit margin. Those people, who are tax collectors for this State, are finding it very difficult to pay their rates, public liability insurance and their employees at the end of the week. If a person is trying to employ people, pay their benefits and contributions and help them to continue in work, it tells us how difficult it is to be in business. I may have deviated from the Bill and I am sorry about that. When the Government is examining the issue of e-scooters, it should think about County Kerry and places like it in rural Ireland.

Deputy John Curran: I welcome the opportunity to contribute to this debate on the Road Traffic (Amendment) (Use of Electric Scooters) Bill. I refer to a reply I received from the Minister on 8 May this year. It states:

The Road Traffic Act 1961 defines a mechanically propelled vehicle as a vehicle intended or adapted for propulsion by mechanical means, including a bicycle or tricycle with an attachment for propelling it by mechanical power, whether or not the attachment is being used. It also includes a vehicle the means of propulsion of which is electrical, or partly electrical and partly mechanical.

E-scooters and powered skateboards fall into this category, and are therefore considered to be mechanically propelled vehicles. Any users of such vehicles in a public place ... must have insurance, road tax and a driving licence, with penalties under road traffic laws ...

As it is currently not possible to tax or insure scooters or electric skateboards, they are not considered suitable for use in a public place.

There is no ambiguity about that. The Minister further stated he had requested the Road

Safety Authority to do some research and, following that research, he would make a decision on whether to amend existing legislation. The Minister of State, Deputy Griffin, more or less used the same line earlier when he stated: “To be better informed when making a decision as to whether the Minister should legislate for the use of such vehicles” before referring to a report commissioned in November last year. Most Members who spoke in the debate were of the view that e-scooters are here to stay and that legislation is required to manage them in a safe manner, both for pedestrians on the streets and users of the e-scooters. What is missing from the Minister’s reply that I cited and the contribution of the Minister of State is a commitment to introduce legislation. It seems there may be legislation and the matter is open to consideration.

I listened carefully to the contributions of most speakers and they are resigned to the fact that, regardless of whether the Minister likes it, e-scooters is one of the modes of transport we will see in cities and urban areas. It is not just a Dublin issue. People like them and have different views on them. They can be used for recreational purposes. In time to come, e-scooters will be deposited in different areas, as occurs with the bicycle schemes, but that is another debate. Members who spoke were clear that they want to see legislation to make these vehicles safe, both for the users and pedestrians, but there is no commitment from Government to do that.

I ask Deputies who said they would support the Government amendment to defer reading the Bill a Second Time for three months to think twice. This is a Private Members’ Bill to go to Committee Stage. It is a slow process and rather than delay the Bill unnecessarily, there will be ample time to complete the public consultation, which concludes at the end of November. It was November last year when the Minister first requested the Road Safety Authority to produce a report. The Government is not acting with haste on this issue. It has been slow to act. I ask colleagues who said we must legislate not to support the Government amendment. I ask them to support this Bill and allow it to proceed to Committee Stage where legitimate issues related to speed, drink driving and age can be dealt with methodically and properly. I urge colleagues to support the Bill and ensure that those who are using e-scooters are regulated as a matter of urgency.

Deputy Fiona O’Loughlin: I welcome the Bill my colleague, Deputy Marc MacSharry, has brought before the House. Some Members can use public transport to travel to Leinster House but those of us who live outside the Dublin area have to use our cars to do so, mainly because of the time at which we leave the building in the evenings. We can bear witness to the worsening congestion and overcrowding in Dublin and other urban areas. We have to think outside the box and consider alternatives to private cars and public transport.

Dublin city, as we know from research, is now the slowest city centre in Europe in terms of traffic. Dublin drivers now spend 246 hours, or ten days, per year stuck in traffic. This costs the economy approximately €350 million per annum. I know many people who commute to Dublin from south Kildare. Several commuters I know from Newbridge use e-scooters every day because they believe this is a far better means of getting to work in terms of time spent in congested traffic.

We need to seriously invest in Ireland’s transport network and examine alternatives such as e-scooters. The pressing issues of climate change and air quality must be factored into that. The reality is that e-scooters, like e-bikes, present an exciting new personal transport possibility, provided they are properly regulated. The current ban on their use on Irish roads is pointless, inconsistently applied and stuck in the dark ages. Despite numerous commitments from Government Deputies and the Minister, Deputy Ross, to regularise the status of e-scooters, the users

of these vehicles remain as much in the dark as ever. The fact that the Road Safety Authority has recommended that e-scooters be legalised is significant. However, we also recognise that safety regulations are laid down.

Last week, the Green Party leader, Deputy Eamon Ryan, stated that people living in rural Ireland should give up using their cars. That is a non-runner. Those of us who live in rural Ireland know that 30 cars for a population of 300 in a small village is a non-runner for people who have to travel to work or university or for health or social reasons.

As a party, we are invested in offering real solutions to people who want to avoid traffic and reduce their carbon footprint. It is about providing people with workable alternatives rather than penalising those who have to rely on their cars. The Bill Deputy MacSharry has introduced aims to create a legal regime for the use of e-scooters, one that is based on common sense and lessons from other jurisdictions. It removes the requirement for these vehicles to be taxed, which is an onerous requirement that does not recognise the nature of these vehicles. It also sets out a speed limit as well as the requirement to wear a safety helmet, which is very important. There are safety considerations to be taken into account because there have been a number of serious and non-serious injuries involving e-scooters abroad. Our Bill sets the speed limit at 25 km/h, which mirrors speed limits in other European countries. It also requires that e-scooters be fitted with a limiter, which is a device that would prevent them travelling above a certain speed.

I hope other Members of the House will support the Bill and oppose the Government amendment. It is not good enough to simply put off tackling legislation that is needed. We need positive, proactive action, as proposed in this Bill. I commend it to the House.

Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan): I wish to share a minute and a half of my time at the start of this time slot with Deputy Rock, if that is agreeable.

An Leas-Cheann Comhairle: That is agreed.

Deputy Noel Rock: I thank the Minister of State. The Fianna Fáil Bill is a positive move. It is a step in the right direction, as are the moves the Minister, Deputy Ross, has made in recent months. I have been raising this issue in the Dáil since 2018 by way of a number of Topical Issue debates and parliamentary questions. I am glad the Minister has recognised now the need, first, to legalise-----

Deputy Fiona O'Loughlin: After we put this Bill forward.

Deputy Noel Rock: -----but, second, to regularise the usage of electric scooters.

Deputy John Curran: Where did he say that?

Deputy Noel Rock: He has commissioned the Road Safety Authority report. In fairness, I did not heckle the Deputy or any Member on the Fianna Fáil benches.

Deputy John Curran: My apologies.

Deputy Noel Rock: Deputy MacSharry read out my press release on the matter, which goes to show my commitment to the issue. I have been committed to this issue for two years. We need to be future-focused and facing forward in our transport policy and recognise that more than 5,000 of these devices are being used in and around Dublin. That number will only grow.

Accordingly, we need to recognise the legislative challenges these vehicles pose and the grey area they inhabit. We must recognise that a legalised and regularised regime needs to be put in place. That means, for example, no usage on footpaths, the setting of a speed limit for their use and many of elements set forward in the Fianna Fáil Bill.

The Government amendment to the motion that the Bill be now read a Second Time is quite reasoned. Putting a three-month time limit on the progress of the Bill from Second Stage to allow for the consultation process to conclude is a reasonable compromise. I am glad we are moving forward and taking action on this issue.

Deputy John Paul Phelan: Once again, on behalf of the Minister, Deputy Ross, I express my appreciation to Deputy MacSharry for bringing this Bill before the House but, for the reasons already outlined by Deputy Rock and the Minister of State, Deputy Griffin, we have tabled a timed amendment to the motion that the Bill be now read a Second Time to allow three months for consideration of the outcome of the current public consultation process, which concludes at the beginning of next month.

As Deputies are no doubt aware, road traffic legislation is the most contested legislation in the country and any changes to existing legislation must be drafted, settled and enacted with the utmost care. Any proposed changes to that legislation that undermines prosecutions, particularly those in respect of the more serious road traffic offences, must be rejected outright in the interests of road safety and the protection of all road users. One of the difficulties in proposing amendments to road traffic legislation is that such amendments can never be constructed and put forward in isolation from other existing road traffic provisions, especially when it comes to key road safety measures such as intoxicated or dangerous driving offences.

While the Minister, Deputy Ross, appreciates the intentions of Deputy MacSharry as expressed in the Bill, he wishes to make it very clear that he is determined to come to a decision that will address the issue of the use of these vehicles on our roads, not only in terms of the protection of potential users but also in the best interests of all road users, particularly vulnerable road users. Any decision he ultimately makes to amend existing legislation in that regard will be as a result of such careful deliberation and not on the basis of a quick legislative fix that many believe is the only option.

As Deputy MacSharry is aware, the Minister, Deputy Ross, on foot of the TRL report, initiated a two-month public consultation process to investigate from a purely Irish perspective the conditions under which e-scooters and such vehicles might be legalised. Making any decisions in advance of the completion of the public consultation process would be unfair to the contributors to that process. The Minister firmly believes the submissions from the public consultation process will assist in providing a clear understanding of the issues. It is essential that the process be allowed to be brought to a conclusion and to give the appropriate respect to those who have gone to the trouble of making submissions. It is clear even from the contributions in the House tonight that Members' views on e-scooters are divided to some extent, but as Deputy Rock has pointed out, e-scooters are here to stay. It is appropriate that the Minister's public consultation process would be allowed to conclude and that lessons would be drawn from it in the framing of any legislation or any changes that need to be made to make sure that e-scooters can contribute to our transportation issues in Dublin and throughout the country. They are visible on the streets of many parts of the country, not only on those of the capital city.

Deputy MacSharry's Bill aims to amend the key cornerstone definition of a mechanically

propelled vehicle to allow for the use of e-scooters on public roads and in public places without giving recognition to the impact of such a change on existing legal provisions. The Bill also includes a restatement of existing provisions dealing with the offence of driving without reasonable consideration. The inclusion of such a provision in this Bill would seriously undermine the existing important provision in respect of such behaviour, but in doing so, it fails to include e-scooters. Notwithstanding other issues with the provisions contained in the Bill, these two sections alone raise concerns and are reason enough for the Minister, Deputy Ross, to be unable to accept the Bill, as drafted.

While at the lower regions of the vehicular type pyramid, pedal cyclists are still subject to certain important legal requirements when using our roads such as using a bicycle while intoxicated or in a dangerous manner. To exclude users of personal powered transporters, PPTs, from such road safety requirements, as this Bill does, is just wrong.

The Deputy may be aware that in recent times the police in Copenhagen arrested and charged 28 e-scooter users for being intoxicated, 24 of whom were drunk and four of whom were under the influence of drugs. This enforcement was carried out in the interests of the safety of road users. Surely Ireland would wish to have the same requirement. While we are often accused of creating a nanny state when legislating for issues such as these, a picture taken recently of an e-scooter user on a busy Dublin dual carriageway, wearing headphones and oblivious to the surrounding traffic, despite the fact that the use of this type of vehicle is currently prohibited, gives one pause when considering whether to legislate for their use. Any amendment to the current legislation must contain certain restrictions and prohibitions to ensure the safety of all road users.

As my colleague, the Minister of State, Deputy Griffin, stated earlier, Ireland is not unique in its attempts to legislate for this relatively new transport phenomenon. Many other jurisdictions have attempted to legislate for their use, with some reverting to an outright ban following fatalities and serious injuries.

Both the Road Safety Authority and TRL have recommended that the legislation be amended but with significant caveats being applied, including the promotion of the use of helmets and other protective equipment, the need to provide training for the operators of these vehicles, and clarification as to who can legally use the vehicles, including age restrictions and possible licence requirements. These will be important considerations for the future.

Once again, should the Minister, Deputy Ross, decide to legislate for the use of these vehicles on our roads, he can address the necessary amendments to the Road Traffic Acts, in consultation with the Office of the Attorney General, through a Committee Stage amendment of the current road traffic (miscellaneous provisions) Bill 2019. As that Bill is planned for publication before the end of the year, he is proposing to table a timed amendment with a three-month time-frame to allow for the current public consultation process on this matter to conclude.

An Leas-Cheann Comhairle: Fianna Fáil has the remaining ten-minute time slot starting with Deputy O’Keeffe to be followed by Deputy MacSharry.

Deputy Kevin O’Keeffe: I thank my colleague, Deputy MacSharry, for his work on this Bill and acknowledge the support of Deputy Troy. Also, such work was ably assisted by Deputies Lahart and Curran who have a vested interest in ensuring its passage through the House. As a member of the Oireachtas Joint Committee on Transport, Tourism and Sport, I support this

Bill and hope it will pass Second Stage and proceed to Committee Stage where it can be further debated.

E-scooters are a green energy mode of transport facilitating people who want to get from A to B not at a fast but at a reasonable speed. Amendments will be put forward to the Bill and we will need to discuss how we deal with these vehicles. From a rural point of view, I wish e-scooters could be of benefit to me and others in rural Ireland, but previous speakers said we do not have the infrastructure to accommodate them. My concern is that with all the talk of green energy and different modes of transport, public transport as an option could be left lying idle. One reason it has been left lying idle is that our incumbent Minister does not see fit to be more proactive in providing for public transport in rural Ireland. He boasts of making money available to Local Link and rural link bus services, but more of these services need to be put in place.

We are discussing the use of e-scooters in an orderly manner and having a safe code for their users to protect pedestrians, but from experience of being in Dublin in recent years, I find it hard even to walk down a footpath at the moment because of the multicultural nature of the people in the city. At one time, there was a gentleman's agreement that we walked down the left-hand side of a footpath. Now, we are zigzagging all the way up the footpath to avoid people coming against us because no one knows whether they should keep left or right. When we go abroad, we drive on the right-hand side of the road whereas in Ireland we drive on the left-hand side. Pedestrians should have the same attitude when they come to this country in regard to the gentleman's agreement about walking down footpaths. It is an issue that should be looked at as well.

Deputy Marc MacSharry: I thank all the Deputies for contributing to the debate. Clearly, some are of a different point of view to ourselves. I thank Deputy Rock for speaking, and although I had to leave the Chamber during his contribution, I know he was in favour of this. I thank the Minister of State with responsibility for local government for taking the time to substitute for the Minister, Deputy Ross. The Minister of State with responsibility for sport kindly came to the house to give the Minister's view. It is an awful shame the Minister does not specialise in his own Department rather than taking the role of his junior Minister. The Minister of State with responsibility for sport is here in Leinster House while the Minister for Transport, Tourism and Sport, or, as I like to call him, the non-executive Minister for Transport, Tourism and Sport, is on his way to the world cup in Japan. Obviously, there will be more photocalls there over the course of the next few days than there will be here.

Despite the good intentions of Deputy Rock when he said that the Minister is committed to legislating, in fact, he is not. The Minister of State with responsibility for sport, who spoke on behalf of the Minister, said: "To be better informed when making a decision as to whether the Minister should legislate for the use of such vehicles in this country ...". The Minister of State with responsibility for local government said "if" the Minister, Deputy Ross, chose to legislate. There is no commitment to legislate and, therefore, there is no question of us doing anything other than oppose this amendment. The amendment is laughable in that this Bill would be "deemed to be read a second time this day three months", which is 16 February.

Deputy Noel Rock: It is January. Can Deputy MacSharry not count?

Deputy Marc MacSharry: By then, the Minister could be Senator Ross again, the Minister of State, Deputy Phelan, could be the Ceann Comhairle and Deputy Rock could be chairman of the joint services committee. Who knows what anybody will be doing? It is standard procrasti-

nation, a case of giving a slap on the back and saying “Keep up the good work” or “I would like to thank the Deputy for raising this very important issue” but let us kick it down the road. That attitude will ensure that all those scooter users in all of the urban parts of our constituencies will continue to break the law despite the fact they are seeking to ensure that their carbon footprint is only 26 g per mile as opposed to the 292 g per mile we are all guilty of at the moment.

There are issues with age and drink-driving, although it would never be envisaged that people would be under the influence while driving these scooters. There is also the issue of speeding and the issue of fines. However, these are all matters for Committee Stage. Do we no longer back ourselves in this House to be capable of handling Committee Stage of a Bill or to be cognisant of the outcome of a public consultation? Even the Road Safety Authority could not do a bit of googling to find out what the approach to this was internationally and it had to waste taxpayers’ money talking to the Transport Research Laboratory in London to find out that there is no universal approach internationally. My seven year old could have told us that.

Do we want to deal with this issue or do we not? We are being given the standard response that the Government does not have the time or interest in looking into it, so let us kick it down the road. I understand the political nature of this. My friends in Sinn Féin and other parties might take the opportunity not to support a Fianna Fáil Bill as it is easier to support procrastination by the Government because there may be electoral gain from doing that. However, I do not doubt the commitment of Deputies Ellis or Mitchell as both are urban-based Deputies and they see the need to deal with these issues.

Of course, there are many issues. It is safety first, but let us acknowledge the fact that these vehicles exist. We must legislate for them. We must ensure that decent people doing their best for the environment are provided with adequate regulations and guidelines. I am panicking because the Minister of State talked earlier about licensing. I suppose we will not recognise licences from the UK or the United States and we will create an administrative merry-go-round to do something that is simple. We cannot do what is simple in here because, in the main, the 158 Deputies in here are treated like muppets by the system. How could we legislate on our own? We will have to get KPMG to do that and get PricewaterhouseCoopers to do something else. When there is not one locally, let us go over to the Transport Research Laboratory in London to find out how to tie our shoes instead of using some basic common sense. E-scooters exist, they are being used and they are illegal. They have less of a carbon footprint, they are economical and they are positive in terms of congestion. However, we are incapable of doing anything and we have to be second-guessed by anybody.

We are forgetting that we are in here representing the people, defending them and trying to do what they need, not defending the system which is so strangled and obsessed with administration and bureaucracy, and needing to have the insurance that this was tried and failed in 100 countries before we could back our own ingenuity and initiative to make a few rules to cater for something that is simple. I hate to quote Boris the Brexit buccaneer, but if only the Minister could embrace one infamous comment that particular man in the UK has become famous for over the last couple of weeks: “Let us just get this done”.

On that basis, we will not be supporting the Fine Gael amendment. There could be two general elections between now and then and, as both Ministers of State clearly underlined, the Minister “may” or “might” act based on an “if”. As I said, the Minister may be Senator Ross by then, so I do not believe a commitment exists. We must, therefore, put this proposal to a vote.

Amendment put.

An Leas-Cheann Comhairle: In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 17 October 2019.

Family Law Bill 2019: Order for Second Stage

Bill entitled an Act to amend the Judicial Separation and Family Law Reform Act 1989; to amend the Family Law (Divorce) Act 1996; to amend the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010; to make provision, in the event of the withdrawal of the United Kingdom from membership of the European Union occurring without an agreement between the United Kingdom and the European Union under Article 50 of the Treaty on European Union setting out the arrangements for such withdrawal, for the recognition of certain divorces, legal separations and marriage annulments granted in the United Kingdom or Gibraltar; and to provide for related matters.

Minister of State at the Department of Justice and Equality (Deputy David Stanton):
I move: “That Second Stage be taken now.”

Question put and agreed to.

Family Law Bill 2019: Second Stage

Minister of State at the Department of Justice and Equality (Deputy David Stanton):
I move: “That the Bill be now read a Second Time”.

I am pleased to introduce the Family Law Bill 2019 in this House and I look forward to our discussion of its provisions. Deputies will recall that the Thirty-eighth Amendment of the Constitution (Dissolution of Marriage) Act 2019 was signed into law on 11 June, following its approval by the people in a referendum on 24 May. The Act amended Article 41.3.2° of the Constitution to remove the minimum living apart period for spouses seeking a divorce. It also replaced the text of Article 41.3.3° on foreign divorces.

I acknowledge the work of the Minister for Culture, Heritage and the Gaeltacht, Deputy Josephine Madigan, in introducing the Private Members’ Bill that became that Act. The effect of the amendment to Article 41.3.2° is that the Constitution no longer provides for a minimum living apart period for spouses who wish to apply for a divorce but that such a period may be defined in law by the Oireachtas. Removing the minimum living apart period from the Constitution has given the Oireachtas flexibility to legislate to ease the burden on people who have experienced the tragedy of marriage breakdown and who wish to begin again. While a living apart period is no longer prescribed in the Constitution, the period of four years during the previous five years specified in section 5(1)(a) of the Family Law (Divorce) Act 1996 continues to have effect until it is amended by an Act of the Oireachtas.

On 26 March, at the same time as the text of the amendments proposed for the referendum

was published, the Minister for Justice and Equality published the draft general scheme of a Bill to reduce the minimum living apart period specified in section 5 of the Family Law (Divorce) Act 1996 to two years during the previous three years. The Minister and I acknowledge the broad cross-party support in the Oireachtas for this proposal. Reducing the living apart period will enable couples whose marriages have broken down with no reasonable prospect of reconciliation to regularise their affairs sooner. A shorter living apart period will also have the potential to reduce the legal costs involved, as couples would be less likely to need to apply for a judicial separation, or make a formal separation agreement, while waiting to become eligible to apply for a divorce.

Following the constitutional amendment, the Minister for Justice and Equality published the general scheme of the Family Law Bill in July. The Oireachtas Committee on Justice and Equality decided last month that it was not necessary for it to conduct pre-legislative scrutiny of the general scheme.

I will now outline the main provisions of the Bill. Section 1 provides for the Short Title of the Bill and its commencement by order to be made by the Minister for Justice and Equality.

Section 2 provides for the amendment of section 2 of the Judicial Separation and Family Law Reform Act 1989. Section 2(1)(a) amends section 2(1) of the 1989 Act to allow an application for judicial separation to be made after one year living apart, whether or not the respondent spouse consents to the decree of judicial separation being granted. Section 2(1)(e) of the 1989 Act currently provides for a living apart period of three years where the respondent does not consent to the decree of judicial separation being granted. As it would be undesirable to have a longer living apart period for judicial separation applications than for divorce applications, it is proposed that the living apart period in such cases be reduced to one year. This would be consistent with section 2(1)(d) of the 1989 Act, which provides for a living apart period of one year where the respondent consents to the decree of judicial separation being granted. Subsection (1)(c) will clarify the meaning of the “living apart” requirement for judicial separation applications in section 2(3)(a) of the 1989 Act. The Minister and I listened carefully to the comments Deputies made in the debate on the legislation to amend the Constitution regarding issues that can arise when a marriage has broken down and the spouses continue to live in the same house but are in fact living separate lives. We consider that it would be important to provide clarity and legal certainty to the interpretation the Irish courts have given to the living apart requirement. The new text will provide that spouses who live in the same dwelling as each other shall be considered as living apart from each other if the court is satisfied that, while so living in the same dwelling, they do not live together as a couple in an intimate and committed relationship. Section 2(2) is a transitional provision to ensure that the amendments to the 1989 Act will apply to judicial separation proceedings that have been instituted but have not been concluded prior to the date of commencement of section 2.

Section 3 provides for the amendment of section 5 of the Family Law (Divorce) Act 1996. Section 3(1)(a)(i) will reduce the minimum living apart period specified in section 5(1)(a) of the 1996 Act from four years during the previous five years to two years during the previous three years. Section 3(1)(a)(ii) will clarify the meaning of the “living apart” requirement for divorce applications by giving certainty to the interpretation the Irish courts have given to that requirement. As with the new provision for judicial separation, the new provision will make clear that spouses who live in the same dwelling as each other shall be considered as living apart from each other if the court is satisfied that, while so living in the same dwelling, they do not live together as a couple in an intimate and committed relationship. Section 3(2) is a transitional

provision to ensure that the amendments to the 1996 Act provided for in subsection (1) will apply to divorce proceedings that have been instituted but have not been concluded prior to the date of commencement of section 3. Deputies will be aware that the general scheme of the Bill included a provision to enable spouses whose judicial separation application is pending before a court to be granted a divorce if they had been living apart for at least two years during the previous three years. However, as this matter is already adequately provided for by section 39 of the Family Law (Divorce) Act 1996, it is not necessary to make specific provision for it in this Bill.

Section 4 provides for the amendment of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010. Section 4(1) will insert a new subsection (1A) into section 110 of the 2010 Act. The new subsection will clarify the meaning of the “living apart” requirement for applications for dissolution of a civil partnership to ensure consistency with the provisions on judicial separation and divorce in sections 2 and 3 of the Bill.

Section 4(2) provides for the amendment of section 172 of the 2010 Act. These amendments are consequential on the amendments to the Family Law (Divorce) Act 1996 provided for in section 3 of the Bill. The background to these provisions is that Part 15 of the 2010 Act established a redress scheme which allows a financially dependent cohabitant to apply to court for certain remedies. Section 172(5) of the 2010 Act defines a “qualified cohabitant” for the purposes of the redress scheme as one of a couple who at the end of the relationship, through death or otherwise, have cohabited for at least five years, or two years where there is a dependent child of the relationship. Section 172(6) makes particular provision for cases in which one or both of the cohabitants is married to another person. That subsection provides that a cohabitant who is married to someone else will not be a qualified cohabitant if he or she has not lived apart from his or her spouse for at least four years during the previous five years. Consideration was given to reducing the living apart period in section 172(6) to two years during the previous three years for consistency with the proposed amendment to section 5 of the Family Law (Divorce) Act 1996. However, a person cannot simultaneously be living with his or her spouse and be a cohabitant as defined in section 172. There could not be a situation in which a married cohabitant would satisfy the cohabitation requirement of section 172(5) without having lived apart from his or her spouse for at least two years. It is therefore proposed to amend section 172(6) in order that it will apply only where the cohabitation relationship concerned ends before the coming into operation of section 4(2) of the Bill. Section 4(2)(b) will amend section 172(6) to provide that the term “lived apart” in that subsection shall be construed in accordance with the new section 5(1A) of the Family Law (Divorce) Act 1996 to be inserted by section 3 of the Bill. Section 4(3) is a transitional provision to ensure that the amendment to the 2010 Act provided for in subsection (1) will apply to proceedings for dissolution of a civil partnership that have been instituted but have not been concluded prior to the date of commencement of the section.

I will now outline the contents of Part 3, which sets out arrangements for the recognition of divorces, legal separations and marriage annulments granted under the law of the United Kingdom in the event of a no-deal Brexit. Part 3 will be brought into operation only if and when the United Kingdom leaves the European Union without an agreement that covers this area of the law. At present, the recognition in Ireland of a divorce, legal separation or marriage annulment obtained in the United Kingdom is governed by EU Council Regulation No. 2201/2003, also known as the Brussels IIA Regulation. Under this regulation, divorces, legal separations and marriage annulments granted in all EU member states, except Denmark, are entitled to recognition in other member states if granted in accordance with the jurisdictional criteria specified in

the regulation. Habitual residence is the key governing criterion for recognition. The Domicile and Recognition of Foreign Divorces Act 1986 governs the recognition of a divorce granted in a country outside of the European Union. Section 5 of the 1986 Act provides that a foreign divorce may only be recognised in Ireland if it was granted in the country in which either spouse was domiciled on the date the divorce proceedings were instituted. The determination of “domicile” includes an assessment of the intention of the person to remain indefinitely in the foreign jurisdiction. This has proved complex to determine in some instances. The Government wishes to ensure that in the event of a no-deal Brexit the arrangements for recognition in Ireland of divorces granted in the United Kingdom will continue to be on the basis of habitual residence rather than the domicile provisions of the 1986 Act.

Section 5 makes general provision for Part 3. Section 5(1) defines certain terms for the purposes of Part 3. “Council Regulation” is defined as meaning EU Council Regulation No. 2201/2003. “Relevant jurisdiction” is defined as meaning England and Wales, Scotland, Northern Ireland or Gibraltar. The provisions of Part 3 will need to apply to Gibraltar because the Council regulation extends to that jurisdiction. Section 5(2) provides that section 5 of the Domicile and Recognition of Foreign Divorces Act 1986 shall not apply to a divorce to which section 6 or section 7 applies.

Section 6 provides that a divorce, legal separation or marriage annulment granted under the law of a jurisdiction of the United Kingdom or Gibraltar that, prior to the coming into operation of the section, was recognised under the Council regulation shall continue to be recognised.

Section 7 provides for recognition of divorces, legal separations or marriage annulments granted under the law of a jurisdiction of the United Kingdom or Gibraltar on or after the coming into operation of the section. Section 7(2) sets out the jurisdictional criteria for recognition of such a divorce, legal separation or marriage annulment. The criteria correspond with the jurisdiction requirements of the Council regulation. Section 7(3) sets out the grounds for refusal of recognition of a divorce, legal separation or marriage annulment granted under the law of a relevant jurisdiction. The grounds of refusal correspond with the grounds of refusal of recognition set out in the Council regulation.

The Government hopes that the Bill will be enacted before 31 October in order that, in the event of the United Kingdom leaving the European Union on that date without an agreement, Part 3 can be brought into operation with effect from the withdrawal date. This will ensure a seamless transition from the arrangements under the Council regulation to the recognition arrangements set out in Part 3. For this reason the Government will bring forward a motion in the Seanad to seek the prior concurrence of that House, pursuant to Article 25.2.2° of the Constitution, in a request for early signature of the Bill by the President.

I commend the Bill to the House.

Deputy Jim O’Callaghan: As the Minister of State said, the purpose of this legislation is to give legislative effect to the constitutional amendment voted for by the Irish people in May this year. As the Leas-Cheann Comhairle is aware, the purpose of the amendment was to make a change to Article 41 of the Constitution by removing from it the specific period that required a couple to live apart for four of the previous five years to allow them to get a divorce.

At the outset, it is worth commenting on Article 41 of the Constitution. There is a benefit in having within the Constitution a provision that deals with the family. I am conscious, however,

that this article was drafted in 1936 and came into effect in 1937. Notwithstanding that, it has in general withstood the test of time as although the family format envisaged in the Constitution in 1937 is not the format now envisaged, the article is broad enough to encompass the new types of family arrangements that have operated in Ireland, particularly in the past 20 years or so.

Notwithstanding that, there are still parts of Article 41 that are anachronistic and still need to be changed. I particularly refer to Article 41.2, which refers to the role that woman plays “within the home”. It is anachronistic and sexist and we need to change it. There were proposals to change it and the preference of the Oireachtas Joint Committee on Justice and Equality, of which I am a member, is to amend the article to recognise the role of carers within the home, irrespective of gender. It is something on which a future Dáil will need to work.

It is worth considering the history to Article 41 and the most controversial part was always the provision precluding divorce. We had a referendum in the 1980s to change that and it was defeated. We then had a referendum in 1995 that only passed by a very small majority. One of the reasons for inserting the provision requiring people to live apart for four of the previous five years was a concern that if it were perceived as being too easy to get a divorce, people would vote against the proposed change. It was a sensible provision to insert for the purpose of getting the amendment passed in 1995 but it was a very cruel and unnecessary provision within Article 41. In effect, it meant people whose marriage had broken down were being compelled to live with each other for four years before they could apply for a divorce. Any fair person would recognise that as cruel. In most cases, unfortunately, when a marital relationship breaks down, no matter the effort put into rehabilitating the marriage by its parties, that rehabilitation is not successful.

When the current Minister for Culture, Heritage and the Gaeltacht, Deputy Madigan, put forward the original proposal, the plan was to change the Constitution to expressly provide that people would have to live apart for two of the previous three years. In fairness to the Minister for Justice and Equality, Deputy Charles Flanagan, he subsequently suggested that perhaps we should delete all reference to years within the Constitution and deal with it in a legislative manner. I supported that idea, as did the Fianna Fáil Party, as we thought it a more sensible proposal to have the provision out of the Constitution in order that the Houses of the Oireachtas could determine the appropriate period for people to have lived apart in order for them to be able to seek a divorce. It is important to point out that Article 41, although it has been changed in the way I describe, still contains other requirements within it. For example, there must be no reasonable prospect of a reconciliation between spouses before a divorce is granted and there must be absolute and adequate care and regard for any children of the marriage before divorce is granted. Those fundamental requirements remain.

The Minister of State has outlined the provisions contained in the legislation. People who want a judicial separation in order to get a divorce will need to have lived apart for a year beforehand. For people seeking a divorce, the time required for living apart will be reduced from four years to two years. In respect of civil partnerships, there will also be a requirement to live apart for two years.

It is notable that for divorce, judicial separation or civil partnership acts, the legislation provides that people who are living together can still be regarded as living apart in the marital sense, notwithstanding the fact they are living under the same roof. It is a worthwhile provision. Unfortunately, as a result of the housing crisis in our country, the reality is that very many people whose marriage comes to an end are not in a position to get alternative accommoda-

tion or to move out easily and get another house. That is why the provision is important. It indicates that notwithstanding the fact that a couple are living in the same dwelling, they will still be regarded as living apart if they do not “live together as a couple in an intimate and committed relationship”. The only caveat is that our legislation now recognises that people can be separated in reality, although they live under the same roof, so I wonder if courts will in future consider when a house is sold by a separated couple that the legislation recognises that people can live separate lives under the same roof. I would be concerned if courts interpreted it in that way. Generally, when there is a separation and ultimately a divorce, either the family home is sold and the proceeds are divided, or alternatively, one party stays in the family home and the other person must get accommodation elsewhere. It is a complicated issue but the provision is worthwhile although I do not know yet how it will be interpreted by the courts.

Deputy Fiona O’Loughlin: I thank Deputy O’Callaghan. I am pleased to welcome and support this Bill. On 24 May this year, the referendum, for which I was director of elections for the Fianna Fáil Party, proposed to amend the constitutional provisions on divorce and this was approved by a huge majority, with 82.1% of people in favour and 17.9% against. A very strong message was given to the Government and the Oireachtas by the people of Ireland on the support of the amendment.

As we know, this Bill is designed to implement the results of the referendum by amending several items of legislation to reflect the reduction in time that spouses will need to live apart before they can seek a divorce from four to two years. It is important to say that the referendum result reflected an understanding of the severe burden, both financially and emotionally, that the four-year rule placed on separating couples. In the past, people have been left in legal limbo, with many couples obtaining judicial separations as a precursor to divorce to obtain some type of legal clarity on matters relating to property ownership, pensions etc. in the interim. This of course increases legal costs and practitioners have attested that prolonged litigation often increases hostilities and makes it more difficult for both people involved, as well as for any children resulting from the marriage. It is important that the Bill also includes provisions to allow the recognition of divorces, legal separation and marriage annulments granted in the United Kingdom or Gibraltar in the event of a no-deal Brexit.

This Bill clarifies the definition of a couple living apart to include scenarios where the spouses may be living in the same dwelling but not as a couple in an intimate or committed relationship, which is really important. As my colleague, Deputy O’Callaghan, *7 o’clock* has noted, in the current housing crisis Members know many people who are technically separated but who, because of financial pressures, cannot afford to leave a house. It is important to recognise this and case law reflects this to be the position adopted by courts on the matter of living apart. The clarity in legislation is very welcome.

Reducing the living apart period will enable couples whose marriages have broken down with no reasonable prospect of reconciliation to regularise their affairs sooner. It is always a tragedy when marriages break down and children must be considered in all this.

A shorter living-apart period will have the potential, as I said, to reduce the legal costs involved, as couples would be less likely to have need to apply for judicial separation or to have to make a formal separation agreement while waiting to become eligible to apply for a divorce. This legislation is certainly welcome. As my colleague has said, there are some things to be teased out but, in general, this is a Bill that we can and will support and we recommend it to the House.

Deputy David Cullinane: There is not much more to be said on this Bill because the people have spoken. Ultimately, the people are sovereign and they have made their minds up on this issue. My party supported removing Article 41.3.2° from the Constitution and we support the Bill before the House now.

The referendum results on marriage equality, abortion and divorce have taught us that people are often ahead of the politicians on these important social issues and that they want to see social change. Ireland has become a far more tolerant and compassionate society that is prepared to acknowledge the complexities of everyday life. In truth, as with abortion and many other issues that are sometimes complex but which nonetheless impact on people's lives, I do not believe the Constitution was the best place to impose such rigid structures on people's lives on this issue. Our job now is to ensure that this legislation passes through both Houses of the Oireachtas to give certainty to those couples facing into divorce proceedings.

I wish to speak to Deputy Gino Kenny's amendment briefly. First, Sinn Féin will not be supporting it. Ultimately, marriage is a legal contract. As such there are serious matters that must be dealt with when seeking to exit the arrangement. When the contract ends, matters relating to children and property must be dealt with. Often this happens through the legal system. This takes consideration by both parties. It takes time for the legal system to process, not only in the courts but through mediation and the respective legal teams of those involved as well. The process simply takes time. It takes time for the couple as they work through particularly challenging decisions.

Unlike other jurisdictions, Ireland's system of divorce operates on a no-fault basis. We want this no-fault basis system to remain. On that basis, Deputy Gino Kenny's amendment would simply be unworkable, especially for the couples themselves.

There is not much more to be said. We support the Bill. We supported the referendum. This is a positive step forward for the type of transformative change that we need to see in Irish society.

Deputy Gino Kenny: Last May 82% of people voted in favour of changing the timeframe for those applying for a divorce in this country. It is incredible to think that 23 years ago in 1996 the difference between "Yes" and "No" was 9,000 votes. It was a very different Ireland. I am probably showing my age, but I remember campaigning for the yes side. It was a very different Ireland. It was a pivotal moment for those who were in abusive relationships. They had a way out. The people of Ireland spoke and said that people should have a choice.

That change did something else which was more fundamental and its legacy survives to this day. It challenged the Catholic moral conservatism that is in this country. Of course, a person can be Catholic or Christian and so forth, but the straitjacket of that conservatism was finally lifted. That day started a process that challenged the church and the conservatism that we lived under during that period. It changed fundamentally.

I welcome the move to reduce the waiting time from five years to two years but I will speak contrary to that. My amendment would go further and stipulate a six-month period. The reason is that I believe people can make a decision. It is a difficult decision for people when they are in a relationship and it breaks down. It can be complicated. It is not because I believe people should get out of a marriage on a whim - far from it - but as consenting adults I believe they should have the legal right to separate under this procedure. It should not be up to the church,

the State or this House to dictate or impose restrictions on a legal divorce involving two consenting adults. That is why I will be pushing my amendment today.

An Leas-Cheann Comhairle: Since no one else is offering I call the Minister of State to conclude.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): I wish to thank Deputies for their engagement with the Bill and for their contributions to the debate. As Deputy Cullinane said, the people have spoken and we have all listened. Deputy Fiona O'Loughlin said the same thing and outlined the actual percentage, which was quite high.

At the heart of the Government's proposal to reform the law in this area, with the amendment to Article 41 of the Constitution approved in May and this Bill now, is a desire to ease the burden on people whose marriages have broken down. The minimum living-apart period of four years set out in section 5 of the Family Law (Divorce) Act 1996 means that couples frequently go through the process of a separation agreement or judicial separation before applying for a divorce. Deputy O'Callaghan made the point that this adds to the cost and the stress of an already sad and difficult situation. The Bill seeks to bring clarity to issues that can arise in respect of living apart where a marriage has broken down without the prospect of reconciliation and the spouses have no option but to continue living in the same house. This issue was raised by several Deputies when the constitutional amendment Bill was discussed earlier this year.

The Bill also aims to minimise any negative impact of Brexit on the recognition in Ireland of divorces, legal separations or marriage annulments obtained in the United Kingdom. We should remind ourselves that the provisions of Part 3 will only be brought into operation if the United Kingdom leaves the EU without an agreement that covers this area. We very much hope these provisions will remain uncommenced, but it is necessary and prudent at the same time to include them in the Bill.

Certain matters were raised by Deputies, especially Deputy Gino Kenny. While that matter will be discussed again on Committee Stage I wish to point out that the Government believes the proposed minimum living-apart period of two years is an appropriate period to provide for. There was broad consensus prior to the referendum on reducing the living-apart period to two years and the Government is not in favour of reducing the period further at this time.

Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan): A Leas-Cheann Comhairle, can I say a few words?

An Leas-Cheann Comhairle: The Minister of State has concluded.

Deputy Josepha Madigan: I was next. I beg your indulgence. I just wish to say a few words.

An Leas-Cheann Comhairle: It is not my choice. It is a matter of the Order of Business. Can we agree to give the Minister a few minutes?

Deputy Josepha Madigan: Thank you very much, a Leas-Cheann Comhairle, I appreciate it.

As director of elections for the referendum campaign I wish to take this opportunity to thank the Opposition parties for their cross-party support for the referendum. I also wish to thank groups such as the Legal Aid Board, the National Women's Council of Ireland, One Family, the

Law Society of Ireland, *separated.ie*, Liberty, the Children's Rights Alliance and the many solicitors and barristers who assisted as well. I also wish to thank Ms Justice Tara Burns, who led the Referendum Commission in providing helpful information that was delivered to all homes in an impartial and factual manner.

I regard the passing of the referendum and this legislation as a huge personal achievement, because when I was first elected I thought long and hard about how I could use my own professional experience as a family law mediator and a lawyer to help make people's lives better. That is why I introduced my Private Members' Bill as expeditiously as I could five months after I was elected on 6 July 2016. I was a member of the minority Government formed in May of that year, but we did not know how long the Government was going to last and, therefore, we had to move quickly.

Deputy Fiona O'Loughlin: Is this a call to election?

Deputy Josepha Madigan: We did not know whether we would still be here.

Deputy David Cullinane: Is the Taoiseach going to come in next?

Deputy Josepha Madigan: I had listened to the concerns of my clients in and out of court-rooms for two decades in practice and I was not going to waste the opportunity. As I said in the Dáil that day, my husband may differ with me, but I believe we have been happily married for 15 years - it is now 17 years. However, I am one of the lucky ones. Marriage is all fine and well when it works, but when it does not it is truly a veritable nightmare. I think it was Jean Paul Sartre who said "*L'enfer, c'est les autres.*" or "Hell is other people." That is particularly true, I imagine, when people are trapped in a bad marriage. I was determined to do something to help. After all, why are we in Dáil Éireann if not to attempt to alleviate the suffering of others in whatever way we can? I knew that a shorter waiting period within which one could apply for a divorce was badly needed, to take people out of legal limbo with protracted matrimonial litigation and to lessen the emotional and financial costs of marital breakdown.

I am pleased to have instigated this social reform in our country and it represents not just a significant achievement in my own career but of new politics. In a world where politics can be viewed with cynicism, it shows that one person really can make a difference, although it would not have progressed without the support of the Taoiseach, Deputy Varadkar. I thank him and my Cabinet colleagues for their support in bringing forward the referendum in the first instance. I thank the former Taoiseach, Deputy Enda Kenny, and former Minister for Justice and Equality, Frances Fitzgerald, for their support of my original Private Members' Bill. I also have huge gratitude to the current Minister, Deputy Flanagan, and the Minister of State, Deputy Stanton, for all their assistance in delivering the legislation in such an expeditious manner. As I said in the Dáil in 2016, it is time that this Chamber stood up for separated people and, in the spirit of fairness, that we lessen a major unnecessary obstacle to beginning a new chapter in people's lives following marital breakdown. I urge colleagues to support the Bill.

Question put and agreed to.

Family Law Bill 2019: Committee and Remaining Stages

Sections 1 and 2 agreed to.

SECTION 3

Deputy Gino Kenny: I move amendment No. 1:

In page 4, lines 27 and 28, to delete “two years during the previous three years” and substitute “six months during the previous twelve months”.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): In March, the Minister published the text of the amendments to be proposed for the referendum on divorce and published the draft general scheme of a family law Bill. The proposal in that draft general scheme was to reduce the minimum living apart period specified in section 5 of the Family Law (Divorce) Act 1996 to two years during the previous three years, from four years during the previous five years. Deputies will recall that, in the discussions relating to the referendum, there was widespread support in both Houses of the Oireachtas and among the general public for providing in legislation for a minimum living apart period of two years during the previous three years. The Government believes that the proposed minimum living apart period of two years, on which there was broad agreement prior to the referendum, is an appropriate minimum period. To move from a minimum living apart period of four years, as the law stands, to six months as proposed by the Deputy would be going too far at this time. I assure the Deputy that the living apart period will be kept under ongoing review once the legislation comes into operation and we see how the new living apart period is working in practice. If the Deputy’s amendment were to be accepted it would result in the process for obtaining a divorce becoming faster than the process for judicial separation. This would cause significant difficulties for the operation of the legislation in this area of law and may call into question the compatibility of this Bill with Article 41 of the Constitution, so we are opposing the amendment.

Deputy Jim O’Callaghan: We will not be supporting the amendment. The people who voted last May knew the legislation that this Oireachtas was going to put forward if the amendment was carried. They voted overwhelmingly in favour of the change because they knew the Oireachtas would introduce legislation stating it would be two out of the previous three years. Had the public been informed at that time that there would be a proposal that people could be apart for six months of the previous 12 months, I do not know what the result would have been but it certainly would not have got the victory it got. We need to be consistent with what we said to the public at the time and we should not change as to do so would be a breach of trust with the public. There is nothing to stop a future Oireachtas deciding, if it wishes, to change the time period prescribed in the legislation and this is an advantage of the way the amendment has progressed but, on the first occasion the legislation is enacted, we should all remain loyal to the commitments we gave to the public.

Amendment put and declared lost.

Section 3 agreed to.

Sections 4 to 7, inclusive, agreed to.

Title agreed to.

Bill reported without amendment and received for final consideration.

Question proposed: “That the Bill do now pass.”

Minister of State at the Department of Justice and Equality (Deputy David Stanton): I thank Deputies for their constructive remarks and Deputy O’Loughlin and others for their work during the referendum itself. I also pay tribute to the officials who worked very hard on the legislation to get it to where it is today, to the Ceann Comhairle and his office and to the Minister for Culture, Heritage and the Gaeltacht, Deputy Madigan, for her input at the beginning.

Question put and agreed to.

Social Welfare Bill 2019 [Seanad]: Financial Resolution

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): I move:

THAT the Taxes Consolidation Act 1997 (No. 39 of 1997) be amended in the manner and to the extent specified in the Act giving effect to this Resolution to provide for the deeming of amounts to be paid on foot of jobseeker’s benefit (self-employed) under the Social Welfare Acts to be deemed to be earned income for the purpose of the Taxes Consolidation Act 1997 and subject to taxation in accordance with Section 126 of that Act.”

Question put and agreed to.

Social Welfare Bill 2019 [Seanad]: Second Stage

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): I move: “That the Bill be now read a Second Time.”

I am genuinely really pleased to have an opportunity to introduce this Bill to the Dáil today. I express my sincere appreciation to everybody, not just those on all sides of this House but in the Seanad too, for agreeing to deal with All Stages of the Bill today, as was the case in the Seanad last week. The purpose of this Bill is to introduce a new social insurance scheme of jobseekers benefit for self-employed people with effect from 1 November. It is a great achievement by all of us.

The introduction of the new scheme was part of the 2019 budget announced last October and is designed provide self-employed contributors who lose their businesses with the income support and breathing space they need as they assess their next steps. The development of this scheme reflects the Government’s aim of creating a supportive environment for entrepreneurship. As the House will know, we have sought to introduce a new deal for the self-employed when it comes to their access to benefits and, having already extended entitlement to treatment benefits and invalidity pension to the self-employed in recent years, the introduction of the new JBSE scheme marks a further important step in this process of equalising social insurance benefits across employees and the self-employed. The new scheme will provide an income safety net to thousands of small and medium businesses throughout the country. It will mean that the self-employed will have access to the safety net of income supports if they lose their

self-employment, without having to go through a means test. In most respects, the key features of the existing jobseeker's benefit scheme, which provides support to employees who have lost their job, will apply to this new scheme. The personal weekly rate of payment will be the same for both schemes. The duration of payment - six months or nine months, depending on the claimant's social insurance record - will be the same. The scheme has been designed to take into account the fact that PRSI contributions by the self-employed are paid by way of an annual lump sum. Claimants of the new payment will also have access to the full range of activation supports currently available to other jobseekers, including, for instance, referral to group information sessions, one-to-one interviews and subsequent caseworker support if the claimant so desires.

It is important to note that self-employed people who are operating businesses at low levels of income can continue to access the means-tested jobseeker's allowance scheme. There are almost 7,000 self-employed in receipt of this payment. I wish to assure Members that scheme will continue to operate.

I will briefly outline the content of the Bill, which has passed through the Seanad and contains 11 sections. Sections 1 and 2 provide for the standard provisions setting out the Short Title of the Bill, its construction and citations, commencement provisions and a definition of the principal Act referred to in Part 2 of the Bill.

In light of the introduction of the new jobseeker's benefit for the self-employed scheme, we are amending some of the legislative provisions governing the existing jobseeker's benefit scheme. The more significant of these changes is in section 3, which extends the qualifying conditions for the existing jobseeker's benefit scheme by providing that the first condition to determine eligibility for payment can now be met by having 104 employment or optional contributions, such as PRSI class A contributions, as has always been the case, or by having have 156 self-employment contributions, denoted by PRSI class S. This is a positive change which recognises that some people will have engaged in both employment and self-employment in the course of their working lives. By recognising that both forms of employment give rise to entitlements within the social insurance system, the change will help to ensure that an individual will not be at a disadvantage as a result of a move from employment to self-employment or *vice versa*.

Section 4 is a standard provision to ensure that a claimant does not secure a double benefit. Put simply, it states that where a claimant who is in receipt of jobseeker's benefit for the self-employed also satisfies the qualifying conditions for jobseeker's benefit for the employed, periods spent in receipt of jobseeker's benefit for the self-employed will be treated as though jobseeker's benefit were being paid.

Section 5 is a key part of the Bill and provides for the introduction of a new chapter 12A to the principal Act which sets out all the provisions governing the new jobseeker's benefit for the self-employed scheme. The new chapter 12A provides for the general qualifying conditions for receipt of jobseeker's benefit for the self-employed; the social insurance contribution conditions; the rate of benefit payable, including reduced rate benefits payable where the average reckonable weekly earnings of the claimant fall below certain thresholds; the increases payable where there is a qualified adult or qualified children; the duration of payment; the requirement to engage with activation services; and disqualifications. These provisions mirror, to the greatest extent possible, the existing provisions governing entitlement to jobseeker's benefit.

Section 6 provides for a range of amendments to general provisions of the Act which cover all social insurance schemes and which are required to reflect the introduction of the new jobseeker's benefit for the self-employed scheme. The amendments are set out in the form of a Schedule to the Bill.

Section 7 of the Bill concerns an issue which is separate from the main body of the Bill and the new jobseeker's benefit for the self-employed scheme, namely, the procedures governing appeals in respect of social welfare payments which follow from decisions of deciding officers appointed as bureau officers under the Criminal Assets Bureau Act 1996. In practical terms, the section provides that such appeals will always have to be submitted to the Circuit Court.

Sections 8 to 10, inclusive, provide for the necessary amendments to the Taxes Consolidation Act 1997 as a result of the introduction of the new scheme. Section 11 is an amendment which added to the Bill on Report Stage in the Seanad last week - regrettably, in my view - and commits to the preparation of a report on policy options to strengthen social protection supports for one-parent families with a youngest child between the ages of 14 and 18.

To return to the main purpose of the Bill, jobseeker's benefit for the self-employed will provide an insurance-based safety net which has not previously been available to people who have set up and run their own businesses. Such enterprises can be particularly vulnerable in times of economic difficulty and it is right that they should enjoy the same levels of support as employees currently do.

I thank Deputies on all sides for agreeing to the swift passage of this important legislation and enabling the early introduction of a key support that will be valued by all our entrepreneurs.

Deputy John Lahart: I wish to share time with Deputy Scanlon. Fianna Fáil will support the Bill, the purpose of which is to provide for the introduction of a new social insurance scheme to provide jobseeker's benefit for the self-employed. It will be payable to individuals who lose their self-employment and have the required number of PRSI contributions to qualify for payment. Fianna Fáil has consistently supported extending a full range of social protection supports to self-employed PRSI contributors on a phased and voluntary basis as part of our commitment to foster an entrepreneurial culture as well as enhancing social solidarity. As the Minister will know, this was one of the commitments in the confidence and supply agreement. My colleague, Deputy O'Dea, should be present to deal with the Bill, but it is a great pleasure for me to speak on it. As I stated, Fianna Fáil supports the Bill and the creation of a social welfare safety net for the self-employed. The Minister indicated in her contribution that she is anxious to move the legislation along speedily. We will do nothing to disrupt or delay it. It is quite important that it is dealt with quickly.

I am interested in speaking on the Bill because I spent my entire working life as a self-employed person until I entered politics. It is a daunting and nerve-racking place to be. There are no supports when things go wrong. It is often claimed that those in such a situation could apply for the means-tested payments. As those who have been self-employed know, if things go against a self-employed person and the business effectively folds, it is very difficult to prove eligibility in a means test. One may hold certain assets but there may be significant debts behind them. It is very challenging for the self-employed to access protection and supports. As I noted, this is one of several improvements that have been made for the self-employed. It is a very important change.

The Minister will be aware that the Joint Committee on Employment Affairs and Social Protection has been looking at the area of bogus self-employment and so on. I noted at the time that a significant number of people - more than 325,000 - are classed as self-employed. For those people, the passage of the Bill gives them a degree of support and comfort that they did not have previously. It is important that the work being done by the committee on bogus self-employment concludes and that the Government engages in that process in terms of future legislation such that there is absolute clarity on who is self-employed, what constitutes bogus self-employment and how that is determined. I do not wish to open a debate on the matter this evening, but there are concerns in that regard.

The Bill is very welcome. I do not wish to end on a sour note, but I was disappointed that full equalisation of the earned income credit with the PAYE credit was not provided for in the budget. It was expected that that would have been done by now. I acknowledge that other benefits, such as dental and optical benefits, have been extended to the self-employed. We are moving in the right direction. The Minister has the support of Fianna Fáil on the Bill, the measures in which formed part of the confidence and supply agreement. It is interesting that the Bill has been introduced at this late stage in what may be one of the final gallops of this Dáil. I will be glad to see it enacted.

Deputy Eamon Scanlon: I am delighted to speak on the Bill. I should declare that I was self-employed from 6 September 1974, 41 years ago, until the point at which I was fortunate enough that the people of Sligo-Leitrim elected me to this House. We do not really appreciate the amount of employment created by self-employed people or the amount of work they do. According to the CSO, there are more than 250,000 small and medium-sized businesses in this country. They account for more than 99% of all business enterprises.

I recently attended a Brexit meeting at a company in Manorhamilton that employs approximately 80 people. We had quite a good discussion with the speakers who were present on the day. It was mentioned that just 11% of small businesses employing less than ten people have made any contact with any Department regarding supports to help them through Brexit. We can blame the Government for everything, but we cannot blame it for this. We need to transmit a better message about the opportunities that exist. Everybody is standing back and hoping there will be a deal. I genuinely hope, for the sake of everybody in this country, that there will be a deal. When we reflect on the number of people employed by these companies across the country, we must hope they will not need to the supports in question. I hope we will have a deal before too long.

It is important to recognise the contribution made by small employers who employ seven, eight or nine people in shops and other businesses in small towns throughout rural Ireland. If these people had not taken a chance by setting up business, many of the local people they employ would be in England, the US or elsewhere and not in this country today. It is about time we recognised the work that is done by self-employed people who are out there taking risks. They borrow money from banks to buy or set up businesses and create jobs. Sadly and unfortunately, things can go wrong. I was close to the edge many times. There is nothing for people in such circumstances. This Bill will help to support them. It is important that such supports be available. I hope that as a result of this Bill, people will be more inclined to start a business because they know they will be looked after if something goes wrong. They have not been looked after up to now. Nothing whatsoever was in place for them.

I am delighted for the people who need help and support that the Bill is before the House. I

understand that dental and optical benefits will be extended to self-employed people with PRSI contributions. All of those people will be eligible for an invalidity pension if they sadly get injured or sick. This option will give them a full contributory pension if needed. I welcome the Bill. I am delighted that my party will support it all the way. It is a welcome benefit for many thousands of small business people. It is important that they know their backs will be covered if anything goes badly wrong.

Deputy John Brady: I am pleased to have an opportunity to speak on the Bill. I welcome the extension of jobseeker's benefit to the self-employed. Sinn Féin supports this Bill, which has been a long time coming. Any extension of social welfare supports to the self-employed must be welcomed. The self-employed do not have access to the full suite of social welfare supports available to other workers. A survey of class S PRSI contributors carried out by the Department of Employment Affairs and Social Protection and published in 2017 gave a useful insight into the social protection supports that self-employed people would like extended to them. Some 82.3% of those surveyed identified short-term illness benefit as such a support. KPMG has calculated that cost of extending illness benefit to the self-employed would be €72 million in 2020, which is not a significant amount. I urge the Minister to consider this. The self-employed face barriers in accessing the State pension when they retire. They must ensure they have the necessary number of contributions to qualify. The Government is continuing to examine the best model for the total contributions approach and the new auto-enrolment pension scheme for workers. The nature of the working lives of the self-employed must form part of the model that is implemented in both cases.

I refer to the section that outlines the obligation on the self-employed in receipt of jobseeker's benefit when it comes to attending activation meetings. I would be concerned if these activation meetings included JobPath, which was set up for the long-term unemployed, and I ask the Minister to clarify that.

Deputy Regina Doherty: I would be surprised if the Deputy was not concerned.

Deputy John Brady: When we welcome the extension of further welfare supports for the self-employed, it must be borne in mind that many employers are engaged in bogus self-employment practices. This leaves workers who are legitimate employees high and dry when it comes to accessing social welfare supports and basic workers' rights such as annual leave, sick pay and holiday pay. While many of the self-employed will benefit from this Bill, some of them will not, through no fault of their own. This Government has not tackled the issue of bogus self-employment but it must. The result of its failure to do so is a major loss of PRSI to the State. The Government is not going after those who are engaged in this activity. Rather than recouping the money lost in PRSI, the Government is choosing to try to recoup overpayments made to social welfare recipients. Such overpayments typically result from departmental error. Coincidentally, before I became a Member, I was self-employed for 15 long years.

Deputy Regina Doherty: Who knew we all had so much in common?

Deputy John Brady: Absolutely. It is a lonely place to be, particularly for sole traders in difficult times. I am not sure whether other Deputies have shared my experience of having to avail of social protection. The business I was operating was one of many businesses that went to the wall during the economic downturn, when the bottom fell out of the economy. Unfortunately, I had to pull down the shutters on the business. Like many others, I have first-hand experience of the challenges experienced by people when they are seeking badly needed sup-

16 October 2019

ports. I know from my experience in 2010 that many self-employed people come up against many challenges, brick walls and barriers as they seek to provide for their families and keep a roof over their heads. While this legislation is positive, if I have any criticism it is that it has taken a long time to get to this stage. It has to be welcomed. While I welcome all Government moves to extend social welfare supports to the self-employed, I do so with the caveat that they are unable to access all social welfare supports even though they should be able to do so. This is a positive step forward, but there is much more work to be done.

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): I will respond to the two questions were asked. I assure Deputy Brady that the activation offering available to jobseekers who were self-employed is exactly the same as what is on offer to those who were employed. I also assure him that the Department follows up overpayments and underpayments in the exact same vigorous manner. He would probably use different language. When the Department is owed money that it could spend on people who need our support, as he rightly mentioned, it is taken seriously.

I thank the Deputies for their contributions. I do not know why it has taken so long to reach this point. I was self-employed for many years. Everyone present has been self-employed. Like Deputy Brady, I know exactly what it feels like to see one's business go wallop. It happened to me in 2009. Unfortunately, I was unable to get help from the Department of Social Protection even though I was experiencing significant difficulty. This is an important stage in our political careers because we are able to stand here tonight and say that this milestone has been accomplished. I hope it will be effective when, God forbid, the next recession comes. They come and they go. The next time anything happens in this country, our self-employed people will be supported in exactly the same way as employees are if misfortune comes to their door.

Question put and agreed to.

Social Welfare Bill 2019 [Seanad]: Committee and Remaining Stages

Acting Chairman (Deputy Frank O'Rourke): Amendments Nos. 2, 3, 5 and 6 have been ruled out of order.

Deputy John Curran: Were all amendments ruled out of order?

Acting Chairman (Deputy Frank O'Rourke): We will go through them.

Sections 1 to 4, inclusive, agreed to.

SECTION 5

Deputy John Curran: I move amendment No. 1:

In page 5, line 2, to delete "For the purposes of this Chapter, the Minister" and substitute "The Minister".

I will not take up a lot of time. We want to make some fairly straightforward points. The Minister referred to another recession. It is also worth noting that in the best of times busi-

nesses face challenges, products and services change and evolve and parts of a town become more or less popular. This safety net will always be necessary, irrespective of whether there is a recession.

Deleting the chapter would mean that the following provisions would apply equally whether those who were to receive jobseeker's benefit were employed or self-employed. In other words, there would be continuity and people would be treated equally whether they got jobseeker's benefit having come from an employed or self-employed background.

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): Unfortunately, I cannot accept the amendment. The conditionality is not the same. The reason the section states "For the purposes of this Chapter" is because the conditionality to access jobseeker's benefit for the self-employed is slightly different from that for the employed. We tried to mirror it as closely as possible. The number of contributions are different.

Deputy John Curran: I am going to get to that.

Deputy Regina Doherty: That is why the line is in the section not once but 18 times. It is to emphasise that for the purposes of the new chapter 12A, the conditions are different from the preceding chapters that govern jobseeker's benefit for the employed. It seems like they are only words, but there are different conditions.

Acting Chairman (Deputy Frank O'Rourke): How stands the amendment?

Deputy John Curran: I will press the amendment.

Amendment put and declared lost.

Amendments Nos. 2 and 3 not moved.

Deputy John Curran: I move amendment No. 4:

In page 5, line 29, to delete "52 contribution weeks" and substitute "39 contribution weeks".

This is similar to amendment No. 3. I am surprised it was ruled out of order because the principle is more or less the same. I will not have a long debate about this, but the argument is that the qualifying contributions for a self-employed person are more onerous than for an employed person. I know the Minister will tell me the qualifying conditions are different, but perhaps she will explain to me why that is the case. All of the amendments we have tabled propose that there be equality in terms of access to the pension regardless of whether a person is employed or unemployed. I know the Minister will say the qualifying criteria are different, but perhaps she will explain why.

Deputy Regina Doherty: I genuinely appreciate the divergence between the requirements for employed contributions paid at 39 class A contributions in the governing year, while we propose that there are 52 class S contributions for the same type of access to the scheme. The divergence simply reflects how self-employed people pay their PRSI contributions. We will never find anybody with a PRSI contribution of 39 weeks in a year. People either have 52 or they have none. Self-employed people pay their contributions in one go. They either have no contributions for the entire year, at which stage they can buy their contributions for the full year at a later date, or they will always have 52. Having 39 contributions is irrelevant, because

16 October 2019

it would never be the case. On that basis, the prescription in the legislation reflects the actual payments of social insurance contributions by those who are self-employed.

Acting Chairman (Deputy Frank O'Rourke): Is the amendment being pressed?

Deputy John Curran: I want to make a brief reply. I will not delay the House. I accept that point. It is unfortunate that amendment No. 3 was ruled out of order because it nails the point on having 104 contributions rather than 156. It is a question of two years or three years. The principle of amendment No. 4 is the same as amendment No. 3, namely, that the qualification criterion for the self-employed is more onerous. I know we cannot discuss amendment No. 3. The qualifying criterion for the self-employed is three rather than two years.

Deputy Regina Doherty: I appreciate what the Deputy is saying, but they are not the same. We would be having a different conversation if amendment No. 3 had not been ruled out of order. This is not more onerous, given that the self-employed can only make zero or 52 contributions. I hear what the Deputy is saying.

Deputy John Curran: I accept that.

Acting Chairman (Deputy Frank O'Rourke): Is the amendment being pressed?

Deputy John Curran: No.

Amendment, by leave, withdrawn.

Section 5 agreed to.

Sections 6 to 11, inclusive, agreed to.

Amendments Nos. 5 and 6 not moved.

Schedule agreed to.

Title agreed to.

Bill reported without amendment, received for final consideration and passed.

Acting Chairman (Deputy Frank O'Rourke): A message will be sent to the Seanad acquainting it accordingly.

The Dáil adjourned at 7.50 p.m. until 9.30 a.m. on Thursday, 17 October 2019.