



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Céadaoin, 6 Samhain 2019

Wednesday, 6 November 2019

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

*Paidir.
Prayer.*

Ceisteanna - Questions

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Wildlife Conservation

19. **Deputy Niamh Smyth** asked the Minister for Culture, Heritage and the Gaeltacht the steps she has taken on foot of the recommendations from the curlew task force; and if she will make a statement on the matter. [45670/19]

Deputy Niamh Smyth: I ask the Minister to outline the steps she has taken on foot of the recommendations from the curlew task force, given its report was published in September 2019.

Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan): I thank the Deputy. In January 2017, a national curlew task force was formed, to include various stakeholders with an interest in the management of the curlew and its habitat. The National Parks and Wildlife Service of my Department is currently considering the recommendations of the curlew task force, which were published in September 2019, in order to inform the vital next steps for curlew conservation. The possibility of the curlew becoming extinct as a breeding species is one of the most serious conservation concerns in Ireland at the moment. Decades of habitat loss and fragmentation, and losses to predators, have seen the species decline in numbers by 96% since the late 1980s and early 1990s. Unfortunately, these threats are very much still present and active.

The curlew conservation programme, which was established in 2017 to pioneer curlew conservation efforts in Ireland, will continue in 2020, co-ordinated by the National Parks and Wild-

life Service. The programme, which had a successful year in 2019, includes surveys, habitat maintenance, enhancement and creation, nest protection and public and community engagement. The aim of this locally-led programme is to reverse the population declines by supporting the creation and maintenance of suitable breeding habitat and employing nest protection officers, aiming ultimately to improve breeding productivity, that is, the number of young curlew successfully reared in a given year. Curlew productivity in key areas has improved year-on-year as a result of the works of the programme.

Landowners and local communities have been central to the success of the programme so far and co-operation with stakeholders will continue to be crucial to the programme's success. The efficacy of these ongoing conservation efforts will be determined by a research project in due course. The pilot phase of the curlew conservation programme, just three years in, has shown that prospects can be improved by following the model of locally-based teams, engaged positively and proactively with relevant stakeholders, most especially landowners, to find and safeguard the breeding attempts and improve the immediate habitat and environment for breeding attempts. Curlew conservation efforts will continue to be a key consideration in my Department's overall nature conservation strategy in 2020.

Deputy Niamh Smyth: I thank the Minister. As the Minister rightly laid out, the evidence is that the breeding productivity of the curlew in the conservation areas has improved as a result of the action on the ground of the local curlew action teams, which are to be highly commended for their work on this issue. The report concludes that the work needs to be sustained on an ongoing basis and that, ultimately, the environment and landscape into which the curlew return will need to be greatly improved if the population is to be placed on a truly sustainable footing. The report concludes that wider policy changes are required to ensure this is so. Will the Minister outline how her Department intends to ensure this happens? Will the programme be scaled up on a national level and replicated throughout the country?

Deputy Josepha Madigan: There are two main pillars within the curlew conservation programme, one of which delivers on-the-ground action and another that progresses research on a species that has received little attention in Ireland to date. Both pillars are closely intertwined and complementary. The third year of the curlew conservation programme, which is this year, saw direct efforts in the following areas: the Stack's Mountains, the north of Lough Corrib; Lough Ree; north Roscommon and Mayo; mid-Leitrim; north Monaghan in the Deputy's constituency; and Donegal. Some 54 pairs were located in these operational areas in 2017, 45 in 2018 and between 41 and 56 in 2019. When the core areas that were covered in each of the three years are compared, those figures are as follows: 46 in 2017; 42 in 2018 and; 41 to 56 in 2019. Further habitat improvements were planned and undertaken this year, which should benefit curlews into the future. The pilot phase of the curlew conservation programme, just three years in, has shown prospects can be improved by following the model of locally-based teams engaging positively and proactively with local landowners and relevant stakeholders to find and safeguard the breeding attempts and to improve the immediate habitat and environment for these attempts.

Deputy Niamh Smyth: Our Lady's secondary school for girls in Castleblayney had a good conference two weeks ago on Brexit. The conference covered the environmental section of that as well. The Minister mentioned north Monaghan, an area in which the conservation of the curlew is being developed, and that programme is welcome. Based on the figures the Minister outlined, am I correct that the number of pairs has reduced rather than increased? She might confirm that for me.

In August 2019, the sixth report of the UN convention on biological diversity confirmed potential catastrophic species loss and the deterioration of important habitats was accelerating. Ireland has a legal obligation to conserve biological diversity. An Taisce described the report as a damning indictment of the state of biodiversity, with insufficient progress reported across most targets. Birdwatch Ireland and the Irish Wildlife Trust have echoed An Taisce in calling on the Government to move quickly to arrest a species extinction crisis in Ireland. One third of all Irish bee species could be extinct by 2030 and the Irish butterfly populations have declined by almost 12% over the past decade. Some 50% of Irish freshwater areas are polluted and as a result, there has been a decline in our most sensitive aquatic species such as salmon. More than 90% of protected habitats are classified as having unfavourable conservation status. What provision was made in budget 2020 to tackle these staggering figures?

An Leas-Cheann Comhairle: Before the Minister comes in, I remind Members that this is the first question and we have to keep a keen eye on the clock because other Members will be coming in.

Deputy Niamh Smyth: I apologise.

An Leas-Cheann Comhairle: It is okay but I ask Members to please co-operate with me.

Deputy Josepha Madigan: I thank the Deputy for her comments. I commend Our Lady's secondary school on its efforts in respect of the conservation of the curlew. The recommendations of the report are being strongly considered by the Department. It is broken down into eight main areas: the curlew ecological requirements; farming and agri-environment; forestry; bogs; predation and nest protection; planning and development; curlew and people; and synthesis. The efforts of the curlew conservation programme, particularly in the local teams, in building and maintaining a positive profile for the curlew cannot be overstated. Conflict can often arise between the desires of those involved in conservation and the desires of landowners to manage their land as they see best. The understanding and communication skills, which involve listening as well as talking, of those involved in the programme, have been exemplary. The experience to date has been largely positive, with countless landowners and local people helping with reporting sightings, facilitating access, providing advice and undertaking efforts to help the curlew. This year, we increased the amount in budget 2020 for the heritage sector by 15%. Unfortunately, if we look back to the Fianna Fáil and Green Party budgets of the past, funding to the sector was cut by 75%.

An Teanga Gaeilge

20. D'fhiafraigh **Deputy Aengus Ó Snodaigh** den Aire Cultúir, Oidhreachta agus Gaeltachta a leagan amach conas a dhéanfar dul chun cinn ar thograí athbheochana dár dteanga náisiúnta laistigh de chonstaicí an mhaoinithe a leagadh amach i mbuiséad 2020. [45468/19]

Deputy Aengus Ó Snodaigh: Tá an cheist seo dírithe ar an Aire Cultúir, Oidhreachta agus Gaeltachta ach ar ndóigh glacaim leis go mbeidh an tAire Stáit, An Teachta Kyne, ag tabhairt freagra dom agus ag leagan amach dúinn conas a dhéanfar dul chun cinn ar thograí athbheochana dár dteanga de thairbhe ar na cinntí a glacadh i gcáinainnéis 2020.

Minister of State at the Department of Culture, Heritage and the Gaeltacht (Deputy Seán Kyne): Is é an plean gníomhaíochta 2018-2022, a d'fhoilsigh mo Roinn i mí an Mhei-

thimh 2018, an mapa bóithre ina ndéantar rianú ar cad a dhéanfar chun cúram a dhéanamh d'fheidhmiú na Straitéise 20 Bliain don Ghaeilge 2010-2030 sa tréimhse cúig bliana ó 2018 go dtí 2022. Ós rud é go bhfuil comhfhreagracht agus comhúinéireacht ag croílár an cur chuige, is plean tras-Rannach é agus is gá do gach ceann den 60 páirtí leasmhar a ndéantar a rianú sa phlean a gcion a dhéanamh chun go mbeidh an toradh is fearr a bhféadfaí a bheith ag súil leis mar a bhaineann sé le cur chun feidhme an breis agus 180 beart atá ann.

Leagtar amach córas monatóireachta úrnua sa phlean chun a chinntiú go bhfuil cur chuige níos éifeachtaí agus trédhearcaí ann a chinnteoidh dul chun cinn mar is cuí. Mar chuid den chóras seo, tá coiste stiúrtha atá ag feidhmiú faoi chathaoirleacht mo Roinne i mbun monatóireachta ar fheidhmiú an phlean ó foilsíodh é. I gcomhréir le cinneadh Rialtais, tá beartaithe an chéad tuairisc bhliantúil ar dhul chun cinn a fhoilsiú go luath tar éis í a bheith leagtha faoi bhráid an Rialtais. Is tríd an mheicníocht seo go príomha a ndéantar faireachán agus tuairisciú maidir leis an bplean.

Maidir le gnóthaí airgeadais, anuas ar bhuiséad Fhoras na Gaeilge d'os cionn €11 mhilliún in aghaidh na bliana, tá leithdháileadh de bheagnach €58 milliún curtha ar fail i bhfomhír C de chuid mo Roinne don Ghaeilge, don Ghaeltacht agus do na hoileáin do 2020. Cuimsítear sa soláthar ardaithe mar seo a leanas: infheistíocht bhreise ar fiú €500,000 é don phróiseas pleanála teanga a chinnteoidh go dtógfar ar an obair mhaith atá ar siúl faoin bpróiseas cheana féin; ardú de €1 mhilliún nó 11% ar sholáthar caipitil d'Údarás na Gaeltachta chun tuilleadh a chur lena chumas a chlár oibre a chur chun cinn ar leas na Gaeltachta agus; €200,000 breise do mhaoiniú na gcomharchumann Gaeltachta. Chomh maith leis sin, beidh teacht ag Údarás na Gaeltachta ar chiste faoi leith sa chás go dtarlóidh Breatimeacht gan socrú. Tríd na córais threisithe mhonatóireachta agus an cistíocht bhreise ar thagair mé dó, táim sásta go bhfuil cur chuige sásúil i bhfeidhm a chinnteoidh go mbeidh cúram ceart á dhéanamh don Ghaeilge agus don Ghaeltacht in 2020.

Deputy Aengus Ó Snodaigh: Luaigh an tAire Stáit an figiúr de €58 milliún. Ar ndóigh, ní bhaineann a lán de sin le pleanáil teanga nó le hathbheochan na teanga. Baineann sé leis an nGaeltacht nó le hobair chaipitil sna ceantair sin nó ar na hoileáin. An cheist ná cad go díreach é an caiteachas atá ag tarlú d'athbheochan ár dteanga náisiúnta. Níl mórán sa fhreagra a thug an tAire Stáit, seachas an €500,000 do phleanáil teanga dírithe ar athbheochan a dhéanamh nó fiú tarrtháil a dhéanamh ar an teanga. Thar na blianta, tá liosta mór fada tugtha don Aire Stáit ó dhreamanna difriúla. Bhí Conradh na Gaeilge thar ceann 60 grúpa agus leag sé amach an méid áirithe airgid atá ag teastáil chun a dhéanamh cinnte de go mbeadh dul chun cinn á dhéanamh bliain i ndiaidh bliana, seachas dul i gcúl. Tá mé fós ag lorg cad go díreach é an caiteachas nua chun a bheith caite, má tá sé ann, seachas an €500,000 ar phleanáil teanga.

Deputy Seán Kyne: Casaim le Conradh na Gaeilge gach uile bliain maidir leis an gcáin-naisnéis agus bhí sé ar a chumas méadú a dhéanamh ar a bhuiséad i mbliana le tacaíocht ón Aire, an Teachta Madigan, agus ón Roinn. Bhí €1 mhilliún breise de chaipiteal d'Údarás na Gaeltachta. Bhí Conradh na Gaeilge ag lorg na hinfheistíochta sin. Tá sé ag lorg níos mó agus tá sé sin ceart go leor ach táimid ag dul sa treo ceart agus tá buiséad caipitil de níos mó ná €10 milliún againn anois don chéad uair le beagnach deich mbliana anuas. Tá thart ar €7.37 milliún in 2020 le caitheamh ar thograí reatha cosúil le scéim na bhfoghlaimeoirí Gaeilge, scéim na gcúntóirí teanga, scéim na gcampaí samhraidh agus cúnadh d'eagraíochtaí Ghaeilge eile ar nós Acadamh na hOllscolaíochta Ghaeilge, UISCE agus Oideas Gael. Chomh maith leis sin, tá an buiséad ag Foras na Gaeilge agus bhí sé ar mo chumas breis airgid a thabhairt díreach chuig na heagraíochtaí cosúil le Conradh na Gaeilge chun cur ar a chumas rudaí a dhéanamh ar nós an

seó bóthair agus gluaiseacht chun an Ghaeilge a chur chun cinn trasna na tíre, go mór mór sna scoileanna. Tá ról fíorthábhachtach aige san obair sin.

Deputy Aengus Ó Snodaigh: Luaigh an tAire Stáit Údarás na Gaeltachta agus an €1 milliún breise agus go ndeachaigh sé suas go dtí €10 milliún. In 2008 bhí €25 milliún á fháil ag Údarás na Gaeltachta. Tagraím do na tograí eile atá curtha faoina bhráid le tamall de bhlianta anuas ó Chonradh na Gaeilge. Níl an t-airgead ann agus ní bheidh sé in ann cur leis na tograí sin muna thagann an t-airgead. Tá mé ag caint mar gheall ar thograí ar nós scéimeanna do thuismitheoirí, scoláireachtaí aosaigh agus ógánaigh, líonraí Gaeilge, lárionad na Gaeilge agus Raidió Rí-Rá fiú. Tá a fhios agam gur thug an tAire Stáit €75,000 dó i mbliana ach níl go leor ann. Cén uair a fheicimid ardú suntasach seachas ardú suarach ar an méid airgid atá de dhíth chun ár dteanga náisiúnta a chaomhnú agus a athbheoigh sa tír seo?

Deputy Seán Kyne: Tá an ceart ag an Teachta go raibh buiséad caipitil ag Údarás na Gaeltachta de thart ar €25 milliún in 2008 ach laghdaíodh é sin go dtí €16 mhilliún in 2009 agus go dtí thart ar €6 milliún nó €7 milliún in 2010 sula tháinig an Rialtas seo isteach. Tá méadú ó shin ar na huimhreacha don bhuiséad caipitil freisin. Bhí sé ar mo chumas breis airgid reatha a chur ar fáil d'Údarás na Gaeltachta, go mór mór do na comharchumainn. Déanann na comharchumainn ar na hoileáin agus sna Gaeltachtaí uilig obair fhíorthábhachtach agus táim an-sásta go raibh muid in ann breis airgid a chur ar fáil dóibh. Is é seo an tríú bliain i ndiaidh a chéile a bhí muid in ann breis airgid a chur ar fáil do na comharchumainn. Freisin, ó thaobh na rudaí eile atáimid ag déanamh, tá airgead curtha ar fáil don obair thábhachtach atá siad ag déanamh, mar atá luaite agam. Chomh maith leis sin, tá Údarás na Gaeltachta in ann airgead a fháil ó scéim athghiniúint agus forbairt tuaithe an Aire Forbartha Tuaithe agus Pobail, an Teachta Ring, agus tá an comhpháirtíocht idir Údarás na Gaeltachta agus grúpaí eile ann. Mar shampla, tá Gteic oscailte sa Spidéal. D'oscail muid é coicís ó shin. Áis iontach sa Spidéal atá ansin agus bhí an comhpháirtíocht sin idir Údarás na Gaeltachta agus an Roinn Forbartha Tuaithe agus Pobail.

Arts Council

21. **Deputy Niamh Smyth** asked the Minister for Culture, Heritage and the Gaeltacht the details of the additional responsibilities given to the Arts Council following budget 2020; and if she will make a statement on the matter. [45671/19]

Deputy Niamh Smyth: Will the Minister provide details of the additional responsibilities given to the Arts Council following budget 2020 and provide a statement on the matter?

Deputy Josepha Madigan: Under the Arts Act 2003, the arts are defined as any creative or interpretative expression and include the visual arts, theatre, literature, music, dance, opera, film, circus and architecture. The responsibilities of the Arts Council are laid out in section 9 of the Act. They are to stimulate public interest in the arts; promote knowledge, appreciation and practice of the arts; assist in improving standards in the arts; advise the Minister on the performance of any of his or her functions under this Act, when so requested by the Minister; assist the Minister in the performance of his or her functions under this Act and in the implementation of Government policies and objectives in respect of the arts, when so requested; furnish advice or information to a Minister of the Government, including the Minister, on any matter connected with its functions, whenever the council considers it appropriate or is requested to so do by the Minister; furnish advice or information to a public body on any matter connected with its functions, whenever the council considers it appropriate or is requested to so do by the

public body concerned; and co-operate with a public body in on any matter connected with its functions, whenever the council considers it appropriate.

These functions have not changed. In budget 2020, I announced an increase in council funding of 6.7%, bringing its annual allocation to €80 million. In consultation with the council, a number of funded initiatives, such as Culture Night, will be transferred to it from the Department. Culture Night was an idea originally developed by my Department and grown from a small scale Dublin event to a national cultural event that has captured both the public imagination and the enthusiasm of artists and arts organisations. Given its national status, it is now appropriate to transfer it to the Arts Council. Other initiatives are under similar consideration and the final list will be agreed with the council in time for the publication of the Revised Estimates Volume before the end of the year.

Deputy Niamh Smyth: In the Minister's press release following budget 2020, we were advised the Arts Council's role was to be broadened. We were told it would take over the Department's role regarding both Culture Night and creative schools. However, it is not clear whether this is the total extent of the broadening of its role or whether it is envisaged other initiatives will be transferred to its remit. Will the Minister clarify that and whether funding from other organisations will be relocated from the Department to the Arts Council?

Deputy Josepha Madigan: The funding breakdown remains a matter for discussion with the council and we are in ongoing discussion with it. The precise breakdown of the €5 million remains under consideration but we have stated it includes €1.25 million in additional funding to enhance the work of the council to support performing artists, art festivals, street arts and family events. This funding also includes €3.75 million reallocated from within the Department's existing Vote. It will further underpin the council's role, particularly regarding Culture Night and creative schools. Details of this allocation, as I said in my initial reply, will be finalised in the context of the Revised Estimates Volume, which will be published later this year.

In general, the Arts Council, where possible, should be delivering all initiatives relating to the arts. That would allow the council to ensure interventions in the arts sector are complementary to each other and are delivered as a strategic whole. There may be occasions where this is not straightforward to achieve, for example, where we are engaged in cross-cutting or interdisciplinary initiatives to support broader creative objectives such as under the Creative Ireland programme.

Deputy Niamh Smyth: The Minister has made the point that the €1.2 million funding to enhance the work of the Arts Council to support performing artists and the €3.7 million funding are reallocations of funds. It is a bit disingenuous to say that the council's funding has been increased by €5 million when all the Minister has done is given it the remit to do what it should have been doing in the first place, which is to deliver Culture Night and creative schools.

The council is the main funding agency for arts and artists and it plays a critical role in directing funding. It was established by statute to do this. Research by Theatre Forum into pay and conditions for performing artists earlier this year showed that one third earn less than the minimum wage and that work in the performing arts sector is characterised by poor working conditions and precarious employment. It was hoped that budget 2020 would have a positive impact on the living conditions for artists. Can the Minister outline how she envisages the budget will improve the income for artists?

Deputy Josepha Madigan: It is a bit disingenuous of the Deputy to make that comment when her party cut funding for the arts by €67 million, from €206 million to €139 million, which was a cut of 33%.

Deputy Niamh Smyth: The Minister's party has been in government for eight years.

Deputy Josepha Madigan: Given the difficult budgetary environment in the context of Brexit, the Arts Council is pleased, as it stated in its press release, with the announcement of €80 million in funding for 2020. The precise breakdown will be finalised before the publication of the Revised Estimates Volume later this year. The funding will also strengthen the reach of council's role, particularly regarding the arts in education, for which it will then take on responsibility, as well as Culture Night. It will beef up its remit. To a certain extent, it will add further gravitas to the organisation. The €80 million funding is the most significant amount it has received in more than a decade.

Traveller Culture

22. **Deputy Joan Burton** asked the Minister for Culture, Heritage and the Gaeltacht the funding provided for the Travellers' Journey exhibition at the National Museum in Turlough Park, County Mayo, in each of the years 2017, 2018, and to date in 2019; the funding provided for tinsmithing and Cant, the traditional language spoken by Irish Travellers in each of the years 2017, 2018, and to date in 2019; and if she will make a statement on the matter. [45467/19]

Deputy Joan Burton: I wish to ask the Minister about her Department's approach to the inclusion of people from the Traveller community in funding for the arts and why, when I tabled a question recently in this respect regarding Traveller artists specifically, it was unfortunately referred by the Minister to the Department of Justice and Equality?

The question covered elements of funding that are disbursed by the Department of Culture, Heritage and the Gaeltacht.

Deputy Josepha Madigan: The Traveller community has a rich culture, with unique traditions and crafts which are an integral part of the heritage of this community. My Department and several of the bodies under its remit have a number of initiatives to support the recording and celebration of Traveller culture and heritage, including the Travellers' Journey exhibition presented by the National Museum of Ireland. A sum of €150,000 was allocated to the development and realisation of the exhibition at the National Museum of Ireland in County Mayo in 2018. The National Museum is funded from my Department's Vote and the allocation for the Travellers' Journey exhibition accounted for some 50% of the museum's exhibition development budget in 2018. The exhibition, which ran for a year, was opened in July 2018 by President Michael D. Higgins and included a series of events and talks on aspects of Traveller culture and identity. The National Museum has also been involved in a number of other events and initiatives in recent years in partnership with the Traveller community and is in the process of establishing a steering group of museum staff and representatives of the Traveller community to inform its permanent exhibitions and the representation of Traveller culture and heritage in its upcoming history of Ireland galleries.

On 18 July last, I launched the permanent national inventory of intangible cultural heritage,

celebrating living cultural heritage practices in Ireland. This initiative represents official State recognition of cultural practices all around Ireland, two of which are Traveller tinsmithing and Cant or Gammon, the traditional language spoken by Irish Travellers. The development of the national inventory of Ireland's intangible cultural heritage is an integral part of my Department's work under the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, which requires signatory states to recognise, protect and promote the living cultural heritage of their countries. Following on from the launch, my Department showcased a number of the traditions on the national inventory over the three days of the 2019 National Ploughing Championships. One of the exhibitors was the renowned tinsmith, Tom McDonnell, who exhibited the craft and skills of tinsmithing in my Department's marquee, drawing huge interest from visitors to the marquee.

Additional information not given on the floor of the House

The national inventory is not a funding programme, but an initiative to celebrate and work with practitioners and agencies in Ireland to recognise, promote and safeguard these key living cultural heritage practices. My Department is working with its expert advisory committee to examine how it can most effectively work with both custodians of the valuable cultural heritage practices on the inventory and existing agencies to raise awareness of and safeguard these practices for generations. The next meeting of the committee will take place this coming Friday.

Deputy Joan Burton: In view of the Minister's response, which quotes extensively from documents and publications by her Department concerning her Department's funding for Travellers and Traveller artists, I would like her to apologise to the Traveller community for refusing to take pretty much the same question on 3 October and having it transferred to the Department of Justice and Equality. From what the Minister just outlined, I note that she is now going to establish a committee on Traveller culture in the National Museum. What Travellers want to see is a sub-committee of her Department established to address Traveller artists, musicians, performers, playwrights and people who make television programmes. I am sure the Minister has met many of the people involved. I would like to hear from her the reason she refuses to engage with Travellers, other than in terms of programmes she has inherited rather than created.

Deputy Josepha Madigan: There is nothing to apologise for in the context of the question to which Deputy Burton referred, which was transferred from my Department to the Department of Justice and Equality. The Deputy referred the matter to the Ceann Comhairle. There is a very simple reason for transferring the questions and we wrote back to the Ceann Comhairle yesterday to explain it. I believe my Department also gave the Deputy some further information on the matter. The simple reason is that the Department of Justice and Equality is the lead Department in overall terms on Traveller culture, identity and heritage, with the Minister of State, Deputy Stanton, having responsibility for this area. While the Department of Culture, Heritage and the Gaeltacht participates in the national Traveller and Roma inclusion strategy steering group, it is only one of a number of Departments delivering on the commitments included under the heading of Traveller culture, identity and heritage which is supported and valued within Irish society. As I said, the Department of Justice and Equality has the lead role for the overall strategy. In his reply to Deputy Burton on that occasion, the Minister of State, Deputy Stanton, noted that my Department is responsible for specific allocations of funding in certain areas to which Deputy Burton alluded. The Department has provided details of funding for specific projects in arts and heritage for the Traveller community in response to previous parliamentary questions.

An Leas-Cheann Comhairle: Deputy Burton should ask her final question. The Minister should please conclude.

Deputy Josepha Madigan: I will just finish, a Leas-Cheann Comhairle.

An Leas-Cheann Comhairle: No.

Deputy Josepha Madigan: The details were provided, for example, in reply to Question No. 102 of 23 January 2018 from Deputy Bríd Smith.

Deputy Joan Burton: The Minister's explanation is seriously deficient and it is also an insult to Traveller artists. When other artists the Department deals with raise issues, are they referred to the Department of Justice and Equality? I have no issue with the Minister of State, Deputy Stanton, who is excellent in his role. I made that clear. I will read out what the Ceann Comhairle said in his letter to me.

I can understand the frustration of transfers of PQs such as the one cited by you. [This was funding by the Department.] You make a cogent argument in your letter to me as to why the PQ should have been answered by the Minister for Culture rather than the Minister for Justice.

The Minister has made remarks on previous occasions about Traveller housing and other issues related to Travellers. As the Minister with responsibility for culture, why will she not directly answer questions on Travellers, including the question she previously rejected? Why will she not set up an interdepartmental committee in her Department to bring together Traveller musicians, actors and writers as well as other Travellers who are artists?

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

Deputy Joan Burton: These artists are deserving of the Minister's recognition and respect.

Deputy Josepha Madigan: I am sorry Deputy Burton feels that way, but it is a technical matter between departmental-----

Deputy Joan Burton: No, it is not.

Deputy Josepha Madigan: I beg to differ with Deputy Burton. It is certainly not coloured by my own views on Travellers. I am sure Deputy Burton is not suggesting that. We have written back to the Ceann Comhairle on the matter. The national cultural institutions, which are under my Department's remit, and the Arts Council, have a number of initiatives to support the showcasing and celebration of Traveller culture. They are supported by funding from my Department. I trust that should clarify the position on the Department's role in the implementation of the Traveller and Roma inclusion strategy, to which I alluded. There was a reason for the approach taken in respect of the question tabled by Deputy Burton. I also provided the Deputy directly with information on specific projects in arts and heritage for the Traveller community, funded by my Department. Suffice to say, it is something that we are very aware of in my Department. Going back to the national inventory of intangible cultural heritage, tinsmithing, Cant and Gammon have now been recognised and protected for future generations.

An Leas-Cheann Comhairle: Go raibh maith agat.

Deputy Josepha Madigan: This is extremely important for the Traveller community.

6 November 2019

An Leas-Cheann Comhairle: An chéad cheist eile, ón Teachta Aindrias Ó Muimhneacháin.

Deputy Josepha Madigan: Just to finish-----

An Leas-Cheann Comhairle: I am not going to continue-----

Deputy Josepha Madigan: I just want to finish by saying-----

An Leas-Cheann Comhairle: -----if the Minister is not going to respect the Chair.

Deputy Josepha Madigan: -----I was present in the Dáil in March 2017 when the previous Taoiseach, Deputy Enda Kenny, allowed ethnicity for the Traveller community.

An Leas-Cheann Comhairle: Before we take the next question, there has to be some respect for the Chair.

Deputy Josepha Madigan: I was just finishing my sentence.

An Leas-Cheann Comhairle: Hold on. The Minister might have been finishing her sentence, but there has to be respect.

Deputy Joan Burton: On a point of order-----

An Leas-Cheann Comhairle: No.

Deputy Joan Burton: -----the then Taoiseach, Deputy Enda Kenny, did not “allow” ethnicity. I was there.

Deputy Josepha Madigan: He recognised it.

Deputy Joan Burton: I was Tánaiste at the time.

Deputy Josepha Madigan: Yes, it was recognised.

An Leas-Cheann Comhairle: I am moving on to the next question.

Deputy Joan Burton: It was a decision of the collective Dáil and was celebrated by people far and wide.

An Leas-Cheann Comhairle: Coinnígí bhur súile ar an chlog.

Deputy Joan Burton: It was not “allowed.”

Deputy Josepha Madigan: It was recognised.

An Leas-Cheann Comhairle: Iarraim ar an Aire agus ar na Teachtaí eile a súile a choinneáil ar an chlog.

Deputy Joan Burton: I apologise, but I felt it was an important point.

Deputy Josepha Madigan: Noted.

Maoiniú Údarás na Gaeltachta

23. D'fhiafraigh **Deputy Aindrias Moynihan** den Aire Cultúir, Oidhreacht agus Gaeltachta cén soláthar airgid a cuireadh ar fáil i mbuiséad 2020 d'Údarás na Gaeltachta, briste síos idir soláthar caipitil agus soláthar reatha; agus an ndéanfaidh sí ráiteas ina thaobh. [45776/19]

Deputy Aindrias Moynihan: Tá ról an-tábhachtach ag Údarás na Gaeltachta maidir le cúrsaí fostaíochta, forbartha pobail, cultúrtha agus teanga a chur chun cinn sa Ghaeltacht. In ainneoin go bhfuil pleananna cuimsitheacha ag lucht an údaráis le fada an lá, braithim i gcónaí go bhfuil siad srianta de bharr easpa maoinithe. An bhfuil an tAire Stáit sásta go bhfuil go leor maoinithe á chur ar fáil don údarás? An féidir leis léiriú go díreach cad atá in aigne aige? Cén saghas maoiniú breise a chuirfear ar fáil le haghaidh Údarás na Gaeltachta agus, go háirithe, pobal na Gaeltachta? An féidir iad a scaoileadh chun pleananna a fhorbairt?

Deputy Seán Kyne: Mar is eol don Teachta, fógraíodh i mbuiséad 2020 go mbeidh ardú €1 mhilliún á chur ar fáil do chiste caipitil Údarás na Gaeltachta in 2020. Fágfaidh sé seo go mbeidh ciste €10 milliún ar fáil don eagraíocht, nó ardú de thart ar 11% ar an méid atá acu i mbliana. Chomh maith leis sin, cuirfear €200,000 breise in airgead reatha ar fáil d'Údarás na Gaeltachta don bhliain seo chugainn le dáileadh ar na heagraíochtaí pobalbhunaithe agus comharchumainn Ghaeltachta. Mar a luaigh mé leis an Teachta Ó Snodaigh, is ionann é seo agus ardú 25% le trí bliana anuas ar an gciste seo. Fágann sé sin go mbeidh soláthar iomlán de €4.05 mhilliún ar fáil don údarás in 2020 le dáileadh ar na heagraíochtaí pobalbhunaithe agus comharchumainn Ghaeltachta. Ina theannta sin, beidh teacht ag Údarás na Gaeltachta ar chiste faoi leith sa chás go dtarlóidh Breatimeacht gan socrú. Is fiú dom a mheabhru go mbeidh soláthar de €9.602 milliún san iomlán ar fáil don eagraíocht in 2020 le haghaidh cúrsaí riaracháin. Ar ndóigh, ní gá dom a rá go bhfuil obair den scoth á déanamh ag Údarás na Gaeltachta chun an clár oibre atá idir lámha acu a chur ar siúl. Is ábhar sásaimh é gur éirigh leis an údarás 589 post a chruthú in 2018 agus go raibh 122 duine breise fostaithe i gcuideachtaí an údaráis sa Ghaeltacht ag deireadh na bliana 2018 i gcomparáid leis an mbliain roimhe sin. Bhí 7,625 post i gcliantchuideachtaí an údaráis ag deireadh na bliana sin. Ag cur gach rud san áireamh, táim sásta go mbeidh sé ar chumas na heagraíochta leanúint orthu agus a chlár oibre a chur i bhfeidhm go rathúil in 2020 ar leas na Gaeltachta agus na Gaeilge.

Deputy Aindrias Moynihan: Meallann Údarás na Gaeltachta fostaíocht agus infheistíocht chuig na ceantair Ghaeltachta. Níl aon dabht go mbíonn tairbhe ag baint le hiarrachtaí an údaráis, go háirithe do phobal na Gaeltachta, nuair a éiríonn leo a leithéid a dhéanamh. Brait-e ar i gcónaí go bhfuil srianta ar an údarás toisc nach bhfuil go leor airgid acu. Cén fáth nach raibh ach ardú de €1 milliún i gceist i mbliana, ós rud é go raibh éileamh i bhfad níos mó ann? D'fhéadfadh an t-údarás i bhfad níos mó a dhéanamh faoi na pleananna atá acu dá scaoilfí ar aghaidh iad agus breis maoinithe ar fáil dóibh. Tuigim go bhfuil ardú ann i mbliana, ach nuair a bhreathnaímid ar an bhfás atá tagtha ar an maoiniú le haghaidh eagrais cosúil le Enterprise Ireland agus IDA Ireland, caithfear a cheistiú an bhfuil cothrom na Féinne á fháil ag muintir na Gaeltachta agus Údarás na Gaeltachta. An bhfuil an t-ardú céanna i gceist i gcás an údaráis agus i gcás na heagrais eile? Cén fáth nach bhfuil ach €1 milliún ann i mbliana, in ainneoin is go raibh éileamh ann ar níos mó? Beidh deis againn athbhreithniú a dhéanamh ar na Meastacháin níos déanaí i mbliana. Bainfidh sé sin le caiteachas nach bhfuil críochnaithe. An bhfuil sé i gceist ag an Aire Stáit airgead a threorú isteach chuig an údarás agus chuig cúrsaí Gaelainne agus Gaeltachta, go háirithe ós rud é go bhfuil dhá oiread an mhéid airgid á chur ar fáil i gcomhair na healaíon i gcomparáid le cúrsaí na Gaeltachta?

Deputy Seán Kyne: Aontaím leis an Teachta go bhfuil ról fíorthábhachtach ag Údarás na Gaeltachta ó thaobh poist a chruthú i gceantair iargúlta na Gaeltachta trasna na tíre. Bím ag lorg

breis airgid don údarás i gcónaí. Le linn mo dhá thréimhse mar Aire Stáit na Gaeltachta, bhí sé ar mo chumas breis airgid a chur ar fáil don údarás sa bhuiséad lárnach nó san athbhreithniú ar an mbuiséad roimh dheireadh na bliana. Bhíomar in ann €1 milliún breise a chur ar fáil i mbliana. Ardú de 11% sa bhuiséad a bhí i gceist. Bhí ardú iomlán de 4% i mo rannóg féin sa bhuiséad a fógraíodh an mhí seo caite. Bíonn breis airgid á lorg againn i gcónaí. Tá a fhios agam go bhfuil ról tábhachtach ag an údarás. Beidh mé ag lorg breis airgid sna blianta amach romhainn.

Deputy Aindrias Moynihan: An dóigh leis an Aire Stáit go bhfuil cothrom na Féinne á fháil ag an nGaeilge, mar theanga, agus ag an údarás i gcomhthéacs na slí ina bhfuil an t-airgead a threorú? Cé go bhfuil fás tagtha ar an gciste, laistigh de rannóg an Aire Stáit tá dhá oiread an méid airgid imithe go dtí an Chomhairle Ealaíon, mar shampla. Molaim an maoiniú iontach atá bainte amach ag an gcomhairle. Cén fáth nach bhfuil ach leath den mhaoiniú sin - €2.4 milliún - ar fáil do chúrsaí Gaelainne agus Gaeltachta? Tá an sciar den chiste iomlán a fhaigheann grúpaí eile, cosúil le Enterprise Ireland agus IDA Ireland, luaite agam. An bhfuil an ráta fáis a bhaineann leis an maoiniú a fhaigheann na heagrais sin cosúil leis an ráta fáis a bhaineann leis an maoiniú a fhaigheann Údarás na Gaeltachta? Ba chóir go mbeadh deis ag lucht an údaráis a gcuid oibre a dhéanamh gan na srianta seo. Ba mhaith leo brú ar aghaidh le tograí móra ar fud na tíre, ina measc Coláiste Íosagáin i mBaile Bhúirne i mo cheantar féin. Caithfear a chinntiú go bhfaighidh cúrsaí Gaelainne agus Gaeltachta cothrom na Féinne. An dóigh leis an Aire Stáit go bhfuil a leithéid á fháil faoi láthair, nuair atá an ráta fáis i gcás mhaoiniú na n-eagras atá luaite agam curtha i gcomparáid leis an ráta fáis i gcás mhaoiniú Údarás na Gaeltachta?

Deputy Seán Kyne: Ba cheart dúinn an chomhpháirtíocht idir Údarás na Gaeltachta agus, mar shampla, an Roinn Forbartha Pobail agus Tuaithe agus an Roinn Gnó, Fiontar agus Nuálaíochta a thógáil san áireamh freisin. Tá airgead caipitil curtha ar fáil le haghaidh Pháirc na Mara i gCill Chiaráin i gConamara, mar shampla, ó chiste an Aire, an Teachta Humphreys. Tá an chomhpháirtíocht idir an t-údarás agus na heagraíochtaí Stáit agus Ranna Stáit eile fíorthábhachtach. Tá an t-airgead caipitil sin ar fáil don údarás agus tograí an údaráis. Tá jab iontach á dhéanamh ag lucht an údaráis. Tá ainm an-mhaith ag Údarás na Gaeltachta. Tá an t-údarás ag obair go maith le heagraíochtaí Stáit eile. Tá sé ar chumas an údaráis cur isteach ar scéimeanna eile tríd an Roinn Forbartha Pobail agus Tuaithe agus an Roinn Gnó, Fiontar agus Nuálaíochta. Tá an obair sin ag dul ar aghaidh. Tá airgead ag an údarás chun poist a chruthú sna ceantair fíorthábhachtacha seo. Tá sár-jab á dhéanamh ag an údarás sa chomhthéacs seo.

Ceisteanna Eile - Other Questions

Urban Development

24. **Deputy Joan Burton** asked the Minister for Culture, Heritage and the Gaeltacht if she has held discussions with Dublin City Council regarding the renovation of a number of historic markets in Dublin such as the Iveagh Market on Francis Street; and if she will make a statement on the matter. [45454/19]

Deputy Joan Burton: This question relates to the historic markets in Dublin city. I am asking specifically about the Iveagh Market and the Moore Street market. The Minister has indi-

cated previously that she has had some discussions on Moore Street with Dublin City Council. It would be a gross understatement to say that both Moore Street and the Iveagh Market are in a sorry state. They are in a vicious circle of decline. The buildings are dilapidated. Like other Deputies, I have been a member of the Moore Street advisory committee. I would like to know what level of progress is being made to give life back to Moore Street and to the Iveagh Market.

Deputy Josepha Madigan: My role with regard to the protection and management of our architectural heritage is set out in the provisions of relevant legislation, as are the roles of local authorities and the responsibilities of owners.

Part IV of the Planning and Development Act gives the planning authorities primary responsibility for identifying and protecting architectural heritage by including particular structures on their records of protected structures. Inclusion on a record of protected structures places a duty of care on the owners and occupiers of protected structures and gives planning authorities the power to deal with development proposals affecting such structures and to seek to safeguard their future.

The Iveagh Market is a protected structure in the ownership of Dublin City Council. It is currently on lease from the council to a private developer. Therefore, the matter is primarily one between those two parties. As the owner of the Iveagh Market, the local authority has a duty under legislation to ensure the structure does not become endangered. My role with regard to protected structures is mainly advisory. However, officials from my Department have contacted Dublin City Council to ascertain its plans. They remain available to advise in any manner as required. Dublin City Council has informed the Department that it is actively pursuing the most efficient means available to it to ensure the Iveagh Market building is refurbished and returned to beneficial use. My Department has not discussed the renovation of any other historic market building with Dublin City Council. The Department also provides financial support for the protection of heritage buildings and historic structures through the historic structures fund and the built heritage investment scheme, which are administered by local authorities. I announced funding of €4.3 million for 478 projects under these schemes in March but I understand, however, that the scale of investment needed for the structure mentioned would mean that the levels of grant funding available under those schemes would not be sufficient.

My officials will remain in contact with Dublin City Council about the Iveagh Market.

Deputy Joan Burton: I asked if the Minister has held discussions about renovating a number of historic markets in Dublin such as the Iveagh Market. The Iveagh Market was just a particular example because its dilapidation is extreme.

The Minister is from Dublin and has responsibility for culture. There is an enormous opportunity for her to step in and play a vital role in saving the Iveagh Market which is in serious danger of permanent destruction given its dilapidation. I do not know if she has taken the opportunity to visit the market on Francis Street. That area is heavily patronised by tourists although, unfortunately, the theatre opposite the market was recently knocked down to make way for a hotel. I ask the Minister, given that she is from Dublin and has a knowledge of the city, to step in. She should use the great power that she has for a period of years to do something to save two really important features of Dublin.

What progress has been made on Moore Street? I thought the Minister was to take some additional initiatives.

Deputy Josepha Madigan: I thank the Deputy for her comments. The Iveagh Market is not a matter for our Department, plain and simple. That is a matter for Dublin City Council and it is through the council that the Deputy or her colleagues should pursue the matter.

The cost of refurbishment, renovation and restoration is exacerbated, as the Deputy said, through the years of inaction from the council and the lessee. It is not fair to shift the burden of that neglect onto the taxpayer. Dublin City Council commissioned a report on the condition of the building earlier this year that estimated the cost of restoration at €30 million. That cost was what the report commissioned by the city council came up with. We did not commission the report because it is not our business to do so. It is a matter, in the first instance, for the council. The cost is in the public realm and is equivalent to the entire annual budget for the National Parks and Wildlife Service and three times our annual built heritage budget. This needs to be put into perspective because the solution is not to drop every poorly kept building in public ownership at the door of the Department. The city council has to step up because it is the owner.

Deputy Joan Burton: I find the Minister's attitude quite extraordinary. I do not know if she has ever been to Francis Street, the Liberties or the Coombe, but the Iveagh Market is an extraordinary feature of the area. It is a famous and historical building. Not only is the word "culture" in the Minister's title but "heritage" is too. This is sad to hear from a Minister for Culture, Heritage and the Gaeltacht. This Government can spend millions and millions of euro on messaging and yet can allow an amazing building such as the Iveagh Market, which in other cities would be a vibrant market area drawing tourists and providing jobs for artisan producers, artists and the local community, fall into ruin. The Minister is missing an enormous opportunity, maybe through a lack of imagination.

I would like to know what are the next steps for Moore Street. Is Moore Street just being handed over to Dublin City Council? I would be sad if that was the case because the Government of which I was a member bought and secured the purchase of the houses in Moore Street where the ceasefire was signed in 1916 and the Minister knows there has been considerable discussion and significant work done by people across the House on this issue.

Deputy Aengus Ó Snodaigh: The Iveagh Market is in my constituency, is part of the built heritage and is housed in a gorgeous building that has been allowed to go into a state of severe dilapidation and dereliction over the years. The years of inaction is not because of Dublin City Council but because the council, foolishly in some ways, gave a lease to a developer who has sat on it and caused the dilapidation in recent years.

The Minister received a progress report from the Moore Street advisory group at the end of July or early August and there were a number of recommendations in that. I hope she will let us know what progress has been made in acting on those proposals.

Deputy Thomas P. Broughan: We all admire the English Market in Cork. I disagree with my colleague because I think Dublin City Council has a huge responsibility for not developing the Iveagh Market. It has been another failure of responsibility from the management of Dublin City Council over the years, along with the Government.

Deputy Josepha Madigan: We have received the recommendations about Moore Street and I know the Moore Street advisory group is of the view that there is an urgency to securing the national monuments at Nos. 14 to 17 Moore Street. The advisory group has confirmed its support for the Office of Public Works in carrying out this process as soon as possible and open-

ing up the houses to limited tours not later than summer 2021. We are looking at the recommendations and will be doing everything to support the expert advisory group on that.

I know the area around the Iveagh Market well and I know the Coombe having had both my sons in the Coombe Hospital. I have made it clear that my role is only advisory on this matter and, ultimately, I know that there are discussions and telephone contact, at least, occurring between the Department and Dublin City Council in order to try and assist the council with the Iveagh Market. The council is looking at its options and has committed to keeping the Department informed of its discussions with the developer who holds the lease whom Deputy Ó Snodaigh mentioned. I agree with Deputy Broughan that it is a matter for the council. The developer was advised by Dublin City Council that the estimated cost would be in the region of €30 million, as I mentioned already, and the entire project has been estimated at approximately €30 million. The council is awaiting the developer's comments on the projected financial cost of the project before it takes final action.

National Biodiversity Plan

25. **Deputy Thomas P. Broughan** asked the Minister for Culture, Heritage and the Gaeltacht the measures she is taking to protect the Dublin Bay biosphere in the coastline of Fingal County Council, Dublin City Council and Dún Laoghaire-Rathdown County Council. [45358/19]

Deputy Thomas P. Broughan: It is nearly 40 years since the North Bull Island was designated as a UNESCO biosphere and, in the past five years, the whole of Dublin Bay from Dalkey through Booterstown Marsh and to Howth and Baldoyle Bay has been designated as a UNESCO biosphere. I previously asked the Minister about the resources that our National Parks and Wildlife Service has to protect the bay and coastline of Dublin through the three local authorities. The area is more threatened than ever, so what is she going to do to protect it?

Deputy Josepha Madigan: The Dublin Bay biosphere encompasses over 300 sq. km of marine and terrestrial habitat and is managed by the Dublin Bay Biosphere Partnership, which is led by the three relevant local authorities, Dublin City Council, Dún Laoghaire-Rathdown County Council and Fingal County Council. The partnership also involves other key stakeholders such as the Dublin Port Company and representatives from Fáilte Ireland and the National Parks and Wildlife Service. The partnership works with community groups, non-governmental organisations, NGOs, businesses, universities and schools. Over 300,000 people live within the newly enlarged biosphere area.

Biospheres are internationally recognised for their natural resources and biodiversity, where nature and human activities connect. They are actively managed to promote a balanced relationship between people and nature through conservation on the one hand and sustainable economic development and human activity on the other hand.

Another important goal of biospheres is promoting research and learning. Biosphere status is a designation granted by UNESCO, as part of its man and biosphere programme, launched in 1971, where it has been established that there is a co-ordinated approach to the conservation of habitats, species and landscapes through monitoring change and supporting research which fosters the potential for human activity and development. Areas are awarded biosphere reserve status by UNESCO and are managed in partnership by communities, NGOs and local and national governments. It should be noted, however, that there are no specific additional planning

burdens or conservation requirements associated with biosphere status. In most cases, as with Ireland's two biospheres, in Kerry and Dublin Bay, the areas are designated as special areas of conservation, SACs, or special protection areas, SPAs, and, accordingly, are already afforded statutory protections. Development within biospheres is subject to the existing comprehensive legislative and policy planning framework implemented by all levels of government.

The management of the Dublin Bay biosphere is led by the three local authorities. While my Department is not the anchor component of the biosphere, it has nevertheless provided significant additional and expert support through the auspices of the National Parks and Wildlife Service, NPWS, and it also provides small amounts of project funding from time to time. Approximately €30,000 has been provided in the past two years.

Additional information not given on the floor of the House

The biosphere is part of the European Union's Natura 2000 network of protected sites in accordance with the birds and habitats directives. As such, Dublin Bay biosphere is protected under the national legislation implementing these directives - the European Communities (Birds and Natural Habitats) Regulations 2011 and the wildlife Acts. The NPWS investigates on an ongoing basis breaches of the regulations and the wildlife Acts and undertakes visits to Natura 2000 sites, as required.

The EuroMAB 2019 conference was hosted by Dublin Bay Biosphere Partnership, with assistance from my Department, between Tuesday, 2 April and Friday, 5 April. This four-day biennial conference for stakeholders from 302 UNESCO biospheres in 36 countries across Europe and North America welcomed practitioners, managers, policymakers, researchers, educators, ecologists, scientists, social entrepreneurs, creatives and community leaders. Ireland sits on the steering group of the man and the biosphere programme and is represented by Dublin Bay Biosphere Partnership.

Through its ten-year capital plan for investment, Investing in Our Culture, Language and Heritage 2018-2027, my Department has committed to safeguarding our unique natural heritage and biodiversity and ensuring a sustainable future. We intend to celebrate and highlight Ireland's remarkable heritage on the international stage through investment in the management of our UNESCO biosphere reserves.

Deputy Thomas P. Broughan: The Minister identified the weaknesses of the biosphere structure in that she said there is no protective legislation in place. There is almost no funding. She said on the previous occasion I questioned her about this that something like €30,000 was available to protect the Dublin Bay biosphere. We have only two biospheres, in Kerry and Dublin, but there is a tiny amount of money. As the Minister admitted, her Department is not an anchor organisation for the management of the biosphere, which is extraordinary.

Dublin Bay biosphere was never more threatened. There have been overspills from the Ringsend plant time and again. Wastewater has been released into the biosphere. There have been cases of raw sewage being released into the biosphere up and down the coast. In a few days, we expect a decision from An Bord Pleanála on a second major wastewater treatment plant in the Dublin region. Incredibly, Irish Water proposes that the wastewater should go out through Baldoyle Bay, affecting Velvet Strand in Portmarnock. There is intense opposition to this in my constituency. Surely the Department has to get more involved. It is not acceptable to have funding of only €30,000 and no legislation.

Deputy Josepha Madigan: As I said, the biospheres already have statutory protection but I understand the Deputy's concerns, particularly regarding the Ringsend waste treatment facility. The latter is operated by Irish Water, as the Deputy knows. The discharge into Dublin Bay is regulated by licence from the Environmental Protection Agency, EPA. Any matters related to the regulated discharge, therefore, should be directed to the agency.

The NPWS does, and will continue to, investigate breaches of EU regulations and the wild-life Acts and, therefore, there is statutory protection. The NPWS undertakes to visit Natura 2000 sites as required and within the resources available to it. It is important to note, however, that biosphere is not an environmental designation. The environmental protections afforded to biospheres are determined by their status as Natura sites. I mentioned that many of them are designated as SACs or SPAs in the first instance. They are internationally recognised for their natural resources and biodiversity and are therefore important but no specific additional planning burdens or conservation requirements are associated with biosphere status.

Deputy Thomas P. Broughan: The biosphere partnerships have the biosphere conservation research strategy, which I believe was headed by UCD. A project called Acclimatize was funded by INTERREG to assess the environmental pressures on the bay. When will the report be available? There was to be a meeting just last month between Irish Water, the EPA, the HSE and the three local authorities to discuss the pressures on the bay. Is the Minister aware of the outcome of that?

Other major pressures will be exerted in the near future. There is a constant campaign by wind turbine manufacturers to promote the Dublin Array. We have heard about a project costing €1.5 billion whereby developers of wind energy facilities want to site more than 100 large turbines on the Kish and Bray banks. Those concerned have been pressurising the Government, including the Taoiseach, Deputy Varadkar, to bring forward the foreshore licensing so they may do this. The bay is, therefore, under enormous pressure. Surely, the Department should have a core role in protecting it.

Deputy Josepha Madigan: We have a core role in terms of the protections in existence but Dublin Bay Biosphere Partnership is the management group responsible for the Dublin Bay biosphere. Areas are rewarded biosphere reserve status by UNESCO and are managed in partnership by communities, NGOs and local and national governments. The partnership is led by the three relevant local authorities, namely, Dublin City Council, Dún Laoghaire-Rathdown County Council and Fingal County Council. It also involves other key stakeholders, such as the Dublin Port Company.

Ireland has two biospheres. The one in Dublin Bay is managed by Dublin Bay Biosphere Partnership, which comprises the three local authorities. The NPWS does not own any part of the area making up the Dublin Bay biosphere. The Kerry biosphere is managed by Kerry County Council. In this case, the NPWS has an input because Killarney National Park forms a significant part of the core area. It is more than 300 sq. km. The main areas of the Dublin Bay biosphere are North Bull Island, Howth Head, Killiney Hill, the Tolka and Baldoyle estuaries, Booterstown Marsh and Dalkey Island.

Heritage Promotion

26. **Deputy Martin Heydon** asked the Minister for Culture, Heritage and the Gaeltacht the additional funding available for heritage measures under budget 2020; and if she will make a statement on the matter. [45568/19]

Deputy Martin Heydon: The funding of heritage is a key part of budget 2020. Can the Minister outline for us the additional funding available for heritage measures that came about in the budget? How might it have an impact on various heritage projects and schemes that fall under her remit in the coming year?

Deputy Josepha Madigan: Over the past year, I have listened carefully to the extensive public debate on biodiversity loss and the threats to nature. The very first national biodiversity conference, which I hosted this year, the development of the Seeds for Nature initiative, the wide-ranging public debate on the Heritage Ireland 2030 plan and the extensive engagement across government on climate action were instrumental in my securing significant additional resources for this important part of my remit for 2020. I acknowledge this is a concern of the Deputy. In this context, I have secured total funding for our built and natural heritage sector in 2020 of €62.5 million, which is up from €54 million last year. This represents an increase for 2020 of more than €8 million, or 15.5% on 2019, comprising an additional capital provision of €6.75 million, representing an increase of 44%, and additional current funding of €1.46 million.

I have also secured an additional €1 million to accelerate key nature conservation biodiversity programmes under the NPWS to include the recruitment of front-line conservation specialists. I will also enhance the farm plan programme by doubling the fund available to €1 million to support measures to protect biodiversity and assist farmers with lands designated as SACs in their role as custodians of nature.

Deputy Martin Heydon: I thank the Minister for her response. Biodiversity is key. When we talk about just transition and the challenges we face regarding climate action, we realise peatlands restoration is a key component. What role, if any, will the Department play through the NPWS? The Minister mentioned 100 jobs. I deal regularly with workers in Bord na Móna, many of whom are from my constituency. Many want to be retrained and to have new opportunities. Will there be opportunities for just transition for existing Bord na Móna workers whose jobs will not exist in the long term? Is there a possibility for them to be directly employed by the National Parks and Wildlife Service or for the latter to give that work directly to Bord na Móna? I presume there is a tendering process for that. If the Minister could provide any information on that, it would be helpful.

The Minister spoke about biodiversity measures. I wish to raise the issue of invasive species. Are steps being taken to address very serious issues such as those relating to Japanese knotweed? What progress has been made on the built heritage investment scheme and the historic structures fund? I presume there will be a new round of funding this year as a result of the budget allocation for the Department.

Deputy Josepha Madigan: I thank the Deputy. Regarding bog rehabilitation and restoration, I will be working closely with Deputy Bruton on the issue of the Bord na Móna workers. Some 100 jobs will be created. This issue has prompted the biggest increase in funding that the heritage side of my Department has had for many years, an increase of 15.5%. Some €5 million of that will come from the carbon fund and will specifically tackle peatlands and bogs in the midlands. That will be significant.

We are putting significant funding towards the issue of invasive species, on which Deputy Burton has also tabled a question. Invasive species that originate in other countries are a scourge from both a national and an international perspective. We are doing our best to tackle each and every one of these species, some with management plans and some in other ways. I can discuss that later when I reply to Deputy Burton's question. I will talk about the built heritage investment scheme in my next reply.

Deputy Martin Heydon: I thank the Minister. The built heritage investment scheme and the historic structures fund have been of great benefit to organisations in Kildare, and it would be great to see that again. The Minister knows the importance of heritage, both the need to protect and maintain it for future generations and its huge tourism potential. We have received very positive news from the Minister for Rural and Community Development, Deputy Ring, of an allocation of more than €5 million, with €67,941 allocated to the Barrow blueway project. In that context, I thank the Minister, Deputy Madigan, for the work she and the officials in Waterways Ireland have done. She very kindly gave up her time last August to come to a very well-attended public meeting of over 200 people in Monasterevin. Officials like Mr. John Boyle at Waterways Ireland deserve special mention for the huge amount of work they put into a really good application. The full amount that was applied for by Waterways Ireland and Kildare County Council has been allocated, through the rural regeneration and development fund and Project Ireland 2040, to make the 46 km dream that we in south Kildare have had a reality. The blueway will include Athy, Monasterevin, Rathangan, Roberstown and a significant part of Laois. I thank the Minister and her officials for the part they played in that regard. This is how the funding of heritage and other projects in rural Ireland through rural regeneration funding should work. It will support those communities' futures from economic and heritage perspectives.

Deputy Josepha Madigan: I am delighted to hear about the blueway. It is really important to the constituency Deputy Heydon represents. Jobs will be created in the detailed design and construction stages. As the Deputy says, increased tourism will bring economic benefits to the area through direct and indirect visitor spending. That is the bottom line. Apart from the monetary benefits, there will also be benefits for new businesses and the vacant and disused properties along the waterways.

The Deputy also mentioned the built heritage investment scheme and the historic structures fund. I note that in Kildare the Sean Chill and the Grattan Vault in Celbridge, the Mill Cottage in Sallins, the graveyard and church in Johnstown and the Church of the Holy Saviour in Narraghmore all received funding this year, along with Ard na Gréine in Sallins, St. Michael's Church in Athy and Pebble Hill House in Maynooth. The Newbridge clock tower received €25,000 under the historic structures investment fund.

Artists' Remuneration

27. **Deputy Richard Boyd Barrett** asked the Minister for Culture, Heritage and the Gaeltacht the measures she is planning to take to combat employment and income insecurity across the arts sector; and if she will make a statement on the matter. [45502/19]

29. **Deputy Willie Penrose** asked the Minister for Culture, Heritage and the Gaeltacht if her attention has been drawn to research by an organisation (details supplied) into pay and conditions for performing artists that showed that a third earn less than the minimum wage and that

working in the performing arts is characterised by poor conditions and precarious employment; her plans to address same; and if she will make a statement on the matter. [45457/19]

Deputy Richard Boyd Barrett: Earlier this year, the Theatre Forum outlined the widespread poverty and lack of income and employment security among artists and people working in the arts. Prior to the budget, the National Campaign for the Arts pleaded with the Minister to honour the Taoiseach's commitment to double arts spending, which has merely crept upwards. The most recent budget saw a very marginal increase in arts funding which will do nothing to address the widespread poverty and income and employment insecurity facing artists and people working in the arts. I have repeatedly pointed out to the Minister that film crew in this country enjoy absolutely no income or employment security. Why was the budget so poor in this regard and what is the Minister going to do to address this issue?

Deputy Josepha Madigan: I thank the Deputy. One of these questions was tabled by Deputy Penrose, who is not here. His question is linked to that of Deputy Boyd Barrett.

Deputy Joan Burton: Are two questions being taken?

An Leas-Cheann Comhairle: Deputy Burton will have an opportunity to ask a supplementary question. Only one Deputy can pose the introductory question.

Deputy Josepha Madigan: I propose to take Questions Nos. 27 and 29 together.

I am aware of the research Deputy Boyd Barrett has raised. Since becoming Minister, I have put in place a number of initiatives and additional supports for the arts that will make a significant difference over time to the income of people working in the performing arts.

Total funding for the arts and culture sector in 2020 will increase by more than 2%, from €189 million to almost €193 million, an increase of €4 million. This funding will comprise €153 million in current expenditure and €39.7 million in capital investment.

The Deputy mentioned the Arts Council of Ireland, through which primary support for the arts is delivered. Its funding has increased in recent years and will reach €80 million in 2020. This is an increase of €5 million, or 6.7%, on the figure for 2019. The Arts Council of Ireland, which is independent in its funding decisions under the Arts Act 2003, operates within a published ten-year strategic framework entitled Making Great Art Work. This strategy prioritises support for artists throughout their careers by the involvement of many agencies in cultural provision, the impact of the arts on the creative economy and the depth and breadth of people's engagement with the arts.

The cumulative impact of these funding increases is further testament to the commitment to double Government spending in the arts, culture and heritage sector by 2025, which the Deputy mentioned. In this context I am already delivering additional supports to the arts and culture sector, building on the €1.2 billion earmarked for my sector under Project Ireland 2040 and thus leading to increased activity and employment across all sectors under the remit of my Department.

In July of this year I announced the completion of a review of the per cent for art scheme. The outcome of this review led to changes to the scheme's bands and limits which will make significantly increased funding available to the creative community. Many artists have already received high-profile commissions for public art works as a result of this scheme and these in-

creases will ensure many more will also benefit. The new limits and bands will apply from 1 January 2020. Details can be found on my Department's website.

I am re-establishing an interagency group to improve information-gathering and the collation and sharing of best practice within the per cent for art schemes. This group will also be linked to the Arts Council of Ireland and will seek to enhance the council's existing advisory role in the scheme.

Artists deserve our full support and have my full support, particularly given the significant income challenges they face. With regards to artists' pay and conditions I would like to draw the attention of the House to the recent announcement by the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, and myself of the extension of the social welfare scheme for self-employed artists on jobseeker's allowance on a permanent basis to other self-employed professional artists such as those working in theatre and music. This scheme recognises the unique creative circumstances of professional artists in receipt of jobseeker's allowance and gives them special assistance in their first year out of work, allowing them to focus on their creative output.

In addition, my Department has also worked to address conditions and employment rights in the performing arts and screen industry in conjunction with the relevant agencies under its remit. Central to this are the Arts Council of Ireland's policies on the remuneration of artists, which strive to ensure that organisations in receipt of council funding offer fair and equitable remuneration to artists.

In tandem with securing additional funding, my Department has also worked to address conditions and employment rights in the performing arts and screen industry in conjunction with the relevant agencies under its remit. My Department has also worked to address conditions and employment rights in the performing arts and screen industry in conjunction with the relevant agencies under its remit.

Additional information not given on the floor of the House

It is important to note that employees in every industry, including those working in the arts and film sectors, are entitled to all existing legal protections, which includes new legislation under the Employment (Miscellaneous Provisions) Act 2018 to improve the security and predictability of working hours for employees on insecure contracts and those working variable hours.

The House may also be aware that the Workplace Relations Commission is undertaking an audit of the independent film and television drama production sector with a view to examining industrial relations generally.

The Government will continue to give consideration to measures to further deliver on its commitments but will balance supports to ensure that they are felt across the sector.

Deputy Richard Boyd Barrett: We need to realise that we are in a bad situation. It is against a background where this country's international reputation rests to a large extent on the reputation of our artists, musicians, writers, actors, theatre producers and so on. Despite this, we spend a miserable 0.1% of GDP, the lowest in Europe, on the arts. The Minister provided a miserable €5 million increase in the arts budget recently. The consequence for artists is that 80% of them are in precarious jobs and 60% earn less than the average industrial wage. On average, workers in the sector earn less money and work fewer hours than others and the aver-

age wage is something like two thirds of the national average. We treat artists and workers in the arts with contempt. I do not see how the miserable increase in funding in the budget will do anything to address that.

An Leas-Cheann Comhairle: I call Deputy Burton on the same matter.

Deputy Joan Burton: I know the Minister was a novelist in the past. Were Sean O'Casey writing about the likes of the Young Covey today, the characters would be struggling artists because they are the people at the bottom of the heap, struggling on less than the minimum wage. The data are available for the Minister. Artists should not have to look for a minimum wage; they should be looking to have a living wage. The second reason O'Casey would be writing about people still being in tenement style accommodation is that the artists we recently met at the forum our colleague, Deputy Smyth, helped to organise basically cannot look forward to any security with regard to housing. Some artists now spend approximately 80% of a very small income on housing. The Minister has responsibility for culture, heritage and the Gaeltacht. It is sad that we are talking about a social welfare scheme for artists. The Minister should address the issue of artists' employment and not just pass it on to social welfare, which is administered by a different Department for a different purpose.

An Leas-Cheann Comhairle: I have to take the reply. There will be a chance for a supplementary question.

Deputy Joan Burton: Can I just finish on this?

An Leas-Cheann Comhairle: I have had a bad day.

Deputy Joan Burton: Of the €5 million given to the Arts Council, €3.75 million was a reallocation-----

An Leas-Cheann Comhairle: There are other Members here.

Deputy Joan Burton: -----so the real increase is €1.25 million.

Deputy Josepha Madigan: I remind both Deputies of the Arts Council's press release on the budget. Deputy Boyd Barrett said the increase was a miserable one. The Arts Council stated that it welcomes the increase of €5 million. The Taoiseach has committed to doubling funding for the arts by 2025. We still intend to do that and we are on a trajectory to achieve it but we are all aware that this was not a normal budget in normal circumstances. Under those circumstances, the Arts Council has accepted that and it is best placed to discuss the matter. I am satisfied that the €80 million we secured this year, the highest level of funding in over a decade, was positive rather than negative. We should not try to mislead people in that regard.

Deputy Boyd Barrett mentioned our international reputation and I agree with him wholeheartedly. Our artists speak volumes about our global reputation. I wrote a novel and understand how difficult it is for people to earn a living. I could not have given up my job to write books. I am acutely aware of that but it is facetious to say that a social welfare scheme does not assist people because it does.

Deputy Richard Boyd Barrett: Four years after the Taoiseach made his commitment, funding for the arts has increased by 15% or 16% but it still stands at 0.1% of GDP. We are nowhere near being on a trajectory to double arts funding. In People Before Profit's budget submission for the past three or four years, we proposed doubling the arts budget, which would

have enormous benefits for this country economically and socially as well as for artists. What else would the Arts Council say given that it is dependent on funding from the Minister? It will not say anything too loudly against her. The National Campaign for the Arts expressed considerable disappointment at the increase in funding.

I have repeatedly raised the issue of film crews. We need to do something about the fact that €80 million goes into film every year and nobody in the sector has any security because of the designated activity company, DAC, structure through which the money is filtered. Something needs to be done to address that and to give income and employment security to film crew. More generally, we need to look after our artists.

Deputy Joan Burton: As Minister for Culture, Heritage and the Gaeltacht, we expect the Minister to fight for artists who are genuinely struggling to cope with low pay, poor terms and conditions and sporadic work. In particular, they are struggling to rent spaces in which to carry out rehearsals and other artistic work. They are also struggling to hold on to art spaces and access rent at a reasonable rate. Artists are the backbone of the artistic concept of Ireland and the Minister is neither here nor there. The working artists make Ireland a country with a calling card and reputation which is so positive with regard to the arts. Why can the Minister not champion a living wage and affordable housing for artists? I would think that is absolutely within the remit of any Minister for Culture, Heritage and the Gaeltacht.

Deputy Niamh Smyth: The Minister has spoken a number of times today about the Arts Council being happy with its budget. In an interview on the day of the budget, the new chairman of the Arts Council, Professor Kevin Rafter, expressed the hope that funding for the arts would increase by 10%. He must have been bitterly disappointed. Research carried out earlier this year by Theatre Forum, members of which attended a meeting in Leinster House recently, on pay and conditions for performing artists showed that one third of artists earn less than the minimum wage, and that working in the performing arts is characterised by poor working conditions and precarious employment. People in the sector have no healthcare, job security, childcare, maternity leave or pension. The Minister has to do something for them.

Deputy Josepha Madigan: I did not say the Arts Council was happy with the increase but rather that it welcomed it-----

Deputy Niamh Smyth: That is the same thing.

Deputy Josepha Madigan: -----under the difficult circumstances of this budget. On the report that was cited, it should be noted that the category in question is much wider than just the arts sector. It also includes gambling and betting activities, as well as sports, amusements and recreation. I commend Deputy Boyd Barrett for creating a policy initiative in the first instance because the Labour Party and Deputy Burton have not yet produced any form of a policy document.

Deputy Joan Burton: Excuse me, I produced a major policy document.

Deputy Josepha Madigan: I did not interrupt Deputy Burton.

Deputy Joan Burton: The Minister has not read her brief. That is her problem. We will send it in the post to her.

Deputy Josepha Madigan: I will answer the Deputy's questions on the national minimum

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wage. Thus far, the Low Pay Commission's recommendations have been accepted by the Government, with the result that the national minimum wage increased from €8.65 to €9.90 per hour between January 2016 and January 2019. The legislation relating to the setting of the national minimum wage has been in place since 2000. I take the Deputies' comments on board. Since I became Minister, I have increased the capital and current funding for arts at a difficult time. That has to be acknowledged. We have to give more funding to the Arts Council and bring other measures such as the percent for art and social welfare schemes into the mix in policy formation. Artists have a difficult job to do and should be encouraged and supported in any way possible.

12 o'clock

Na hOileáin amach ón gCósta

28. D'fhiafraigh **Deputy Catherine Connolly** den Aire Cultúir, Oidhreachta agus Gaeltachta maidir le Ceist Parlaiminte Uimhir 231 ar an 18ú Mean Fomhair 2019, soiléiriú a thabhairt maidir leis an gCoiste Idir-Rannach do na hOileáin, go háirithe o thaobh na dtéarmaí tagartha, na mball den choiste agus an phlean oibre; agus an ndéanfaidh sí ráiteas ina thaobh. [45412/19]

Deputy Catherine Connolly: Maidir leis an gcoiste idir-rannach ó thaobh na n-oileán de, an féidir leis an Aire Stáit soiléiriú a thabhairt maidir leis na téarmaí tagartha, ballraíocht an choiste agus an clár oibre?

Deputy Seán Kyne: Tá sé mar chuspóir lárnach agam, agus ag mo Roinn, go leanfaidh pobail bhríomhara, inmharthana ag cur fúthu ar na hoileáin. Ag eascirt as tuarascáil an choiste idir-rannach deiridh a foilsíodh in 1996, tugadh tús áite do bhonneagar oileáin a fhorbairt agus seirbhísí iompair a fhóirdheonú. Is obair thábhachtach leanúnach í seo agus tá go leor bainte amach ó 1996 i leith.

Tá dúshlán fós le sárú, áfach, agus chun aghaidh a thabhairt orthu seo tá mo Roinn agus ár gcomhghleacaithe sna Ranna Stáit eile ag tabhairt faoi pholasaí nua tras-Rialtais do na hoileáin a fhorbairt.

Bunaíodh coiste idir-rannach le tabhairt faoin obair seo agus tionóladh an chéad chruinniú, ar a raibh mé féin mar chathaoirleach, ar an 24 Meán Fómhair 2019. Cruinniú an-dearfach a bhí ann. Pléadh téarmaí tagartha an choiste agus tá súil ann iad seo a aontú go foirmeálta ag an chéad chruinniú eile, a thionólfar an tseachtain seo chugainn.

Faoi láthair tá ballraíocht an choiste comhdhéanta de na Ranna Stáit seo a leanas: an Roinn Cosanta; an Roinn Cultúir, Oidhreachta agus Gaeltachta; an Roinn Cumarsáide, Gníomhaithe ar son na hAeráide agus Comhshaoil; an Roinn Dlí agus Cirt agus Comhionannais; an Roinn Forbartha Tuaithe agus Pobail; an Roinn Gnó, Fiontar agus Nuálaíochta; an Roinn Gnóthaí Fostaíochta agus Coimirce Sóisialaí; an Roinn Iompair, Turasóireachta agus Spóirt; an Roinn Leanaí agus Gnóthaí Óige; an Roinn Oideachais agus Scileanna; an Roinn Sláinte; an Roinn Talmhaíochta, Bia agus Mara; agus an Roinn Tithíochta, Pleanála agus Rialtais Áitiúil.

Tá plépháipéar á dhréachtú ag mo Roinn i gcomhar leis na páirtithe leasmhara a chuimseoidh polasaithe agus seirbhísí reatha na Ranna agus forais Stáit éagsúla, chomh maith leis na réimsí éagsúla a bheidh faoi chaibidil sa chomhairliúchán poiblí.

Agus an plépháipéar a bheith foilsithe, tosófar ansin ar phróiseas cuimsitheach comhair-

liúcháin le pobail na n-oileán agus le geallsealbhóirí eile. Tá tréimhse sé mhí leagtha síos ag an gcoiste chun an chuid seo den phróiseas a chur i gcrích agus beidh oifigigh shinsearacha mo Roinne ag tabhairt cuairte ar na hoileáin le linn na tréimhse sin agus ag réachtáil cruinnithe poiblí iontu. Beidh deis ag daoine achainí scríofa a sholáthar freisin. Beidh sé seo uile sa bhreis, dár ndóigh, ar shraith chruinnithe a thionólfar le comhlachtaí forbartha agus comharchumainn ar na hoileáin chomh maith le Comhdháil Oileáin na hÉireann.

Visit of Portuguese Delegation

An Ceann Comhairle: Before proceeding with business, I wish on my own behalf and on behalf of the Members of Dáil Éireann to offer a céad míle fáilte, a most sincere welcome, to the Secretary of State for European Union Affairs of Portugal, Ms Ana Paula Zacarias, who is accompanied by the Portuguese Ambassador, His Excellency Mr. Miguel de Almeida e Sousa, who is well known to all of us. They are all most welcome to Leinster House and I hope they find their visit useful and to our mutual benefit.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Micheál Martin: Yesterday, there were 679 people across the country being treated on trolleys. Today, the number is 649. Behind the numbers are some horrific and appalling experiences for people in emergency departments. They are simply appalling and should not be tolerated by the Government. The Irish Nurses and Midwives Organisation, INMO, yesterday described the situation as “obscene” and said, “Winter has not even started, and Irish hospitals are overwhelmed”. It went on to say that nurses are faced with an inhumane working environment, while patients are put at ever-increasing risk.

I spoke to an eye witness in Cork University Hospital. The person went there on Tuesday at 3 p.m. with a family member and was there until 5 a.m. the following morning. He said that what he had witnessed was simply unbelievable. He said the doctors and nurses were under “savage pressure”, to use his own phrase. He could not comprehend how they were able to work under such circumstances. People were sitting on chairs and lying on trolleys everywhere. They ran out of seats to sit on. The chronically ill were in a desperate situation, to the great anxiety of their relatives. There were many elderly people there. I can give another illustration of these experiences. If one travels to Clare, Limerick or north Cork, and this did not start today or yesterday, the overwhelming issue on the doorsteps or when one meets people is their experiences at the emergency department of University Hospital Limerick. There is real anger from the relatives of loved ones who have gone through terrible experiences due to the overcrowding.

Critically, the Irish Association for Emergency Medicine has said that this is costing lives as people are dying as a result of the overcrowding. It says that 350 to 400 excess deaths are occurring each year because of the state of the emergency departments, the overcrowding and the long delays in treatment in those departments. This was confirmed to me by experienced

medical authorities in Cork University Hospital, who reluctantly said that they had to admit and confirm that some people who attend the hospital will die as a result of the overcrowding and delayed treatment. In addition, there is a chronic shortage of consultants and a lack of rehabilitation beds, step-down facilities and home care packages.

When will the moratorium on the recruitment of staff be lifted? There are approximately 1,000 posts on the front line unfilled currently. When will the winter plan be announced? It is incredible that this is November and it has not been announced. Why is there this reactive approach as opposed to a proactive one from the Government? Will the Taoiseach, at a minimum, commit to lifting the embargo?

The Taoiseach: I am very much aware that our emergency departments are very overcrowded today. Indeed, they have been for quite some time. However, there has been a reduction in overcrowding today versus yesterday and we expect that reduction to continue through to tomorrow and Friday. As regards the actions the Government is taking, we are adding more beds to the hospital system. Since 2014, as soon as we had the money to do so, we started adding new beds to the system. That will continue. New bed blocks are under construction in Clonmel and Limerick and we will have them open as soon as possible.

We are also providing more funding for the fair deal and home care. The budget for the fair deal will exceed €1 billion for the first time next year. That will enable us to reduce the number of delayed discharges, where patients are in hospital and do not need to be there and could go to a nursing home or go home. We must ensure that happens much faster than it does currently. We are also investing in community care. We have secured a deal with general practitioners, GPs, to improve the level and depth of services they provide in the community, to ensure that fewer people go into hospitals in the first place. Much action is being taken to deal with this problem.

To answer the Deputy's questions, the winter plan will be published next week. In many ways it does not need to be published: what is in it is what has been in it in previous winters, which is funding for the fair deal and home care and to open any beds that are closed, although I understand that none is closed currently, and investment in transition care. That is already happening even though the plan has not been published.

There is no recruitment moratorium. As I explained yesterday, the number of staff in the health service has been increasing for many years now. There are approximately 15,000 more people working in the public health service now than there were three years ago. There are 600 more nurses than this time last year and more than 100 more doctors. However, it is the case that Health Service Executive, HSE, managers are not allowed to hire staff if they do not have the money to pay for them. We had a recurring problem in previous years of HSE managers taking on staff for whom they did not have the budget. That is not allowed in education, the Civil Service or the Garda. It was an anomaly that the practice was allowed in the health service.

Deputy Micheál Martin: With no disrespect, people are finding it difficult to comprehend this ongoing, robotic, detached response to their living experiences. There is a disconnect between what the Taoiseach is saying in the House about the numbers of nurses and doctors and the reality experienced by doctors and nurses at the front line in hospitals and by patients and their families. It is a huge disconnect. Either we and the people outside are not getting it or the Taoiseach has some insight, that nobody else has, in terms of the reality of people's experiences

in hospitals and particularly in emergency departments.

The Taoiseach's comments on the moratorium are becoming very irritating and annoying. People have come to me who came top of the panel last February and gave up private sector jobs in the expectation that they were going to get jobs with the HSE. Those people have not been employed. They were recruited, but the contract has not been signed because there has been a moratorium since last April. That is still the case. The Taoiseach needs to drill down and to stop coming back with the kind of response that involves seeing no evil, no damage and no harm. The scale of the Government's response to the chronic issues facing staff and patients in emergency departments is not what it should be. It simply is not there. The Taoiseach needs to engage in a fundamental reflection on the Government's approach to this crisis within our hospitals.

The Taoiseach: I do not mean any disrespect to the Deputy either, but his self-righteousness knows no limits. Let us not forget-----

(Interruptions).

The Taoiseach: I will provide some facts. Let us not forget that he was once Minister for Health and Children-----

Deputy Fiona O'Loughlin: He was a much better Minister than the Taoiseach.

The Taoiseach: -----and that he was famous for chiding Tallaght Hospital for not ordering enough trolleys-----

Deputy Marc MacSharry: Was that when the Taoiseach was a doctor?

The Taoiseach: ----when patients were being treated in the car park of that hospital.

Deputy Brendan Howlin: I am enjoying this history lesson.

The Taoiseach: We do not even know how many people were on trolleys in those days because the then Government would not count them. The Deputy was also a member of the Government which took a policy decision - and not on the basis of financial considerations - to reduce the number of hospital beds significantly. He started that policy during the boom and continued on with it. We reversed the decision in 2014, as soon as we had the money to do so. The Deputy should get off his high horse when it comes to this matter.

Deputy Michael Healy-Rae: The Taoiseach would not have a horse if it were not for Fianna Fáil.

The Taoiseach: This is a really difficult problem and it has been with us for decades. We know that there are also problems in many other countries as well. In that context, there is serious overcrowding in Northern Ireland. We are taking every possible action to deal with it. We are providing more beds, more staff and more funding for the fair deal scheme and home care, and we are investing in community services.

Deputy Jonathan O'Brien: There is a growing problem with drugs and crime in Cork city. Deputy Micheál Martin and the Tánaiste, Deputy Coveney, will be well aware of this, along with all other Deputies and councillors who represent the city. On one hand, there are significant gaps in the drug addiction services being provided while, on the other hand, there is

a lack of gardaí. We have been hit with a double whammy and the situation is reaching a crisis point. This crisis has seen drug paraphernalia and used needles being found in schoolyards and residential areas to such a degree that a young child recently picked up a bag of heroin from the garden of his home.

Government policy has been moving away from addressing this issue as a criminal justice matter and towards seeing it as a healthcare issue. I recognise that. I have also spoken to many of the service providers within the city. They tell me that the issue is not so much about financial resources - they recognise that money is being provided and that they have capacity - but about the recruitment of staff, a similar issue to that raised in the previous question to the Taoiseach. Services in our city are in an absolute state because they cannot recruit staff as a result of the embargo. There are posts that have been waiting to be filled since last February. The failure to fill those posts has unfortunately resulted in services being stepped down. The only victims in this situation are the addicts who are crying out for these services.

Due to the fact that these posts are not being filled and the issue is not being addressed proactively, we are seeing an increase in drug-related crime. As a result of there being 124 fewer gardaí than the number recommended to service Cork city and county, An Garda Síochána is under-resourced to deal with this increase. As I have said, it is a double whammy. I ask the Taoiseach to commit to lifting the embargo and allowing the service providers to fill those posts so that we can start to tackle this issue once and for all. They are waiting to be filled and the money is there to pay the staff.

The Taoiseach: I will not be able to speak on the issues relating to Cork in detail because I do not have an up-to-date briefing on them. If the Deputy wants to pass more details about those posts on to me, I will certainly have the situation examined. If a post has been approved and if the budget is there to fund it, there is absolutely no reason it should not be filled. The long-standing practice of advertising posts and designating people to fill them without the posts being sanctioned and without a budget to pay for them has been ended. That is not the norm across the public service. It was tolerated in the health service for a very long time and was the main driver for the overruns in the health service we have seen in previous years. That practice cannot be allowed to continue. Perhaps the Deputy will give me details of the particular posts to which he refers. If it is the case that the posts are funded and were approved, we will have the situation examined and get back to the Deputy in that regard.

With regard to the wider issues relating to drugs, the Deputy mentioned the need to treat the matter as a health issue. This is a health issue, albeit one that has a criminal justice aspect to it. Whatever can be said about the health service, there is certainly no restriction or recruitment embargo in place in respect of An Garda Síochána. There has been a significant increase in the number of gardaí in recent years. There are approximately 14,000 gardaí now. The total figure for the force will increase to 21,000, including other staff, in the coming years. As a result of this, there has been an increase in the numbers in Cork. There will be a further increase as gardaí are recruited and attested in the coming period.

We have also increased funding for addiction services. The allocation in this regard was €94 million in 2016. This was increased to €100 million in 2018. This means that there are now 793 residential beds for people who want to go into treatment and who want detox. That is a significant improvement on the situation in the past. We are also working really hard to get a supervised injection centre opened in Merchants Quay. We have run into difficulties with planning permission with Dublin City Council but we will press ahead with the project and try

to get it completed. The Minister of State, Deputy Catherine Byrne, is working with Merchants Quay and leading on the project. We also have an agreement with Dublin Simon Community to provide a 100-bed detox unit for homeless people who have a problem with addiction. We are working on that and need to get it done as soon as we possibly can.

There are also increased resources for education and information. These are targeted at warning students and festival-goers in particular of the risks of taking drugs in the first place and at advising them how to reduce harm and stay safer if they do so.

Deputy Jonathan O'Brien: I do not want to get into an argument about numbers but we do not have more than 700 detox beds. We have 144 detox beds in the State. There are no stabilisation beds outside of Dublin; not one. We have more than 700 detox and rehabilitation beds, but we are talking about people who require some sort of stabilisation because they are required to be clean of drugs to get into a detox centre. It defeats the purpose on the first day. We need stabilisation beds.

I take on board everything the Taoiseach said. However, in the context of issues relating to the Garda, 2,800 recruits have come through Templemore, which was closed by Fianna Fáil, since it reopened. Does the Taoiseach know the number of them who have gone to Cork city? It is 69. Less than 3% of these gardaí have been deployed to Cork city. The unit which investigates sex crimes in Cork has been unable to keep up with new cases. On a busy weekend night recently, only two gardaí were available to patrol the city centre. This is the second largest city in the State and only two gardaí were available. There has been an increase in crime, particularly that relating to drugs, and we are seeing an increase in burglaries and aggravated assaults. Despite this, we have fewer gardaí. The Taoiseach will state that deployment is an operational matter for An Garda Síochána, but it is also a matter for Government when 2,800 gardaí have come through Templemore and only 69 were deployed to Cork city. That is just not acceptable to the people I represent.

The Taoiseach: The Deputy is quite correct; the number of detox, stabilisation, and rehabilitation beds taken together is 793. That figure comprises 19 inpatient detox beds, 127 community-based residential detox beds, four adolescent residential detox beds, 625 residential rehabilitation beds and 18 adolescent residential beds. We now put more than €100 million a year into addiction services. That is money well spent because, if people can be taken out of addiction, they can get on with their lives, enter employment, and once again contribute to society. We will continue to increase resources for addiction services in the period ahead.

The number of gardaí stands at 14,234. The total Garda workforce is 17,275. We are recruiting more gardaí all the time. Another batch of recruits will be passing out in the coming weeks. More and more, the Garda Commissioner is leading reforms within An Garda Síochána to take gardaí out of administrative and office positions so we can have them back on the front line where people want them to be and where we want to see them. How those gardaí are assigned around the country is a decision for the Garda Commissioner, and it is right that it is his decision. In my engagements with him I will raise the point the Deputy made and see if he will consider sending more of the next batch of gardaí to Cork.

Deputy Ruth Coppinger: Yesterday saw the end of a court process and the sentencing of two teenage boys for the horrific murder of a young girl in the prime of her life. It was probably the most extreme example of sexual assault and misogyny the country has seen. We send solidarity to her family.

Last month, the Dublin Rape Crisis Centre stated there was a public health epidemic of sexual violence. This time last year, thousands of people shared pictures online of their underwear with the hashtag, #thisisnotconsent, in response to victim blaming in rape trials. Ireland trended worldwide at the time and we had to bring the issue graphically into the Dáil chamber. One year on, I ask the Taoiseach what his Government has actually done about gender-based violence. Barristers are still trotting out the same old rape myths. In a recent trial, where it was not even contested that the complainant had been savagely beaten, the barrister suggested that the woman had still consented to the sex. The barrister said: “she is a worldly young girl [she is aged 20, by the way] with experience of life ... she knew what she was doing.”

Women are wondering why we bothered putting a definition of “consent” into the law because it is not worth the paper it is written on. In another court this week, a complainant who was allegedly raped by two men was told by a barrister that she consented as she was not drunk enough and had the presence of mind to fix her skirt. Being beaten, raped multiple times and having video evidence does not seem to be enough to be believed. Is it any wonder there are reports of famous sports celebrities strutting around with impunity despite sexual assault allegations being made against them? Are women to go into hiding every time such a figure decides to go on a night out?

Following protests after the rape trial in Belfast, the Taoiseach commissioned the O’Malley report. It was to report by the end of last year but here we are approaching the end of 2019. The Taoiseach is already aware of the figures so I will not repeat all of them. I will say, however, that ten women are murdered annually, one in three women experience coercive control and one in four women has experienced physical or sexual violence. One must judge how important a Government considers an issue by how much funding it gives. The Taoiseach’s Government gave €25 million to the entire support sector but saw fit to give €17 million to the cruel and ailing greyhound industry.

Deputy Kevin O’Keeffe: On that-----

Deputy Ruth Coppinger: Perhaps the Deputy thinks that is fine, but most of us do not.

As a result of #MeToo and more disclosure, the rape crisis centres are reporting a massive increase in calls. The increase in funding provided by the Government goes nowhere near to meeting the demand. Why are groups not going into schools to educate young people about the signs of abusive relationships? Instead we have a culture of Hollywood movies and so on that normalises toxic behaviour by calling jealousy and manipulation “romance”. I put it to the Taoiseach that we have to conclude that unless people go out to protest and stage walkouts in Google, McDonalds or wherever else, nothing seems to happen in here on these issues.

An Ceann Comhairle: I thank the Deputy.

Deputy Ruth Coppinger: Over the past year, the Government has failed abysmally on three counts, namely, how complainants are treated in court; funding; and education.

The Taoiseach: I thank the Deputy for raising this important matter. I offer my condolences and my heart goes out to the parents of Ana Kriegel. I saw them speaking yesterday and I cannot imagine what they are going through and will go through for the rest of their lives because of what happened to their beautiful daughter.

There is an epidemic of gender-based violence in Ireland and across the world, and it needs

to stop. The Deputy asked what the Government is doing about it. We are doing quite a lot. We have finally ratified the Istanbul Convention. That was long overdue but it has been done by this Government of Fine Gael and Independents, whereas it was not done by many other Governments that could have done so in the past. We have modernised our laws around sexual offences. These laws have been strengthened in recent years through the Criminal Law (Sexual Offences) Acts and the Criminal Justice (Victims of Crime) Act, which makes coercive control an offence. We have changed our laws around consent and have strengthened them in a way that needed to be done. There is also improved recording of sexual assault and work is ongoing with the Office of the Attorney General around the Harassment, Harmful Communications and Related Offences Bill. Next, we will introduce a distinct offence of stalking to provide for two offences to deal with non-consensual recording and distribution of intimate images. The Labour Party has been very involved in working with us on that. We need to ensure that proposed image-based offences will cover the recording and distribution of sexual assaults. The Oireachtas joint committee report will be considered in full once the committee has completed it.

An Garda Síochána is also continually improving its specialist services responding to the needs of victims. The Garda Commissioner is now rolling out digital protective service units with specially trained officers to engage with and interview victims. These personnel are better trained and know how to deal with victims of sexual violence. The Minister for Justice and Equality, Deputy Flanagan, has also launched the No Excuses campaign, a three-year national awareness raising campaign on sexual harassment and sexual violence that was launched in May 2019. The campaign aims to increase awareness of sexual violence and bring about changes in societal attitudes such as those the Deputy spoke about, with the aim of decreasing and preventing these offences. I am pleased to say that a second burst of the campaign commenced on 2 October.

With regard to funding, Tusla has statutory responsibility for care and protection from domestic, sexual and gender-based violence. The budget for that has increased by 20% under this Government and stands at €25.3 million. In addition, a further €1.7 million is being made available by the Department of Justice and Equality to support 57 organisations which support victim support services, and a further €2 million has been allocated in the budget for 2020 to assist those services next year.

Deputy Ruth Coppinger: The Taoiseach can sign up to conventions and put laws on the Statute Book. These are important and relatively easy things to do but they need to be backed up by change. We can see from reading the court reports that the definition of consent, which I argued for when I spoke at the committee, does not seem to be having one jot of an impact.

I welcome the No Excuses campaign. The difficulty, however, is that while it encourages more people to disclose, will they get the help they need? The Dublin Rape Crisis Centre has said it has had a 25% increase in phone calls as a result of #MeToo and a more disclosing culture. The Government increased funding to the sector by 10% across the board, even though some areas needed more while others may have needed less.

Last year, 3,000 people became millionaires in this country and 3,000 children got help from a domestic violence service. There are also more than 3,000 children who are homeless. The idea that we do not have the money to support services to assist women, men and children who experience violence is simply not acceptable. Women's Aid published a report in the past month which included a finding from a survey that people believed there was no point in taking a case and the majority of respondents said they probably would not bother doing so again.

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

Deputy Ruth Coppinger: What the Government is doing in this regard is completely insufficient. International protests are taking place on 25 November, the international day for the elimination of violence against women. This should signal to the trade union movement, community organisations and women's organisations that they should mobilise for massive protest on that day worldwide.

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

Deputy Ruth Coppinger: The political establishment is not taking any notice.

The Taoiseach: Spending by the Government is increasing by roughly 4% per year. It is only in the last year or two that we have gone from deficit to surplus and we are taking in as much in revenue as we spend. Government spending is increasing by about 4% a year. As the Deputy pointed out, we increased the budget in this area by 10%, which is a recognition of the priority we place on this issue. The fact is that we are willing to increase resources for this area at twice the rate we are increasing funding for other areas, some of which have had funding frozen or reduced. The Deputy mentioned some of those areas earlier.

In terms of what we are doing on the issue, we are reforming the law and I have given some examples of that. We are also investing in education and public awareness campaigns and the Deputy acknowledged that this has led to an increase in the number of women and men coming forward, which is to be welcomed. We are also improving our data in this area, which is very important too.

I am aware that the Deputy has campaigned successfully for us to go ahead with a new study on sexual violence in Ireland, which is being done. We are also providing additional resources and training to gardaí, as I mentioned earlier.

Deputy Maureen O'Sullivan: We have a complicated system in respect of capital acquisitions tax. This tax has been a feature of the tax system since 1976. The 2003 Act sets out how the tax is to be charged and calculated. The Act provides for two types of tax, namely, gift tax and inheritance tax. I wish to raise a number of anomalies in the treatment of certain people when it comes to this tax. There is very favourable treatment for some individuals while others are treated unfavourably. It is tax justice for some and injustice and unfairness for others. One group that is treated unfavourably comprises those who cohabit. They are treated differently from those who are married or in civil partnerships. Spouses and civil partners who inherit from the other person in the relationship do not pay capital acquisitions tax, which is very different from the position of those who cohabit. That is one anomaly.

There is another anomaly for cohabitants. When a cohabitant dies and provides for the surviving cohabitant, the latter will pay tax. If one cohabitant dies without leaving anything to the surviving cohabitant, the latter can apply to court for a share in the estate. If that is granted, he or she will pay no tax. There is unfavourable treatment for a cohabiting couple if they are two sisters or brothers or other family relations or two friends or where one is a long-time carer. A shared home cannot be gifted to the surviving person in those relationships without a considerable tax burden being imposed.

The term "disponer" is used in the 2003 Act to refer to a person who is providing a benefit to others. It is the relationship between the disponer and the person benefiting that will make

a very appreciable difference to the tax being paid on inheritance or gifts. The child of a disponent will have a tax free allowance almost ten times greater than another family member. A disponent who has children enjoys far more advantageous tax terms than a disponent who does not. While efforts must be made to ensure that wealthy people do not avoid or evade tax, certain relationships are penalised when it comes to capital acquisitions tax. There are significant tax exemptions and concessions for relationships which are formalised through marriage and civil partnership but not for cohabitants, regardless of whether the relationship is intimate, and most definitely not for single people who do not have children. The person receiving there pays very high tax.

The Minister's reply when I raise this issue is usually to say that the State pledges to protect the institution of marriage, including civil partnership. Really, however, this is very lucrative for the State but unfair to those who are not being treated like others. This matter must be examined and addressed.

The Taoiseach: I am at a little bit of a loss once again. As is often the case, the Deputy perhaps knows the detail and facts around tax law better than I do. I may have to come back to her with a more substantive response at another date. As she stated, capital acquisitions tax involves two elements. One is inheritance tax and the other is gift tax. In the two most recent budgets, we have reduced inheritance tax. The Independent Alliance was keen for us to do that and, as a Government working together, we were happy to do it. It is our objective to allow the average person to pass on the average house in Dublin and around the country to his or her children without the latter having to pay any inheritance tax on it. Our tax code discriminates positively in favour of inheritances and gifts between spouses and from parents to children. That is treated very differently from an inheritance or gift given to someone to whom one is not related or to whom one is more distantly related.

I understand the point the Deputy makes and where she is coming from in the context of cohabiting. However, there is a difference between cohabiting and being married. Marriage and civil partnership are different relationships to cohabitation. Our law recognises this by favouring those who are married or in civil partnerships over those who are not. It would be difficult and fraught to try to change that or even to define clearly in tax law what is cohabiting and what is not. It is very clear whether one is married or a civil partner as one has to go through a legal process. There is no legal process of which I am aware to show that someone is a cohabitee or not. As the Deputy knows, the Finance Bill is currently being debated. She may take advantage of those debates on the Bill to propose amendments which the Minister for Finance, Deputy Donohoe, could consider.

Deputy Maureen O'Sullivan: I have raised the matter with the Minister for Finance but lack of progress with him made me raise it here today. With regard to cohabiting, one could have two sisters or brothers who never marry and share a home. There will be a tax burden for the surviving sister or brother unless he or she can prove dependency, which is unfair. Someone who does not marry or have children and works for 40 years may be able to buy a house and have some savings but the tax burden for whoever inherits that property and savings will be considerable. It is as if they are being penalised for not marrying and having children.

The reality is that there is significantly preferential tax treatment in respect of inheritances and gifts for married couples, civil partners and the children in those relationships. We even have superannuation schemes where an employee pays for the spouse and children benefit even though he or she has not married and does not have children. There are a great many anomalies

there and there is a great deal of unfairness. It is almost like there are tax penalties for those who do not get married or have children or for those people who live in a committed although not intimate relationship who cohabit. We must amend the inheritance tax rules.

I like the Taoiseach's optimism to the effect that I could table an amendment that would be accepted. I do not think so. In the interests of fairness, we should have a look at this again to ensure certain people are not overly penalised.

The Taoiseach: I can certainly understand what the Deputy is saying. I can imagine a scenario in which two sisters or brothers are living in the one house when one passes on and the other is left with a significant tax bill, which he or she may be unable to pay, in particular if he or she is elderly. I understand the issues the Deputy raises or which could arise and they merit examination. It is not something I have discussed with the Minister for Finance but I will on foot of the Deputy raising it. However, we must be careful to get these things right. As we so often learn when it comes to tax law, one can fix one anomaly only to open up another one. One can close one loophole but thereby inadvertently open a new one. When one does these things, one has to be able to write them in law in a way that stands up in the courts and when the Revenue Commissioners seek to enforce them.

Death of Former Member: Expressions of Sympathy

An Ceann Comhairle: In accordance with the order of the House of yesterday, we will hear expressions of sympathy on the death of Mr. Peter Kelly, a former Fianna Fáil Deputy for the constituency of Longford-Westmeath. To that end, it is important to extend a warm welcome to Maura Kelly, Peter's wife, his daughter, Emily, his son, Peter Jnr., and his brother, Vincent, who are with us for these tributes. I ask Members to keep their remarks to approximately two minutes.

It was a great honour and privilege to have served in the House with Peter. I got to know him on a mission to Brussels many years before either of us came to serve here. It became very clear very early that Peter had three outstanding characteristics. First was devotion to family. Maura was rarely far from his side and she was mentioned in every conversation one had with him. His devotion to his children and his extended family was obvious. The second characteristic was commitment. He had total commitment to the service of the people of Longford and of the country as a whole. Third was loyalty to the Fianna Fáil Party, of which he was a lifelong member. He was a man of integrity and he had vision. He was hard-working and, I can tell the House, he was really great company.

The Taoiseach: I gcás Peter Kelly, ceiliúraimid dea-bheatha duine a d'oibrigh ar mhaithe leis an saol. Bhí grá mór aige do phobal a cheantair féin. Bhí grá aige do dhaoine i gcoitinne agus bhí sé an-tugtha don pholaitíocht. Bhí clú agus cáil air ar fheabhas a dhúthrachta agus de bharr gur oibrigh sé go dian dícheallach ar son mhuintir Longfoirt thar na blianta fada. Fear mór teaglaigh ab ea é, a raibh pearsantacht bheoga, mheanmnach aige. D'fhág a bhás easnamh orainn. I am grateful for this opportunity to pay tribute to a member of the Fianna Fáil political family who gave a lifetime of service to our country, Peter Kelly. With Peter Kelly, we celebrate a life well lived. He loved his community, he loved people, and he loved politics. Famous for his commitment and hard work, he served the people of Longford with distinction

over many years.

Peter Kelly had three great passions in life: his family and friends, Fianna Fáil, and Longford. To those who met him, he was “Peter Kelly, Longford”. I recall him introducing himself to me as that many times, even at a point when we knew each other, because that was how he always introduced himself. A great storyteller, he told the story of the county and the community he loved so much with wit, eloquence and ability.

A funeral director as well as a publican, Peter’s favourite job was undoubtedly being a Deputy. In 2011, after nine years in this House, he decided to stand in the general election, even though he knew he would probably lose his seat. When others bowed out, he stayed the course, because he believed the people should have their say, even if it meant they were choosing someone else. That is an admirable characteristic. However, his defining characteristic was loyalty. He was loyal to his party, his family, and his county. I am also told Peter was a great singer and loved a good singsong at the bar. I may have gone home at that stage. When he got going, it was said that even Elvis Presley would not hold a candle to him.

Peter was slow to embrace new technology, and I am told he was the last remaining Member to use a fax machine. A few years ago he was making a representation to the HSE and asked for the fax number in their office. When told they did not have a fax machine, he asked “Where are you?” to which the official replied: “Well, I don’t know where you are, but I’m in 2016”. It is a measure of Peter’s graciousness and good humour that he loved to tell that story at his own expense. In later years his wife, Maura, who I believe he always called “The Rose of Castlerea”, looked after newfangled innovations like email for him. I offer my condolences and that of the Fine Gael party to his loving wife, Maura, and to their three children, Emily, Peter and Joseph, their grandchildren, and to all their family and friends.

People who knew Peter tell me that his defining characteristic was that he always put people first. He wanted to spend time with people - a valuable attribute in today’s very busy times - he wanted to work with people and, above all, he wanted to help people. The words used to describe him capture the man: decent, honourable, old school. Longford will always remember Peter Kelly, their political colossus who did so much for the county he loved.

Deputy Micheál Martin: Is pribhléid dom é, ar mo shon féin agus ar son Pháirtí Fhianna Fáil, a shoiléiriú don Dáil agus don chlann an t-ardmheas a bhí againn ar Peter Kelly, agus comhbhrón a dhéanamh le Máire, Emily, Peter agus Joseph agus a dheartháir Vincent as ucht bás Peter. Duine faoi leith ab ea Peter Kelly. Bhí sé dílis dá chlann, do mhuintir a dhúiche féin agus go háirithe dá chontae féin. Polaiteoir den scoth a bhí ann a thuig tábhacht an chórais polaitíochta agus an dlúthbhaint idir an córas sin agus cosmhuintir na tíre. Fear cneasta, lách a bhí ann agus duine greannmhar ab ea é. Duine a rinne sult, súchas agus spórt le gach éinne a bhí ann. Fear mór teaghlaigh a bhí ann agus fuair sé a neart ón gcaidreamh teaghlaigh. Bhí an caidreamh sin soiléir ag a thórramh, go háirithe idir é féin agus Máire.

Peter Kelly was an outstanding public servant, a man deeply rooted in his own community and a truly great character in the best sense of that word. His family background, growing up and working in his family business, gave him a unique insight into the lives of Longford people. He lived their lives with them. He shared their highs and lows, trials and tribulations. He had the personal touch and was a firm believer in Tip O’Neill’s adage that all politics is local and personal. He was committed to making life easier for families during the most difficult of times.

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Peter fought tenaciously for Longford town and he was intensely proud of its traditions, culture, music and political contributions. He was first elected to public life in 1985 to Longford County Council – a breakthrough election at the time for Fianna Fáil in that it ushered in a new generation of public representatives who later graduated to the national stage.

He was particularly inspired by and proud of his friendship with the late, former Taoiseach, Albert Reynolds and of Albert's achievement, with others, of securing the Downing Street Declaration paving the way for peace on the island of Ireland. He had a genuine affection and admiration for Albert.

Peter was also a man who championed enterprise and the self-employed, a voice that needs to be heard in this forum. He understood through experience the concerns and needs of those who create jobs.

He was elected to Dáil Éireann in 2002 upon the retirement of Albert Reynolds and he quickly became known around its corridors and canteens, endearing himself to staff and colleagues and political opponents alike.

He had extraordinary wit and humour. He was a great conversationalist, a great storyteller and a great mimic. The Taoiseach spoke of his difficulty in catching up with technology, but he always believed that his tie was far better than the microphone when he was doing impersonations of Elvis Presley. If one ever went into the canteen or restaurant and saw Peter at a table, one would join him immediately, guaranteed to be entertained by his charm, humour and the latest story. Peter loved company.

By his side at Leinster House and at party functions was his beloved wife, Maura. They were a beautiful couple, relaxed in each other's company and philosophical about life itself and political life, in particular.

Peter, it is fair to say, was different politically, in that, anyone wandering around Leinster House will find a lot of stressed people with worried, grim faces, particularly at election time or in advance of election time, but in the midst of all of this, Peter's space was an oasis of calm contemplation and good humour. He conducted politics with an easy grace, understanding how it all worked, and never allowing it to suppress his enduring qualities of kindness, courtesy and good humour. He understood life better than most around Leinster House.

He had, of course, an enduring love of Longford. No matter where he travelled, who he met, he always introduced himself simply as "Peter Kelly, Longford, Ireland". This was clearly illustrated when he met Justin Timberlake, who was enjoying a quiet pint in that favoured Longford watering hole in Dublin, O'Donoghue's, when Peter introduced himself in typical fashion. They chatted and laughed for a good 20 minutes until the young superstar had to leave and afterwards Peter told the barman. "That was a lovely young fella". The barman was somewhat perplexed that Peter had no concept of who he had been talking to, and he simply told the barman, "I have no idea who he was but I tell you, he knows all about Longford now."

Peter loved sport and especially the GAA. He followed Longford at every opportunity and enjoyed enduring friendships with the Longford stars from the 1960s. Peter was a lifetime member of Longford rugby club and, of course, the closest sports arena to the family home was Longford tennis club. He was involved in its endeavours for most of his adult life.

Peter was happiest out among local communities. Whether it was Ardagh winning the

national Tidy Towns competition or the Longford minors winning the Leinster championship, nobody beamed a broader smile than Peter. It was that same sense of community that helped ensure that Peter forced steadfast links with the Longford diaspora. He was a staunch and enthusiastic supporter of the Longford associations in London, New York, Dublin and Manchester. He rarely missed their functions and greatly valued their counsel. Peter once said three words could sum him up: “Longford, Longford, Longford”.

Peter Kelly’s was a life well lived - a proud Longford man who understood the concept of serving the public good; a representative who used public office to look after the well-being of those most in need; a clear voice for enterprise.

He was a great father, husband and friend and colleague of ours who, with great commitment, built further on a proud republican tradition. The loss of Peter is a loss to us all but that loss will of course be particularly felt by Maura, Emily, Peter and Joseph, his brother Vincent and his family and friends, whom he loved so dearly and spoke so often about. They will be consoled by the beautiful memories they have and the many happy times they shared together, as well as the rich legacy of public service that Peter has left behind. Ar dheis Dé go raibh a anam dílis.

Deputy Jonathan O’Brien: On my behalf and that of Sinn Féin, I extend sincere sympathy to the family and friends of former Teachta Peter Kelly, who passed away in January this year. Peter was an elected Member of this House until 2011 but unfortunately I never had the honour of meeting him as I only entered the House in that year. Having listened to the stories of the Ceann Comhairle, Deputy Micheál Martin and the Taoiseach, I am sure if I had met him, he would have passed on great wisdom to young Deputies like me at the time coming into the Chamber. Deputy Martin is correct as we see many stressed faces, and not just at times of election. I have probably aged approximately 20 years since coming here despite being a Member for less than half that time. An old school politician who was able to balance family and political life, as well as his personal time for interests and hobbies, is somebody from whom we could all probably learn. We could all probably learn to take ourselves a little less seriously, particularly in this Chamber, as life can be very short. I again express sympathy on my behalf and that of my party to Peter’s family, his wife, Maura, his children and grandchildren. May he rest in peace.

Deputy Willie Penrose: On my behalf and that of the Labour Party I tender deepest sympathies to the Kelly family, particularly Maura and the children, Emily, Peter Jnr. and Joseph, as well as his brother, Vincent, and the wider Kelly family on their sad loss with the death of Peter in January 2019. I am the last constituency colleague left standing who served with him here.

Peter was a politician of the old school and all the better for it. He was dedicated to public service and the community he served. He was a man with sharp business acumen and a very good business brain, so one would underestimate him at one’s peril. He was well known in the publican circles and he was an undertaker throughout his life. He developed the iconic Kelly’s lounge bar, which was something of a local institution and it wrote a large chapter in Longford’s social history until it was finally sold. His DNA was certainly Fianna Fáil and his loyalty to the party was second only to that to his family. He followed in his father’s footsteps in politics and became chairman of Longford town council, as well as the county council. He served as party leader there, as Deputy Martin mentioned, from 1985 to 2003.

He was first elected to the Dáil in 2002 from the Longford-Roscommon constituency. He

succeeded the late Taoiseach, Mr. Albert Reynolds, serving the people of Longford with great distinction for the next decade. As Deputy Martin said, Peter always had a smile on his face and a twinkle in his eye and it would inform people that he had arrived at the pinnacle of his achievement, a seat in the Dáil. He was a great friend of the late Albert Reynolds and the later Mickey Doherty, whose stories are legendary. He had a great laugh at the time Mickey inadvertently sparked turmoil in the European money markets when discussing Albert. I was here at the time. I do not believe German Chancellor Kohl was too happy as there was trouble with the European Monetary System and there was a market frenzy that took several pfennigs off the Deutsche mark at the time. Mickey and Peter would have had a great laugh at that.

I asked him once how he managed to be voted political rookie of the year at the sprightly age of 58. He always had a self-deprecating sense of humour, which was great. We all know of his pride in Longford; the savage loves his native shore and nobody loved the shore of Longford more than Peter.

I remember a story from his first term and the Fianna Fáil Party leader might know of it. Several Fianna Fáil backbenchers were smarting at the lack of promotions and Peter told colleagues how he met the then party leader in the corridor and addressed the promotion matter head-on. I asked him what he said and he told me that he informed the leader he did not want a junior Ministry, and under no circumstances should he be part of the Cabinet. An impatient colleague, now probably gone, was irked by the mocking tone and quickly accused him of lacking ambition. Peter said he had a deep ambition and wanted to be a Deputy for Longford. He did that and continued to work for the people in Longford. That highlights his love for his native Longford and he remains the last Deputy from Longford to have represented that constituency here in Dublin.

He will be long remembered as a great character, a people person and somebody who both loved and was loved by the people of Longford. As a constituency colleague he had something we should all value, although perhaps it is not as prevalent today as it was in his time. His word was his bond and that is very important to me. There have been famous battles in Longford and Westmeath over borders. Peter knew his borders in Abbeyshrule, Lisryan and Edgeworthstown. He never went beyond Tang bridge, which separates Ballymahon from Tang, so he did not cause another battle of Tang bridge, which happened in olden times. He was a man of his word and a loyal person, even to colleagues of different parties. We all enjoyed his company and his tie was a great asset; it replaced a microphone when the Elvis impersonation was required.

Deputy Thomas P. Broughan: On my behalf and that of the Independents 4 Change technical group, I extend sympathy to Maura and the family of our former colleague, Peter Kelly. As everybody has said, Peter was a wonderful colleague. I served with him on the communications and energy committee and he certainly brightened every room he entered. As colleagues have said, he had a tremendous knowledge of politics and political lore as Albert Reynolds's chief lieutenant and in his career as a councillor and Deputy. One of his mantras was that, as politicians, we all need the odd mention in a newspaper, both locally and nationally, but it is really important not to become the story. He used to give chapter and verse of unfortunate colleagues who had become the story.

He used to do a famous canvass on Christmas Eve down the main street in Longford with carol singers to raise funds. He would always give us an interesting account of the people he met. It is interesting as this year we will all probably be canvassing to some extent over the

Christmas holidays. We can appreciate Peter's achievements in that regard. He was a fantastic colleague and a highly valued Member of the Oireachtas. Ar dheis Dé go raibh a anam dílis.

Deputy Mattie McGrath: On behalf of the Rural Independents I will briefly say a few words on the life, times and sad passing of Peter Kelly. He was first elected to Dáil Éireann from Longford-Roscommon in the 2002 general election. When I came here in 2007 I gained no greater friend than Peter. I also gained his advice and counsel, as well as his laughter and fun. He regaled us with many stories about his trips to London and New York in dealing with Longford Irish associations. He loved his family but his native Longford was also a great love. I was present in the parliamentary party room on the evening he mentioned the story about promotion that Deputy Penrose described and people fell around with laughter. He could turn the most tense occasions into something funny or joyous. He was a true character.

He was a dedicated businessman as a publican and undertaker. He was an astute politician and I served with him on the communications committee as well. He was always in good form. I had the benefit of his hospitality in Dublin once or twice when we could not get accommodation. Peter looked after many of us. I express our deepest sympathies to his wife, Maura, and the family here today. I know how much they will miss him. We all miss his wit and enthusiasm. He demonstrated great political prowess, having been the late Albert Reynolds's right-hand man. He had many stories about that as well. He was a true Gael and Longford man, a true family man and a great politician. Ar dheis Dé go raibh a anam dílis.

I o'clock

Deputy Robert Troy: I do not know what more I can add to what has been said about Peter Kelly and Longford. Politics is a noble profession when practised morally and ethically. Those of us who practise the profession can make a positive contribution to society. Peter Kelly loved being a politician, not for the honour and glory but because he loved working for his community. He loved working for his beloved Longford and for her people. Throughout his career, whether at local or national level, he made a major and positive contribution to the town of Longford and the county of Longford and to so many people who live in the constituency.

Politics can be an emotive and competitive profession. I got to know Peter as part of a three-candidate strategy in the 2011 general election. Let us just say we were not at our best. There was a real fear that we might not get a seat at all in Longford-Westmeath. I have to say that throughout that election he ran such a fair and honest campaign. On not being re-elected he held no ill feeling towards me. On the day I came to sign in to Leinster House, Peter Kelly was in the Clerk of the Dáil's office thanking the staff for the courtesy they had shown him for the previous nine years. He offered to stand in for a photograph with me. On the wall was an outbox and an inbox for the post. Peter suggested that he should point to the outbox and that I should point to the inbox.

His loyalty to the party was evident in that general election and subsequently because he offered me his constituency office to hold my clinics. Even on days when I could not hold my clinics in Longford, he would offer to sit in and meet constituents on my behalf. He would frequently ring me about what was going on in Longford. As previous speakers said, he loved Longford, in particular, Longford GAA, Longford Town Football Club, Longford Rugby Club, and the Longford associations. He would be immensely proud of the large turnout of people from Longford who are in the Gallery today. In particular, I see Pauline, his secretary, who was so loyal to him throughout the years. I have no doubt that if Peter was around today, he would be out canvassing for Joe Flaherty, who is in the Gallery, because he saw in Joe some of himself,

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someone who, like him, had a real passion for Longford.

He was a very popular man. He was highly respected and loved by many. He had an enviable way with people because he would always stop and listen. He always had an interest in what the person he was with was saying. Regardless of whether he was dealing with the Taoiseach or some constituent who was down on his luck, Peter Kelly was the same. He was great company. Wherever I go, whether to the Council of Europe or any part of Ireland, and say that I represent Longford-Westmeath, I am asked whether I knew Peter Kelly. People always say he was great company, warm and engaging. They say he always made people feel good about themselves.

While Longford, public service and Fianna Fáil were all dear to Peter Kelly's heart, he was immensely proud of his family. When he dropped me a note with a constituent representation he would always finish off by saying that Maura sent her regards. When I was in the office with him meeting constituents, he was always immensely proud of how well his three children were doing in their respective fields. Today, we are joined by Maura, Emily, Peter - I know Joseph cannot be with us - and some of his siblings. To them I offer a heartfelt sympathy. He was a man of great faith and a man who believed in the next world. I have no doubt he is in the next world entertaining and engaging. When we meet him again, he will have many a good story to tell us. May he rest in peace.

An Ceann Comhairle: I thank Deputy Troy. I have been asked by his constituency colleague, Deputy Peter Burke, who is chairing the Select Committee on Finance, Public Expenditure and Reform, and Taoiseach to pass on a message. If people hear the bells ringing, it is because that committee is having votes. Deputy Burke wishes to pay tribute to Maura and her family and friends here today. He commented that Peter was always very friendly and had a kind word for everyone he met. That was displayed by the extraordinary crowd that turned out for Peter's funeral in St. Mel's.

Finally, I call Deputy Kate O'Connell to say a few words. It is not because she is contemplating a move of constituency but because she is a close family friend.

Deputy Kate O'Connell: I thank the Ceann Comhairle. I welcome the Kelly family here today. I wish to pay tribute to Peter Kelly, Longford, Ireland, as he introduced himself to me back in the day. I got to know him through Emily and Peter, as they studied pharmacy with me in the early noughties. The issue that emerged was how we would get home to vote so that I could cancel out a Fianna Fáil vote. The UK examinations did not fall in with the electoral cycle here.

Peter Kelly, as everyone has said, loved Longford and his family. He was so proud of his children and always so respectful of Maura Kelly. In the Kelly home, I always felt that I was welcome and that I was being listened to. As Deputy Troy said, he had the skill of being equally engaged with whomever he met, whether young or old, rich or poor, man or woman. To Peter it was all research and development.

Over the years we sat and talked politics at gatherings. He told me stories that were essentially framed to teach me a few lessons. Peter knew there was no converting me to Fianna Fáil but he did hold a deep respect for anyone who wanted to serve the public.

Peter Kelly was perhaps one of the funniest people I have ever met. The stories are infamous. He handed out undertaker business cards during a period of turbulence on a flight. He

managed to dampen people's fears while getting his name out there. Each story was the stuff of urban myth but was actually carried out by Peter Kelly. He made us laugh more than his quota and when we thought we could not laugh anymore, he landed a supplementary punchline. His children learned early to be resilient on account of some of the stuff he did. On one occasion a body needed to be removed from the airport mortuary. Emily needed to get to the airport to get back to Brighton. Peter saw this as killing two birds with the one stone, so Emily was placed in the passenger seat with her rucksack behind in the empty hearse. They went up to Dublin Airport and he deposited Emily with great grace at the front door. He opened the boot with drama, took out the rucksack and openly wondered what all the drama was about and why she would be embarrassed since she was lucky to get a lift to Dublin rather than have to get the bus.

Peter was a real politician, a man who spent time with the people and who relayed their messages. He loved people and engaging with people. He loved life and lived it to the hilt. He got to meet all of his beautiful grandchildren and share in family events that he treasured so much in his final years. He had beside him, or, if not beside him, then not too far away, the woman who is Maura Kelly or "The Oracle", as we all referred to her back in the day. Maura kept the show on the road. She knew when enough was enough after a late night. She held everything together at home while Peter did what Peter was best at. No one will ever forget Peter Kelly and he forgot no one he met. We will never see the like of him again in Ireland.

An Ceann Comhairle: Can we all stand for a minute's prayer or reflection, please?

Members rose.

An Ceann Comhairle: Ar dheis Dé go raibh a anam dílis.

Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation

Deputy Micheál Martin: We are all very familiar with the tragic death of Shane O'Farrell and the extraordinary courage and perseverance of his mother to seek justice and to seek answers to questions the O'Farrell family has long been putting and has not really got answers to. This Dáil unanimously agreed that there would be a public inquiry and a scoping inquiry was announced by the Minister for Justice and Equality last February. He was very clear that Mr. Justice Haughton would be independent and would remain independent in the course of his inquiry, and that no restrictions would be placed on him or on his observations, deliberations and submissions. This was genuinely accepted and he produced a set of terms of reference for a commission of investigation. However, it seems that the Department of Justice and Equality subsequently changed the terms of reference and narrowed them, which has caused a lot of distress. I ask the Government and the Minister to respond to this and to end the torture the family is going through, by doing what people want to be done.

The Taoiseach: I again extend my condolences to the O'Farrell family on their loss. There has been a GSOC investigation into the case and the independent review mechanism, IRM, believed there should not be a further investigation. However, subsequent to that, the Dáil passed a motion which led to Mr. Justice Haughton's review. I am told that he met several times with the O'Farrell family to discuss the terms of reference and to seek their views. Following this engagement with the family, the Minister for Justice and Equality received a proposal for some

changes in the terms of reference for the scoping exercise. This necessitated further consultation with the Attorney General. Subsequent legal advices have been provided, which, in particular, emphasised the requirement to abide by the jurisprudence set down in the *Shatter v. Guerin* judgment. I am sure Deputies will appreciate the importance of ensuring scoping exercises are framed and conducted in accordance with that judgment, which requires due process and fair hearing for all involved. The terms of reference are now being finalised and the Department wrote to the judge on 23 September to ask him to begin the scoping exercise and to make an initial report to the Minister by mid-November. We regret the time it has taken but Deputies will be aware of the new legal landscape within which all of us in this House must operate on foot of the *Shatter v. Guerin* judgment. Mr. Justice Haughton is free to make any recommendations he sees fit, including the establishment of any of the various forms of statutory or non-statutory inquiry, including a commission of investigation.

Deputy Jonathan O'Brien: In recent weeks, the issue of the national children's hospital has been back in the news, with more rumours of an increased overspend. There were a number of Government proposals to address the issue of overspend in capital projects and a number of Private Members' Bills are on, or waiting to go to, Second Stage. I ask the Taoiseach to sit down with some Opposition Members who have such Bills. I have one myself, namely, the Regulation of Tenderers Bill 2019. Can we move the issue forward to ensure we are never again in a situation where we face massive overruns in capital projects?

The Taoiseach: I will have to have a look at the Bill as I am not familiar with it. I am not sure there is any legislation that will, in itself, prevent overruns on capital projects but I will take a look at it and get back to the Deputy.

Deputy Brendan Howlin: After much delay, and at six times the original cost, it is reported that the Government is preparing to sign off on the national broadband plan, NBP, shortly. It is 20 years since a Fianna Fáil-led Government sold off the Telecom Éireann network, which we now all agree was a mistake. It still has consequences today because the State, through the NBP, will now have to pay to lease the existing infrastructure of ducts and poles which we once owned as a people. The Government, following in Fianna Fáil's footsteps, is going to pay €3 billion to a private investment fund, headed by Granahan McCourt, for a broadband network the taxpayer will never own, despite a formal resolution sponsored by my party and overwhelmingly carried in this House only a short couple of weeks ago.

We have also learned that the same preferred bidder, Granahan McCourt, is also bidding for Northern Ireland's Project Stratum at an expected cost of €1,900 per home. The Government is planning to sign off on a deal that will cost €5,000 per home in this jurisdiction while the same product, by the same bidder and on the same island, will cost €1,900 in Northern Ireland. How did the Government manage to preside over a contract negotiation that has allowed the same company to provide the same product at less than half the price in Derry than in Donegal?

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): It is important to put this contract in context. Without the project, 25% of our population in rural Ireland will be without access to broadband.

Deputy Brendan Howlin: I am talking about the cost.

Deputy Richard Bruton: I can see no prospect of rural prosperity being delivered without access to high-speed broadband.

Deputy Brendan Howlin: The Government has given no regard to the cost.

Deputy Richard Bruton: That is not what I said. I will answer the Deputy if he stops interrupting and gives me a chance to do so. We have entered into a 25-year contract to design, build and operate this service, which will cost €2.1 billion, plus a contingency of €480 million and a VAT payment which will be recouped by the State. The Labour Party's Minister considered the options at the time and State ownership of this asset and running it as a State body, which the Deputy is now advocating, was ruled out at that time by that Minister.

Deputy Brendan Howlin: It was not.

Deputy Richard Bruton: The gap-funded model was left on the table, as was a model which would grant a 25-year contract with reversion to the State. According to best financial and operating advice, a choice was made that the gap-funded model was the preferable option.

Deputy Brendan Howlin: The Minister should stick to the question I asked.

Deputy Richard Bruton: Northern Ireland is now commencing a broadband bidding process. No bids have been entered by any tenderer. Northern Ireland has simply indicated the approximate scale of the-----

Deputy Mattie McGrath: Give them a bonus.

Deputy Richard Bruton: -----operation it intends to develop. No bids have been made by any of the bodies or prospective contractors concerned.

Deputy Brendan Howlin: Is the Government going to sign a contract in those circumstances?

An Ceann Comhairle: I call Deputy Coppinger.

Deputy Ruth Coppinger: A problem constantly arises when houses and apartments are thrown up and people must chase after schools many years later. Is the Government considering any laws to prevent a recurrence of this problem? The Taoiseach is familiar with Pelletstown Educate Together national school in the Ashtown-Rathborne area, which is awaiting a new school but has now been told that it will be delayed. The temporary premises on which the school is currently located are owned by a developer, and the lease is up in June 2020. It has already been extended and the school has been told by the developer that there will be no further extensions to the lease. Will the school community be evicted from this location? What is the status of the permanent site and what is going on with the Department and the developer? A public meeting will be held next Wednesday, 13 November. I have been trying to get an answer from the Minister for Education and Skills about this for two weeks, but I have not heard back from him. It seems developers are again being prioritised over the needs of ordinary people.

The Taoiseach: I am working on this issue with the Minister for Education and Skills, Deputy McHugh. We are hopeful of coming to a resolution as soon as possible. The new school will be built but has been delayed by roughly a year for various reasons. We want to make sure the school can stay on its current site until the new school is ready. We do not want the children attending the school to be shipped or bused elsewhere for a year. We are seeking to avoid that scenario. The Minister and I are working on it, but we are limited in what we can say as third parties are involved. Once we have a solution, we will inform the parents, as well as Deputy Coppinger.

Deputy Ruth Coppinger: What is the reason for the delay?

The Taoiseach: Negotiations.

Deputy Mattie McGrath: There are various reports that the Local Government Fund had been cut by €30 million this year. In that context, I raise an issue close to my own area in Ardfinnan, where there are problems with a damaged bridge. The bridge has now been repaired, but an application for a footbridge has been made in the interest of health and safety. Many other projects have been proposed as well, but the national children's hospital is draining money from every other project. I ask the Minister to ask the Minister for Transport, Tourism and Sport whether funding can be provided for this project under some other programme, for health and safety reasons. This bridge is used by many people from Ardfinnan and its huge hinterland. Traffic lights and a one-way system have been in place there for the last three years, causing congestion for schools and businesses. Above all, it is more dangerous now than it ever was before.

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I will communicate the Deputy's concerns to the Minister for Transport, Tourism and Sport, Deputy Ross. The national children's hospital has had no impact on funding to local authorities. Indeed, the capital budget for the Department of Transport, Tourism and Sport has increased this year. If there is a particular concern around health and safety on this footbridge, I will speak to the Minister and see what can be done for the local authority.

Deputy Peter Fitzpatrick: A very serious drug turf war is going on between two criminal gangs based mainly in Drogheda, with members of both gangs living locally in Louth and Meath. This began in July 2018 when a drug dealer was shot and survived. A man was subsequently murdered in Clogherhead in August, and another man was recently shot dead in a lovely quiet cul-de-sac in Bettystown. The Garda and I suspect that these gangs are becoming more experienced and are not afraid of anyone in the area. I welcome the additional Garda resources given to Drogheda. The Garda knows what is going on, but it does not have the resources to deal with it. I beg the Taoiseach to address this before it gets out of hand. People around Drogheda, Bettystown and Clogherhead are very concerned about what is happening. The Taoiseach has it in his gift to nip this in the bud once and for all before it becomes more serious. I am asking him, on behalf of the people of Louth and east Meath, to give more resources to the Garda in the area.

The Taoiseach: Both the Minister for Justice and Equality, Deputy Flanagan, and I have visited Drogheda in the last few months to hear about the situation first-hand from both the Garda and people living in the area. Additional resources have been provided by the Garda Commissioner, and it is up to him to decide whether additional resources can be provided in the next few weeks. However, next year's budget for the Garda is being increased substantially to €1.88 billion. It is right and appropriate that the Garda Commissioner, rather than politicians, should decide how best to deploy those resources.

Deputy Danny Healy-Rae: There has been much talk about services for rural Ireland, but we are now being denied a service we once had, namely, a road between Kilgarvan and Ballingeary. The L3402 has been closed since October of last year. The funeral of a very prominent respected man was held in Ballingeary last Sunday evening and was attended by thousands of people. They practically had to go around the world to get from Kerry to Ballingeary. One very bad road is open, but people cannot pass on it. They then have to go into Ballyvourney.

This has been going on for 12 months now. We have been told that the road might reopen some time next year. Pat Twomey was a highly respected man and many people wanted to go to his funeral, but they were delayed both coming and going because of the state of the road.

Deputy Ruth Coppinger: I am sure the Deputy attended the funeral.

An Ceann Comhairle: The Deputy should give way to his brother, who wants to raise the same issue.

Deputy Danny Healy-Rae: Cork County Council tells us that the road will open some time next year. There are many reports and investigations going on. This road was built by people with shovels, crowbars and sledgehammers. We have all kinds of machinery now, but this local road is preventing people from Kerry from going to Cork or Ballingearry and *vice versa*. It is totally unfair. If this were happening here in Dublin, it would have been fixed long ago. If a road were closed here, it would be reopened in two weeks.

Deputy Ruth Coppinger: The Deputy wants to get in and out of funerals faster.

Deputy Michael Healy-Rae: I also call on the Taoiseach, in the most reasoned possible way, to address this. This road is a vital connection. We often hear about the highest pub in Ireland, the Top of Coom, which is owned by the Creedon family. This issue is affecting businesses such as that one, as well as people on both sides of the county border. This is a cross-border problem. I call on my Cork colleagues to put their shoulders to the wheel in asking the Taoiseach and the Government to deal with this. I have been in contact with the Cork county manager and have pleaded with him to ensure the work will be carried out. It is a vital connection between Kerry and Cork.

An Ceann Comhairle: I thank the Deputy.

Deputy Michael Healy-Rae: We are all disappointed that it has been shut down for a year. This would not be allowed to happen in any other part of Ireland.

Deputy Ruth Coppinger: On a point of order, could the Ceann Comhairle ask people to turn off their phones while in the Chamber? One rang twice during my contribution at Leaders' Questions, as well as three times yesterday.

An Ceann Comhairle: Nobody should have their phones turned on.

Deputy Ruth Coppinger: We all have accidents but this is persistent. I am sure Deputies will not miss clients ringing them. They should just turn their phones off for a while.

Deputy Michael Healy-Rae: There is no need to be smart with the Ceann Comhairle like that.

Deputy Ruth Coppinger: Deputies should just turn their phones off. It is rude when people are speaking.

Deputy Michael Healy-Rae: The Ceann Comhairle is in charge and the Chair should be respected.

An Ceann Comhairle: Can we listen to the Taoiseach, please?

The Taoiseach: I thank the Deputies for raising this important issue. I am familiar with the

pub, although I am not familiar with the road. It sounds like a matter for the county councils rather than central government, but I will ask my people to look into it.

Deputy Danny Healy-Rae: It is a matter of public interest.

Deputy Eamon Scanlon: The Department of Agriculture, Food and the Marine has selected 6,840 farmers for remote sensing inspections. The farming community has no issue with that, but it does have an issue with the fact that farmers have to submit their applications before 15 May. They have a few days to sort out their applications and if they go over that, they are penalised. The areas of national constraint, ANC, payments started on 17 September and the basic payment scheme, BPS, started on 16 October. It has now been six months since the applications were submitted and they have not been paid. Some farmers have not yet received a shilling. This has been the worst year. Farming is in crisis. Farm incomes are on the floor. Why not pay 85% of the ANC and 75% of BPS to farmers now? They need it and are desperate for it. That would leave 15% of ANC and 30% of BPS. There are very few issues, but if any remain after the checks are over the money can be deducted from the remaining 15% and 30%. Farmers need money to pay contractors and their families need money for Christmas.

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Andrew Doyle): I thank the Deputy for raising the issue. Remote sensing is not random as I understand. I think he suggested that it was.

Deputy Eamon Scanlon: A total of 6,840 farmers are involved.

Deputy Andrew Doyle: There is a difference between what is selected as a problem and what is selected at random. The issue of 85% being paid has come up time and again. I understand the auditors do not accept that methodology, something with which I have sympathy. There are payment runs twice a week at the moment. It is expected that everybody will be paid as quickly as possible. I have been in that position down through the years and I appreciate it is a problem. We are trying to get through the list as quickly as possible. As far as I know, 92% of all ANC payments have been made and a similar percentage of BPS payments have been made.

Deputy Eamon Scanlon: I have 100 people waiting-----

An Ceann Comhairle: I thank the Deputy. We cannot get into it.

Deputy Gerry Adams: The programme for Government commits the Government to fulfil its mandate as the co-guarantor of the Good Friday Agreement. The Brexit chaos and the demographic and political changes of recent years in the North have accelerated the conversation on the merits of unity. Earlier this week, Ireland's Future wrote to the Taoiseach to ask him to plan for the future. That is the core message of the letter signed by more than 1,000 citizens from civic society, including relatives of the 1916 leaders. The signatories are proposing the establishment of a citizens' assembly, reflecting the view of citizens, North and South, or a forum to discuss the future and achieve maximum consensus on the way forward. Does the Taoiseach accept that it is the responsibility of the Government to plan for the future? Will he consult on this?

The Taoiseach: I thank the Deputy. I read the letter in a newspaper the other day. It arrived in newspapers before it arrived in my office and I did not get a phone call about it in advance. I imagine if I was the Leader of the Opposition, I would have a bee in my bonnet about that and would be feeling disrespected for two years, but I do not. I understand where the signatories

are coming from in terms of their request.

A number of citizens' assemblies are in train. The one on gender equality is about to start and the next will be on local government in Dublin. At this stage, I have had at least ten or 15 requests for citizens' assemblies of some sort. We can only have one at a time, but, notwithstanding that, it is something to which I will give some consideration. I am conscious that a general election is under way in the UK and Northern Ireland. I have always been at pains not to make Brexit a constitutional question for very good reasons. I think the Deputy understands why that is the case.

Deputy Niamh Smyth: In 2015, the Government announced, with much fanfare, a new state-of-the-art Garda station for Bailieborough, which was to cover a wide district in east Cavan. Building work was to commence in September and be completed by summer 2021. Today the site is surrounded by hoardings and there is no sign of any new work. It is an eyesore on the main street of Bailieborough. This is coupled with what happened in Emyvale in north Monaghan, where the Garda station was burned to the ground last month. In addition, the Cavan-Monaghan Garda division will lose ten patrol cars for policing in the Border area. The Taoiseach knows that public confidence in security in the Border region is fragile. Can he reassure me and my constituents today that the Garda station he promised will be delivered, that Emyvale will get a new station and that gardaí will not be left without ten patrol cars within weeks?

The Taoiseach: I thank the Deputy for raising this issue, which is important to people in Cavan and Monaghan. However, this session is on promised legislation and the programme for Government-----

Deputy Niamh Smyth: It is in the programme for Government.

The Taoiseach: -----and there is nothing in either of those about those particular Garda stations. It might be more appropriate to raise this matter with the Minister for Justice and Equality during Question Time or to table a Topical Issue matter.

Deputy Jackie Cahill: I want to highlight the ongoing crisis in the health service in my county, Tipperary. Yesterday, 41 people were on trolleys in South Tipperary General Hospital. Given the size of the hospital and the population it serves, that has to be a record. The long-promised modular unit in Clonmel is still lying idle because of a failure to recruit staff. Our Lady's Hospital in Cashel is lying idle just 12 or 13 miles away. Nenagh General Hospital is being underutilised and the emergency department in University Hospital Limerick is in crisis. The people of Tipperary are fed up with the lack of service and people are dying because of that in the county. We want improvements.

Deputy Michael Collins: Page 6 of the programme for Government promises that efforts to increase access to safe, timely care close to patients' homes will be a priority for the Government. Almost four years on, the health service has deteriorated at an alarming rate under the Government's watch. The numbers of people waiting on trolleys on a daily basis is a national scandal. A total of 649 people are on trolleys today, with Cork being the worst where 93 people have been waiting on trolleys. There were 65 patients are on trolleys in Cork University Hospital, CUH; 23 in the Mercy University Hospital; and five waiting for beds in Bantry General Hospital. Two weeks ago I spent a week fighting for a prominent man in Limerick to get a bed. He was left on a trolley for a week in University Hospital Limerick. What steps is the Govern-

ment going to take? We are not yet in the thick of the winter. What is the Government going to do to address this appalling situation?

The Taoiseach: I outlined the Government's response to this earlier. Perhaps that was before the Deputy came to the Chamber. We are doing a number of things. First, we are increasing the number of beds across the country, including in Clonmel and Limerick. Since 2014, we have been adding more beds to the hospital system. Deputies will recall that when Fianna Fáil and the Green Party were in power during the boom, they took a policy decision to take thousands of beds out of our hospitals. As soon as we had the money to start reversing that, we did so and have been doing so from 2014 onwards.

We are also providing more funding for the fair deal scheme and home help because hundreds of people could be in nursing homes or at home with adequate supports rather than in hospital. We increased funding for those schemes significantly in budget 2020. We also secured an agreement with GPs to increase the scope of the services they provide in the community so that people with chronic diseases such as COPD and diabetes can be better looked after in the community and not need to go into hospital in the first place. Obviously that contract was signed a few months ago and it will be a while before the new services are up and running.

Deputy Bernard J. Durkan: The Garda Síochána (malicious injuries) (compensation) Bill is promised legislation. Given that approximately 5,000 gardaí have been injured in the course of their duty, when is it likely to come before the House? Some degree of urgency might be accorded to it.

The Taoiseach: The Department of Justice and Equality is working on the Bill. Unfortunately, it is not expected to come before the House this session.

Deputy Fiona O'Loughlin: The Taoiseach has heard me raise St. Paul's school in Monasterevin on many occasions in the Chamber. When he was Minister for Education and Skills, Deputy Richard Bruton heard me speak about the school, which has been waiting longer for a new building than any other school in the country; it has waited for 20 years. There have been many blips along the way. The current Minister for Education and Skills visited the school on 2 October to see the situation for himself. The school population has doubled in the past ten years. There are two toilets for 207 boys. It is a very good mixed school and the staff and principal are excellent, but the facilities are shocking. On 2 October, the Minister gave a commitment that the lease for the new school building would be signed within the next two or, at the most, three weeks. More than a month later, we have heard nothing. I do not expect the Taoiseach to have an answer in front of him, but I would appreciate it if he would ask the Minister's office to contact me today to let me know whether there is an update.

The Taoiseach: I am afraid that, given that this session is about questions on promised legislation, I do not have an answer to her question because it relates to a school project, which I am sure is a major issue in Monasterevin. I will ask the Minister for Education and Skills to reply to her query.

Deputy Imelda Munster: I wish to raise the issue of the ongoing drugs feud in Drogheda and the latest horrific murder in Bettystown on Monday. A joint policing committee meeting was held in Drogheda on Monday afternoon. Serious concerns were raised and shock was expressed about the fact that Garda funding for ongoing operations to tackle this feud ran out last Monday. The Garda budget for Drogheda is gone at the height of a feud. An Garda Síochána

has made inroads but without the continuation of this funding and the specialised units, not only is this feud set to escalate - there has only been a lull because of the presence of the specialised units and the extra resources there at the moment - all of the work that has been done will have been for nothing. The Taoiseach does not need me to outline for him the ramifications of that if we do not secure further funding. An Garda Síochána is lodging an application for the continuation of funding this week as a matter of urgency. Will the Taoiseach ask the Minister for Justice and Equality to meet with the Garda Commissioner to ensure that the continuation of this funding is secured as a matter of urgency? In a previous response, the Taoiseach said that it is a matter for the Garda Commissioner but we are at the height of a feud and An Garda Síochána should not even have to go looking for it again. It should be there. Will the Taoiseach ask the Minister to do that before more people are killed?

The Taoiseach: I join the Deputy in acknowledging the progress that has been made in the greater Drogheda area and the success An Garda Síochána has had in quelling violence and tension in Drogheda in the past couple of months. That is, of course, in part connected to the additional resources provided for the area. The budget allocated to An Garda Síochána for next year is €1.88 billion, which is the highest ever budget, so An Garda Síochána has never been as well resourced as it is now. It is a decision for the Garda Commissioner as to how best to allocate resources and I trust him to do that.

Deputy Marc MacSharry: In chapter 7 of the programme for Government, there is a commitment to improve the lives of people with disabilities while chapter 9 refers to making people's older years better. Obviously, chapters 5 and 6, which relate to health and mental health, respectively, are also relevant. Is the Taoiseach aware that, under his Government, the HSE is applying charges to free travel pass holders with disabilities and elderly and ill people with free travel passes in respect of accessing important day services that are vital for them and their treatment and care? This charge has been applied despite the fact that these people depend on very modest social supports and incomes. This charge is being applied throughout the country. Will the Taoiseach commit to reversing this discriminatory and unfair charge? When will he do so and will the Government reimburse the disabled, elderly and ill people who are entitled to and hold free travel passes who are being charged this unfair amount?

The Taoiseach: I am not aware of that but I will have it checked out. My understanding is that the free travel pass applies to public transport, not transport provided by the HSE, the Department of Education and Skills and others.

Deputy Marc MacSharry: We either care for the people or we do not.

Deputy Bobby Aylward: I have raised the matter of community employment scheme supervisors on several occasions. To date, nothing has happened even though there was a recommendation by the Labour Court in 2008 to the effect that community employment scheme supervisors should have an occupational pension scheme. This Government has completely ignored their request and the recommendation by the Labour Court. I am asking that either the Minister for Employment Affairs and Social Protection or the Minister for Public Expenditure and Reform meet with the supervisors to try to thrash this out once and for all. I am constantly being contacted by community employment scheme supervisors in my constituency of Carlow-Kilkenny. These people play a very important role in getting young people in particular back into the labour force. Will the Government recognise their request, sit down and talk to them and try to give them a pension scheme?

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The Taoiseach: I acknowledge and value the work done by community employment schemes and those who supervise them. I had some very good engagement with them when I was Minister for Social Protection but as the Deputy knows, community employment scheme supervisors are not public servants. They are not our employees and any Labour Court recommendation that is made applies to the employer, which is not the Government in this case.

Deputy Bobby Aylward: Will the Taoiseach meet them?

The Taoiseach: I have met them.

Deputy Robert Troy: Since this Government was formed, I do not think the Minister for Transport, Tourism and Sport has come in for one session of Questions on Promised Legislation. One can only suspect that he is reluctant to answer questions without a prepared script. Since the decision by the Supreme Court over 18 months ago whereby asylum seekers are allowed to work, I have continuously raised with the Minister the need to extend eligibility to asylum seekers to apply for a driving licence. He has promised that the matter is under consideration and that his Department is working with the Minister for Justice and Equality to deliver it. In the 18 months since the Supreme Court decision, no progress has been made. This is at a time when we should be welcoming these people into our country and ensuring that they are facilitated by every means to integrate with society. What better way to do this than by affording people the right to drive and go to work? Will the Taoiseach take a personal interest in this and talk to the Ministers for Transport, Tourism and Sport and Justice and Equality in order to ensure that this legislation receives priority so that people who want to make a contribution to society and who are being prevented from doing so on foot of where they live will be able to apply for driving licences?

The Taoiseach: It is now the law that an asylum seeker who has been in the country for more than nine months can work, which is positive. I am pleased that we were able to make that change. My recollection is that much of the law relating to driving licences is linked to EU directives.

Deputy Robert Troy: Other EU countries are facilitating it.

The Taoiseach: There may be an issue around residency but in principle, if we are allowing somebody to work, we should allow him or her to drive to work or drive as part of his or her job so I will look into the matter and obtain a note on it.

An Ceann Comhairle: That concludes Questions on Promised Legislation. Eight Deputies were not reached and will be given priority tomorrow.

Public Health (Electronic Cigarettes and Herbal Cigarettes) Bill 2019: First Stage

Deputy Alan Farrell: I move:

That leave be granted to introduce a Bill entitled an Act to prohibit the sale or supply of electronic cigarettes or herbal cigarettes to persons under 18 years of age and for that purpose to provide for offences, proceedings and authorised officers and to provide for related matters.

I am pleased to have the opportunity to introduce the Public Health (Electronic Cigarettes and Herbal Cigarettes) Bill 2019. As we work to move towards a tobaccoless society, we must also act to ensure our younger citizens are not attracted to smoking of any kind and are not introduced to it through other products. As we know, nicotine is an addictive substance and many vaping or e-cigarette products contain nicotine. Ensuring that our younger citizens are not attracted to such products or herbal cigarettes that do not ordinarily include nicotine must be of the utmost importance, particularly in the context of ensuring that such products do not act as a gateway to tobacco-based products.

This Bill would address several issues. Section 1 provides the definitions for the Bill and follows those definitions used in Directive 2014/40/EU of the European Parliament and of the Council on 3 April 2014. Section 2 of this legislation would make it an offence to sell e-cigarettes, refill containers or herbal cigarettes or to supply or invite to purchase such a product to a person under 18 years of age. Sections 3 and 4 of the Bill propose to provide penalties for an offence under this legislation in line with those provided for tobacco by sections 5 and 6 of the Public Health (Tobacco) Act 2002 and are cognisant of the Fines Act 2010. Section 5 of the Bill relates to “the functions of authorised officers”, that is, the HSE, extending the application of section 45 of the Public Health Act of 2002 to enable it to act in accordance with the provisions of this Bill.

The Bill would address an aspect of our laws that we have, to date, failed to adequately tackle. The fact is that recitals of the directive of the European Parliament and of the Council on 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the member states concerning the manufacture, presentation and sale of tobacco and related products have recommended that an age limit be imposed on the sale or supply of such products. However, this is left as a matter for member states to address in domestic legislation. While we have banned the sale of tobacco products to those under the age of 18, we have not yet taken such action regarding the supply or sale of related products. This Bill will work to prohibit the sale of electronic cigarettes, refill containers and herbal cigarettes to people under 18 years of age and fill a void that currently exists within our domestic law.

I am quite cognisant of the fact that the Minister for Health has obtained approval for a draft scheme of a Bill that covers many of the same aspects as my Bill. However, in this regard, I ask the Government to consider the fact that my Bill is ready and that the likelihood of the Minister’s Bill being subject to the EU’s transparency directive is quite high. The transparency directive, where a Bill is subject, requires member states to notify the Commission of technical regulations in draft and then wait for a standstill period of at least three months before adopting those regulations. The Bill I have brought forward, which proposes to prohibit the sale of e-cigarette and herbal cigarette products to those aged under 18, would not, I argue, be subject to the transparency directive. However, from reading the heads of the Minister’s Bill, I believe it may be subject to the directive. In practice, that would mean that my Bill to ban the sale of these products to minors could be enacted, while the Minister’s Bill, when brought forward, would have to wait some months. That would not just encompass the drafting period but also the standstill period. I must ask the Government to give serious consideration to enacting this Bill. I ask it to do so with a view to implementing the outstanding aspects of the draft scheme published by the Minister last week by way of amending legislation in an effort to deter children from taking up the habit in the short term. We are all working towards the same goal. The sooner we ban the sale of such products to children and introduce the appropriate penalties for doing so, the sooner we can deter children from taking up smoking. That is in all of our interests.

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I commend the Bill to the House.

An Ceann Comhairle: Is the Bill being opposed?

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

Question put and agreed to.

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

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

Question put and agreed to.

Ceisteanna (Atógáil) - Questions (Resumed)

Taoiseach's Meetings and Engagements

1. **Deputy Michael Moynihan** asked the Taoiseach if he has spoken to or met with the First Minister of Scotland recently. [43259/19]

2. **Deputy Richard Boyd Barrett** asked the Taoiseach if he has spoken to or met the First Minister of Scotland recently. [45494/19]

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

I last met First Minister Sturgeon at the British-Irish Council in Manchester on 28 June. We subsequently spoke by phone on 7 August regarding political developments in the United Kingdom, including Scotland, and also Brexit developments. Prior to that, I met the First Minister over lunch in Farmleigh on Monday, 27 May last. We discussed mutual challenges and considered how best to maintain and further develop the strong bilateral relations between Ireland and Scotland. We also discussed the latest political developments in the wake of the recent European Parliament and local elections, as well as Brexit developments. We acknowledged the strength of bilateral relations between Ireland and Scotland and committed to working to maintain and deepen them.

The Tánaiste and the Scottish Cabinet Secretary for Culture, Tourism and External Affairs, Ms Fiona Hyslop, have just announced a joint review of bilateral relations for the next five years. The joint review will cover government-to-government work and will also look beyond government to the areas of business and economy, community and diaspora, academic and research links, culture, and rural, coastal and island communities. We want to learn from the best in each country and empower those who can bring our relationship to a new level. I look forward to greeting First Minister Sturgeon again at the British-Irish Council meeting, which I will host in Dublin next week.

Deputy Micheál Martin: I thank the Taoiseach for his reply. First Minister Sturgeon has always been clear that, since Scotland voted 62% to remain within the European Union, she and

her party are determined to do everything possible to maintain that position. I refer in particular to ensuring that Scotland remains within the customs union and Single Market. The First Minister has also spoken repeatedly about the serious implications for Scotland if Northern Ireland were to stay in the Single Market and Scotland did not. She has also spoken about the close ties between our countries.

It is also interesting that the Scottish National Party, SNP, gained three Members of the European Parliament, MEPs, with a Remain stance when so many Brexiteers were elected in England. A general election is on the way in the UK and the Government cannot take sides, although there have been leaks that the Government is hoping that a Tory victory emerges. We should keep in mind that many forces contesting the UK election are supportive of Remain. Have there been bilateral meetings between officials from each Government? Notwithstanding the review that has just been announced, will additional staff be deployed to the Consulate General of Ireland in Scotland?

Regarding the Brexit situation, Prime Minister Boris Johnson's agreement is a harsher one for the Republic of Ireland than was Prime Minister May's proposition. That aspect has not been given the profile or discussion it merits and it is potentially very serious for us down the road in respect of Britain staying out of the customs union and Single Market. That seems to be where Prime Minister Johnson wants to go. The SNP, the Liberal Democrats, the British Labour Party and others, however, want to stay in the customs union, or as close as possible to it, and within the Single Market. The impact of this UK election will be critical to Ireland, as will the volatility at the end of January and what may happen as a result of the election.

We cannot comment on the various strategies but maintaining a seamless common travel area is still very important in the years ahead, as are reciprocal rights in health, education and social protection. I welcome the review that has been announced. At this stage, however, we probably need to increase the resources we devote to enhancing the relationship between Scotland and the Republic of Ireland. I also believe that the Taoiseach is supportive of Prime Minister Johnson's idea of building a bridge between Northern Ireland and Scotland. Has the Taoiseach spoken to the First Minister or Prime Minister Johnson about this proposal? Is this a serious suggestion or was it just one of these top of the hat comments that the Taoiseach is capable of articulating now and again?

Deputy Brendan Howlin: The Taoiseach stated earlier that he was wary of commentary because an election is under way in the United Kingdom. We need some reflection here, however. During the election campaign already under way, the First Minister of Scotland has indicated that it will remain an important priority for her to have a second independence referendum for Scotland. There is real potential that might form part of the next programme for government in the United Kingdom, if the SNP is supporting the Labour Party or the Liberal Democrats, or some combination of such parties, in a future British Government.

We have to think about our future as well. I listened very carefully to the Taoiseach's answer to a previous question regarding the future structure of the island of Ireland. More than two years ago, I raised the idea that in calm times - and not now in the midst of an election in the next four weeks - we need to start scoping out the prospect of some mechanism for a revisitation of the New Ireland Forum or a Citizens' Assembly. The Taoiseach ruled that out as if it was one issue in a queue of issues. I do not think that this is simply one issue in a queue of ten issues. The future of the island of Ireland, how we envisage that and how we make it an acceptable home for all of the people on the island of Ireland is something that we need to scope out

now. We must not leave it until we are faced with a Border poll for which there has not been proper preparation. If any lessons are to be learned from Brexit, it is that if we are to make any definitive constitutional decisions, an enormous amount of advance preparation needs to be done. The Taoiseach speculated previously that there was some merit in having a Citizens' Assembly on this matter. We should at least sit down, as leaders of the political parties in this Dáil, to think and discuss out loud among ourselves how these issues might be addressed in the coming months and years.

Deputy Jonathan O'Brien: In a similar vein, the Taoiseach may be aware that there was a massive rally in Glasgow last Saturday. Tens of thousands of people took to the streets demanding Scottish independence and supporting a call for a second referendum. Contrary to some of the political commentary we hear when Deputies on this side of the Chamber ask for similar debates on Irish unity, the sky has not fallen in over in Scotland. Now is time to start a conversation here. The upcoming general election in the UK is being used by supporters of Scottish independence as a platform to campaign for independence. That is not being done in just an abstract way. Independence is being viewed in the context of new opportunities that Scotland may enjoy in the new political landscape following Brexit. We are not yet 100% sure what shape that will take. We do not know what is going to happen in the next couple of months concerning the delay. I echo Deputy Howlin's call. We need to start having this conversation. That conversation is already happening and it is no longer an issue of green and orange.

This is about respecting all cultures and traditions within the island, doing what is best for us as an island, and not doing what is best for one culture or tradition over another. We are all in this together and we all need to move forward. We cannot be afraid to have that debate. The sooner we have those types of debates and the sooner we are more open and transparent about where this country is going, the better. As an Irish republican, I want to see a united Ireland. There are other people on this island who do not wish to see that but that does not mean that we should shy away from having those conversations. It is critical we have those conversations. I urge the Taoiseach to start having those conversations with us because, as with many political issues in recent years, the public is way ahead of where this institution is in relation to those debates, and rather than us giving leadership, we will end up being behind the curve regarding the people's wishes. I ask the Taoiseach to reflect on that.

The Taoiseach: I thank the Deputies. I reassure them that the Government will not take sides in the UK general election. While individual parties might support other individual parties, as a Government, we certainly will not have any role or involvement in the UK election.

If there is a conservative win, I would expect the withdrawal agreement to be ratified quickly, allowing us to move swiftly on to talks about the future relationship. Everything is still to play for in terms of the future relationship, particularly because of the joint political declaration talks about tariff-free, quota-free trade between the UK and the rest of the EU, including Ireland, with a level playing field, and that is precisely what I want us to achieve. If there is a different government, a remain-leaning government comprising Labour, the Liberal Democrats and SNP, which wants to reopen the issue of a customs union, we would be happy to talk to them about that and, indeed, would welcome it. I only hope that whatever happens, it is a clear result because what we had for the past couple of years was a finely balanced hung parliament that ultimately could not approve anything.

Deputy Brendan Howlin: We have that here too.

The Taoiseach: I only hope that the result is clear.

In terms of our representation in Scotland, we have a consulate, not an embassy, in Edinburgh and we can certainly give consideration to additional staff there. We have just reopened the Cardiff consulate and I am glad that we were able to do that. We are also examining the possibility of opening a new consulate in the north of England, perhaps in Liverpool or Manchester, because we are aware that we need to think ahead to what the future relationship will look like after the UK leaves the EU and how we can continue to maintain strong relations with our nearest neighbour. Part of that might involve expanding our presence in the north of England as well as deepening our presence in the existing consulates, and seeing if we can use the mechanisms within the Good Friday Agreement, such as the British-Irish Council and the British-Irish Intergovernmental Conference, BIIGC, as vehicles through which we can have deeper bilateral contacts with the UK Government and with the devolved administrations on the islands.

Regarding the idea of a bridge between Ireland and Scotland, it is something I spoke about with the British Prime Minister, Mr. Johnson. He specifically raised it with me when we met on the Wirral. I have not spoken about it with the First Minister of Scotland, Ms Nicola Sturgeon, but I may have the chance to mention it to her next week. Frankly, I do not know if it is feasible. I am aware of the issues that pertain, in particular, to Beaufort's Dyke, but it should not be dismissed or ruled out of hand. Some people dismissed the idea of building a tunnel under the channel between France and England as science fiction. In fact, it was science fiction for a period of time but it is, of course, now a reality. I am aware of 100 km long bridges being built in China, the bridge between Denmark and Sweden, and the bridges in Louisiana, which Members will have seen. Certainly, the distance is doable in engineering terms. Whether the depth is, I do not know.

Deputy Micheál Martin: The Taoiseach will be aware that the British Prime Minister has form in bridges.

The Taoiseach: It is not something that should be-----

Deputy Brendan Howlin: We have a few roads to complete here in our own network first.

The Taoiseach: There certainly is. By the way, I am not suggesting we would pay for it.

Deputy Jonathan O'Brien: We need one in Kerry.

The Taoiseach: I can assure Deputy Howlin of that. If it comes to any cross-Border projects, our priorities, of course, are the A5-N2 to help us to connect better-----

Deputy Micheál Martin: The Taoiseach is indulging the British Prime Minister.

The Taoiseach: -----to Derry and Donegal, and - something I would be very enthusiastic about doing - upgrading the train line from Belfast to Dublin and then on to Cork and Limerick Junction. We made a Cabinet decision the other day to go ahead with a feasibility study of high-speed rail between Belfast and Dublin, and then Dublin, Limerick Junction and Cork, looking at either the possibility of a new-build high-speed rail-----

Deputy Brendan Howlin: Rosslare Europort wants one too.

The Taoiseach: -----or upgrading the existing infrastructure to a higher speed. Those proj-

ects would be a much higher priority on my agenda than a bridge between Northern Ireland and the west of Scotland.

To clarify what I stated earlier, I did not rule out a citizens' assembly on the future constitutional arrangements in Ireland but I remarked that there is a pipeline of citizens' assemblies under way-----

Deputy Brendan Howlin: They all are not of equal merit.

The Taoiseach: -----and we only have the capacity to do one at a time. The one on gender equality, which is of great merit, is about to start. That will run for approximately six months. After that, we will have the one on local government in Dublin.

Deputy Micheál Martin: We need to get on and work the Good Friday Agreement.

The Taoiseach: There are a number of suggestions about other citizens' assemblies that also have merit. There is a suggestion to have one on education. There is a suggestion that we have one on disability. There are lots of suggestions that have merit for a future citizens' assembly and they should not be dismissed.

Regarding this particular proposal, I would only say that the timing is important. There are elections under way in the United Kingdom and north of the Border and we need to be sensitive about that. Brexit is also unresolved. I am keen that we do not constitutionalise the issue of Brexit. There are many unionists north of the Border who feel that the withdrawal agreement undermines the constitutional status of Northern Ireland as part of the UK. I reassure them that that is not the case and that Northern Ireland will remain an integral part of the UK unless and until such time as the majority of people there decide otherwise in accordance with the Good Friday Agreement, and I would not like to do anything that might cause people not to trust us on that. We need to be careful in our guardianship of the agreement. As somebody I admire immensely who Members will know, Ms Pat Hume, the wife of Mr. John Hume, always says, the Good Friday Agreement is the long-term solution. It is not an interim solution. We need to have regard to the fact that if people start to talk and consider and entertain the idea that the agreement might be replaced by something else, those who do not like it at all may misuse that opportunity to undermine the agreement.

Government Information Service

3. **Deputy Brendan Howlin** asked the Taoiseach the number of staff employed in the Government Information Service, GIS; and the communications budget for 2019. [43185/19]

The Taoiseach: There are 15 staff currently employed in the GIS.

Responsibilities of the service include the running of the Government press office and the delivery of Government-wide communications reform.

In line with the recommendations from a review conducted in 2018, the Department has reverted to the GIS model, with a smaller budget, fewer staff and a more limited role.

In further alignment with the review, changes have been made across Departments, which preserve valuable and necessary reforms to ensure value for money, professionalisation and

modernisation of Government communications in general.

The communications budget for GIS is sourced from the administration budget of my Department. The yearly outlay will depend on factors such as whether there are any significant inward State visits or whether events, for example, the outcome of the Brexit negotiations, require additional communication expenditure. Public information campaigns are now largely funded by the relevant line Department and are not funded centrally by my Department.

Deputy Brendan Howlin: I noted the Taoiseach's Twitter post a few days ago questioning whether Fianna Fáil has any policies and where have they all gone. The video the Taoiseach issued implied that Fianna Fáil policies are now few and far between. It reminded me of the type of American-style attack advertisements that are now too frequent. It raises a serious point - the influence of social media and how it is used by politicians in the State, and particularly the rising influence of the far right and external forces in elections. We need strong and enforceable legislation on ongoing political advertising of any sort to ensure our democracy is neither for sale or open to external interference. We have long talked about the requirement to put a statutory electoral commission in place. When will we have that? Many of us thought that we would be in a general election here by now. It is certainly likely that there will be a general election within the next six months. Everybody in this House would want a level playing field for that election. I have two direct questions for the Taoiseach. When does he envisage that the electoral commission will be established on a statutory basis in order to allow it to be the determiner of fair play in future elections? How will he ensure that external influences will not impact on our electoral system in the forthcoming election?

Deputy Micheál Martin: I concur with Deputy Howlin. The failure to progress the electoral commission, which was agreed as part of our Dáil reform programme at the commencement of this Oireachtas, and had been agreed in a previous Government programme dating back to 2012 - and even before that - is extraordinary because it is key to ensuring that we safeguard our democracy, political and election campaigns and referenda. We need a comprehensive statutory based electoral commission to make sure our elections are run properly, effectively and professionally. That goes from registers to the social media impact.

It is important that the role of the Civil Service is never politicised. That has been one of the great strengths of this country since the foundation of the State. The introduction of the strategic communications unit tried to change that and, thankfully, through pressure from the Oireachtas, the position was reversed.

Has the financial allocation to the GIS changed during the past three years? Is the Taoiseach satisfied that the work of the GIS is impartial? Can he outline the reporting relationships within the GIS? Is there a close working relationship between his political staff and staff of the service? Have any external public relations firms advised the GIS on any aspect of its work? Is it involved in promoting Government campaigns such as the Be Winter Ready campaign? Do the same staff manage the *MerrionStreet.ie* website? The Taoiseach might answer those specific questions as it is important we be vigilant in this regard.

I certainly support Deputy Howlin in the context of what he said about the impact of social media, political advertising on social media platforms and the external forces impacting on elections. It is extraordinary that a report on Russian involvement in the Brexit referendum is being withheld. That shows what is going on out there. I am not sure if there is any clear articulation, clarification or a substantive report into what is happening in Ireland in terms of

utilisation of social media by external bodies that may want to influence the direction of policy within the country.

Deputy Jonathan O'Brien: The Taoiseach said that the role of the GIS is to provide a 24-7 service to the media on topics of public interest. He emphasised that this requirement stems from a need to ensure transparency and clarity for all citizens around what the Government is doing. He also stated that the central objective of these channels of communication is to report the work of Government objectively. What mechanisms are in place to ensure that transparency and objectivity is achieved? In practical terms, how does the GIS measure those objectives? What reporting mechanisms are in place for senior civil servants? Does it include a periodic review process? An issue that is becoming more prevalent is that of fact checkers, who have become very popular in the communications sphere. Is this a process the GIS includes in its work? If not, is it something the Taoiseach would consider would be included? Has the Government ever employed an independent organisation to review the work and the organisational goals of the GIS?

Deputy Joan Burton: An extraordinary number of women have stood down from running for elective office in the UK because of what has happened to them in terms of trolling and threats via social media. The Taoiseach has a lot of expertise and an interest in social media. He also has the GIS in his Department, which is uniquely well placed to have an oversight of what is happening in terms of people being threatened. We had the appalling attack recently on Deputy Martin Kenny, whose car was set alight in a very dangerous way outside his house, but I understand he got a tremendous amount of abuse on social media also.

We want everybody to be able to participate in elections. The trolls will not put me off running for election. I am sure they will not put off Deputy Lisa Chambers. However, we have just witnessed unprecedented numbers of women in a very robust UK Parliament opting not to run for election again. I acknowledge that it is not just women who are affected. Could the Taoiseach have conversations with parties or other Members to see if we can limit this particular evil?

An Leas-Cheann Comhairle: I call the Taoiseach to respond. I will try to ensure that there will be 15 minutes for the next question.

The Taoiseach: All parties in this House have shown themselves to be very capable and very adept at attacking their political opponents in any way they can on occasion. There is an advertisement up at the moment from a political party which states that I am against democracy and which compares me to Kim Jong-il. I do not get precious about these things so I hope other people do not either. If one is willing to give it out, one should also be willing to take it.

Deputy Brendan Howlin: Which party put that up?

The Taoiseach: Solidarity-People Before Profit.

Legislation relating to the electoral commission is being worked on at present. We expect to have the heads of a Bill next year. We are working on other legislation that will come in before that. That was approved in principle by Government just this week. That legislation will require transparency when it comes to political advertising online. As we all know now, if somebody puts up a poster on a public lamp post to advertise themselves or a public meeting, it is necessary to state on that who printed it and who is responsible for it. That is not the case online at the moment so we want to pass legislation that requires any online political advertising to be identifiable as to who commissioned it and where it came from. That will be an important

step forward and one that will be widely welcomed in the House.

I am satisfied that the GIS is impartial. In my experience, civil servants are very careful about that and not crossing the line between working for the Department and the Government into the political sphere where they are working for a politician or a party. I am very respectful of that division. It is the case that all my staff have close working relationships with the civil servants in the Department. That is as it should be.

In terms of the Be Winter Ready campaign, I honestly do not know if the GIS is involved in that. I believe it is run by the Department of Housing, Planning and Local Government, but I may be incorrect. I tend not to get directly involved in any of these communication issues for reasons I think people will understand.

I reiterate that neither the GIS nor the Department of the Taoiseach have any role in respect of my social media accounts. *MerrionStreet.ie* is a Government account but the ones under my name are mine. Civil servants and the GIS do not have any role in that at all.

I share Deputy Burton's concerns about the number of women and men, but particularly women, who are leaving politics in the UK because they believe the climate has become toxic. This is not just a social media issue, it is much more than that. Much of it is related to Brexit but perhaps not just that. I do not believe we have had that experience yet in this country but it is increasingly difficult to get people to run for election-----

Deputy Joan Burton: Yes, definitely.

The Taoiseach: -----and agree to be candidates. People who might consider being candidates look at the social media of politicians of all parties, read the comments people make about them and ask themselves if they really want to let themselves in for that. That is a problem we face. How we deal with that while still protecting freedom of expression and freedom of speech, which I am committed to, is a real challenge.

Total expenditure on social media and digital advertising by my Department in 2019 was €1,355.46. That was the public information campaign in March around the budget measures that took effect then.

Brexit Preparations

4. **Deputy Brendan Howlin** asked the Taoiseach the number of staff in his Department working on Brexit preparedness. [43186/19]

5. **Deputy Joan Burton** asked the Taoiseach the number of staff in his Department working on Brexit preparedness. [44317/19]

The Taoiseach: I propose to take Questions Nos. 4 and 5 together.

My Department works closely with the Department of Foreign Affairs and Trade, which has overall responsibility for Brexit. Within my Department, staff across several divisions contribute to the work on Brexit preparedness.

Brexit is an important part of the work of the international, EU and Northern Ireland division in my Department, which has 27 members of staff. The division is headed by a second

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Secretary General, who also acts as the Irish Sherpa for EU business, including Brexit issues. The division assists me in my role as a member of the European Council and in respect of Government consideration of Brexit issues, including negotiations, and also on Northern Ireland affairs and British-Irish relations.

The economic division of my Department also contributes to the overall work on Brexit, to ensure the economy is well placed to avail of future opportunities and meet threats, including Brexit.

My Department also has a dedicated Brexit preparedness and contingency planning unit which comprises nine staff headed by a principal officer. This unit works closely with officials in the Department of Foreign Affairs and Trade to co-ordinate the whole-of-Government effort on planning, programme management and communications on Brexit preparedness. The unit assists a Secretaries General group, which oversees ongoing work on national Brexit preparedness and contingency planning, and an assistant secretaries group on no-deal Brexit planning.

The recent agreement between the EU and UK negotiating teams on a revised withdrawal agreement and political declaration on the future relationship is very welcome. This averted the risk of a no-deal Brexit on 31 October by extending the deadline to 31 January. However, if the agreement is ratified before then the UK can exit earlier. The package is now subject to ratification by the British Parliament and the European Parliament, so there is still some way to go until we have absolute certainty that there will be an orderly UK withdrawal. We are firmly of the view that this opportunity should be grasped and a deal concluded that will ensure an orderly withdrawal can take place.

While the threat of no-deal Brexit has receded, it has not gone away completely. The Government must maintain a state of readiness in its preparations should the threat re-emerge in the period ahead. Even with the best possible agreement, it is still the case that the UK is leaving the EU and this will bring change. It is important that Ireland is ready for that change, for our citizens and our businesses. We will continue our preparations for all scenarios.

Deputy Brendan Howlin: There have been two false starts, and, thankfully, they were false starts, for a British exit. They were 31 March and 31 October. If the Taoiseach were to be honest with the House, he would tell us that we were not prepared on either occasion. A month before the 31 October deadline, we learned that we had to rely on temporary facilities in Rosslare Europort, for example, because permanent facilities will not be available there until 2021 at the earliest. Likewise, we saw the dry run of Operation Purge in Dublin Port. Should there be a queue of traffic going into the port, it is intended that the traffic will be brought into the port around a roundabout and sent back up to the motorway to park at service stations. That is not rational or proper planning.

I wish to make two points. First, I hope we are still preparing to ensure that there are proper facilities in place in the event of a hard Brexit, which is not off the agenda. The Taoiseach said as much in his reply. As regards Rosslare Europort, can he give details of the proposed visit of an Irish delegation to meet French Government officials and officials from Le Havre on connecting the two ports? That would be very welcome. We should have vessels on standby to ensure we have such connectivity in the event of any disruption of the landbridge.

Second, we are not out of the woods in respect of the potential horrendous damage Brexit could do. It is not impossible that there will be a Nigel Farage-Boris Johnson government in

place by Christmas. If that were the case, there is no guarantee that the negotiated settlement is the one that will be put to the British Parliament. It may well be the Nigel Farage view of a WTO agreement, in other words, no agreement or negotiation on a long-term, tariff-free trade arrangement with the European Union. I am interested to hear the Taoiseach's view on that. As I pointed out on the previous occasion we engaged on this, while the deal that was negotiated with Boris Johnson safeguards the essential Border issues, it is a much more detrimental deal for Ireland than the one that was done with Mrs. Theresa May in terms of long-term trade. It moves Britain away from the alignment that Mrs. May wanted. The difficult issues that will face us in the negotiations are either a Johnson government coming to power and renegeing on the deal by the end of January or, even if the deal was ratified by the end of December, getting a trade deal that moves Britain further away from the alignment that allows seamless trade between Ireland and the United Kingdom.

Deputy Joan Burton: Everybody appreciates the hard work the Taoiseach and his team have put into Brexit, particularly the work of the officials in the Department of Foreign Affairs and Trade and his Department. That said, there is serious fear in Dublin about the gridlock that will occur on the M50 and in the Port Tunnel. Currently, 10,000 lorries and 15,000 cars use the tunnel each day. A number of suggestions have been made, such as parking at the big Dublin Airport car parks and parking on the hard shoulder on both sides of the tunnel. Let us consider the experience on the M50 at peak hours in the mornings and evenings. It is so congested that most people try to avoid it like the plague. It is like a slow-moving car park. There are endless small collisions and bumps between cars simply because people are stop-start driving. In bad wet weather such as we have had recently, it is a nightmare.

We discussed a potential resolution for this previously. I acknowledge that much work has been done in Dublin Port, but why are Rosslare, Waterford and Cork not being prepared to take all the south of Ireland traffic? If that could be done, it would remove significant pressure from Dublin and free up space at Dublin Port in respect of Northern Ireland hauliers who might want to use the port in the context of it being European in the future. I realise that this is expensive. It is absolutely crazy. We must also have direct shipping to France and Spain. That can be done from Cork and Rosslare. The Taoiseach said previously that he does not believe the demand exists for it, but has he had an opportunity to review what the reality will be in the event of the UK going out of alignment in a serious way and the potential problems in ports such as Calais with traffic crossing over and back between the UK and the Continent?

Deputy Micheál Martin: Given that the withdrawal Bill has yet to go through the House of Commons and the House of Lords, neither we or the Government can be complacent in respect of how the State prepares for 31 January. The acuity is still present. We know from a series of reports that businesses are still not as prepared as they should be, even though the first deadline was last March. There are ongoing issues in that regard. Now we are facing the third deadline on 31 January. It is interesting that consumer confidence is still impacted by this uncertainty. As I said earlier, even if the withdrawal Bill is passed, it will have a negative impact on the Irish economy because Boris Johnson wants to take Britain out of the customs union and the Single Market. Europe has confirmed this to us. The EU is concerned that he wishes to change the dynamic in the relationship between the UK and Europe in terms of achieving-----

Deputy Brendan Howlin: Being a competitor on low standards.

Deputy Micheál Martin: That is correct. That is the fear among Commissioners in Brussels. Notwithstanding what Mr. Johnson is saying about the political declaration, he wants to

have his cake and eat it yet again if he gets elected.

Despite all of the Brexit awareness campaigns and so on, approximately 58,000 businesses still do not have an EORI number. That is very worrying indeed. The latest AIB Brexit sentiment index found that, despite deep concerns about Brexit, 41% of SMEs in the Republic and 53% of SMEs in Northern Ireland still have not done any planning for it. Some 30% of exporting and importing companies are not taking mitigating actions to address possible Brexit challenges, according to information we have received by way of reply to parliamentary questions. It is important that we make the point that, irrespective of the type of agreement that emerges, Britain leaving the European Union will result in damage to Ireland. It is worrying that many people are not prepared and do not seem to be apprised of the damaging impact that Brexit, in whatever form it takes, will have on exports and, potentially, on services.

It is extraordinary that the services sector has not been examined at all, particularly in respect of regulatory frameworks, regulatory alignments and the clear impulse of the Tory Party to have regulations that are different from those of Europe in certain sectors and which would not be as onerous.

Our beef exports to the UK alone are worth €1.2 billion. That is huge. Some 49% of our total beef exports by value go to the UK. We know that the beef farmers were in extreme difficulty before any of this. The uncertainty of Brexit is not good for the future of the beef industry. Will the Taoiseach outline any short-term plans the Government has to ease the plight of beef farmers? Will he comment on the overall points we have made with regard to preparations?

Deputy Jonathan O'Brien: I will be brief. Regardless of what happens in respect of Brexit, whether there is a deal or not, we all agree that it will have an impact on our economy, as Deputy Micheál Martin has said. The severity of that impact will obviously depend on the type of deal, should a deal actually be agreed. Regardless of whether there is a deal, the impact on our economy needs to be addressed. I believe the Taoiseach said that there are 24 staff working on Brexit preparedness. I may have misheard that but I am sure he will correct me if I am wrong.

In their pre-budget submissions, IBEC and ICTU highlighted the economic issues, how they will have to be dealt with post Brexit and how we will have to change how we do business. How far advanced are the practical plans in respect of tariffs, customs union issues and so on and also in respect of supports to be given to businesses? As Deputy Micheál Martin said, many businesses are not prepared for this. I do not know the reason. Perhaps people are too fixated on what is happening in the House of Commons or perhaps they are under the impression that, if we get a deal, everything will be okay and we will not have to worry. The reality, however, is that even the best Brexit deal we can secure will negatively impact on our economy. We need to be prepared for that.

The Taoiseach: We were prepared for a no-deal Brexit in March and in October, or were at least as prepared as we possibly could be. We will continue our preparations for a no-deal outcome in case we end up facing into that scenario again on 31 January. I have said it before but I want to say it again - being prepared for a no-deal outcome does not mean that there will be no disruption. It does not mean that it will be a case of business as usual. No matter how prepared we are, there will be disruption to our ports and transport infrastructure and to other places in the event of a no-deal Brexit.

With regard to the Rosslare-Le Havre route, I do not have any particular knowledge of that contact but I am glad to hear it happened. The more links we can have between Irish ports and those in mainland Europe, the better. With regard to Rosslare and shipping lines in general, the assessment of the Department of Transport, Tourism and Sport is that there is sufficient unused capacity on existing shipping lines between Ireland and mainland Europe. That was the Department's assessment. The reason it was decided to opt for temporary facilities in Rosslare was that it would be quicker and less costly. We still hope that we will not need permanent facilities or hard infrastructure in Rosslare because it is our ambition to negotiate a quota-free and tariff-free future relationship between the EU, including Ireland, and the UK. Dublin is quite different because the port already receives ships from outside the EU. A different case was made in that respect.

Deputy Burton made a very good point about increasing capacity at other ports so that they could relieve the pressure on Dublin should it come under a lot of pressure as a consequence of Brexit, or even to provide a competitor to Dublin. I believe in competition. I like competition between State-owned enterprises. I would like to see those ports develop in any event. There are, in fact, very significant development plans for the Port of Cork. I am not sure if they are under way yet as there is a legal dispute in that regard, but a very significant upgrade of the port is planned. This is included in Project Ireland 2040. An improvement in the road connection between Ringaskiddy and the city and motorway network is also crucial. The same applies in respect of Shannon Foynes Port. Only a week or two ago, we approved the progression of the Adare bypass and the Shannon Foynes road connection to the planning stage. There are significant developments ongoing in respect of Shannon Foynes. We are going to see better infrastructure in the ports at Foynes, Cork, Waterford and Rosslare in addition to better road connections which will allow them to compete with Dublin for business. That will be a very good thing whether Brexit occurs or not.

Deputy Howlin is correct in his assessment. We are not yet out of the woods with regard to a no-deal Brexit. If the UK election goes one way, the withdrawal agreement will be ratified and we will avoid a no-deal Brexit on 31 January. There is a risk that it could go another way, as Deputy Howlin mentioned. In that case, we could find that the withdrawal agreement cannot be ratified. We cannot rule out the possibility of a no-deal Brexit on 31 January. Even if the agreement is ratified, another potential cliff edge arises at the end of 2020, although the transition phase can be extended. As I said earlier, however, it is all to play for.

There is no such thing as a good Brexit. There are upsides and downsides but the downsides very much outweigh the upsides. That is why Brexit is a bad thing. In all scenarios there will be reduced growth and employment growth but this does not mean recession and it does not necessarily mean higher unemployment. It is all to play for and if I have the privilege of leading the country in negotiations on the future trading relationship, my aim will be to achieve tariff-free and quota-free trade with the UK with a level playing field and the minimum number of checks so that the opportunities lost to the Irish economy can be minimised.

Written Answers are published on the Oireachtas website.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Thomas Byrne - to discuss plans to provide more social housing in County Meath; (2) Deputies Eugene Murphy, Denis Naughten and Michael Fitzmaurice - to discuss the proposed closure of the Cuisle accessible holiday resort in County Roscommon; (3) Deputy Micheál Martin - to discuss plans to replace the family services provided at the Bessborough centre in Cork which is for sale; (4) Deputy Joan Burton - to discuss plans for an investigation into the recent boil water notices issued by Leixlip water treatment plant; (5) Deputy Eamon Scanlon - to discuss vacant posts and provision of speech and language therapy in counties Sligo and Leitrim; (6) Deputies James Browne, Mary Butler, Pat Buckley and David Cullinane - to discuss the overcrowding in the department of psychiatry at University Hospital Waterford; (7) Deputy Michael Moynihan - to discuss delays in issuing forestry licences; (8) Deputy John Brady - to discuss the accommodation situation for North Wicklow Educate Together; (9) Deputy Brian Stanley - to discuss staffing levels in rural schools; (10) Deputy Robert Troy - to discuss the water service in Athlone and the need to upgrade the treatment plant; (11) Deputy Louise O'Reilly - to discuss the need for additional school places in north County Dublin; (12) Deputy Thomas P. Broughan - to discuss supports with staffing levels and upgrade works for schools in Dublin 17 and Dublin 13; (13) Deputy Pat Deering - to discuss the reviews of whole-of-life insurance policies and the constant premium increases; (14) Deputy Sean Sherlock - to discuss the lack of occupational therapists in the north Cork area; (15) Deputy Richard Boyd Barrett - to discuss the possible closure of St. Joseph's dementia care service in Shankill, County Dublin; (16) Deputy Fiona O'Loughlin - to discuss the lack of appropriate ASD units at primary and secondary level in Kildare; (17) Deputy Mattie McGrath - the need to increase resources and staff to the Garda National Drugs and Organised Crime Bureau; (18) Deputy Fergus O'Dowd - to discuss the ongoing drug war in the Drogheda-east Meath area; (19) Deputy Joan Collins - to discuss the decision by Dublin City Council to approve a plan by Bartra Capital for housing on public lands; (20) Deputy Donnchadh Ó Laoghaire - to discuss additional community psychiatry and psychology care for Carrigaline primary care centre; (21) Deputy Catherine Martin - to discuss plans to improve safety for cyclists on our roads; (22) Deputy Jim O'Callaghan - to discuss the timeline or the completion of the works at Scoil Bhríde, Ranelagh; (23) Deputy Niamh Smyth - to discuss additional security supports in the Border region; (24) Deputy Paul Murphy - to discuss the sale of public land at O'Devaney Gardens; and (25) Deputy Peadar Tóibín - to discuss planning irregularities in County Wexford.

The matters raised by Deputy Thomas Byrne, Deputies Eugene Murphy, Naughten and Fitzmaurice, and Deputy Boyd Barrett have been selected for discussion.

Sitting suspended at 2.40 p.m. and resumed at 3.40 p.m.

Message from Select Committee

An Leas-Cheann Comhairle: The Select Committee on Justice and Equality has completed its consideration of the Landlord and Tenant (Ground Rents) (Amendment) Bill 2017 and has made amendments thereto.

Saincheisteanna Tráthúla - Topical Issue Debate

Social and Affordable Housing Provision

Deputy Thomas Byrne: I am particularly grateful to the Ceann Comhairle for affording me the opportunity to raise this matter as a Topical Issue matter today. Tá mé fíorbhuíoch dóibh go léir. It is an important issue and I am glad the Minister of State, Deputy English, is in the Chamber. He knows County Meath well.

I am very worried about the provision of social housing in County Meath. I acknowledge there are projects ongoing, but they are very small in number. My main concern, however, is that they are getting smaller in number over time. When we look towards 2021 or 2022 we are running out of land in the county for direct building by Meath County Council. We are also running out of projects that are currently in planning. As of this month, Meath County Council has 118 houses at construction stage, 47 at tender stage, 168 at design stage and 19 coming through Part 8 developments. While every one of those houses is important, these numbers are too low.

There are also similar projects being done by approved housing bodies, although these are different in that they are not done directly through the county council. Altogether, these projects account for 604 units, some of which have already been delivered because the figure covers the period from 2017 to 2021. These are located in various places and large numbers of them have been bought from private developers, which can cause its own difficulties.

I do not see any landbank owned by Meath County Council on the horizon. As far as I know, the council does not have a policy or budget for buying land. More important in the context of Dáil Éireann is that the Department of Housing, Planning and Local Government does not have a policy or budget to acquire a landbank in County Meath. Where will houses be built in the county? Over the decades, our predecessors, especially those from my party, were able to build large housing projects on large tracts of land. It seems that the possibility of doing that is running out. Many of the direct build housing projects that are up and running, either under construction, going through Part 8, out for tender or in the design stage, are filling in pockets of land that Meath County Council had in its ownership over the years. I do not see beyond that where Meath County Council will be able to build and I do not see the plans for that. This will require a major Government intervention.

It is crazy that by the end of September, 101 couples without children and 23 households with children had been added to the homeless list in County Meath this year. While some of the 53 children in question were placed by homeless services in rented accommodation, that is still a frightening statistic. Every day, the Minister of State and I get emails from families who are about to suffer homelessness. A number of reasons have been given by the county council but the main problems are the issuing of notices to quit and insecure rental. Mortgages are not as much of a problem as rents. So far this year, 762 new applications for social housing support have been granted in Meath. We need much more of a vision for large-scale development in which the State can get involved. This would also have a very positive impact on the housing market. Rather than simply filling in small pockets of land in the county, where is the vision? Where are we going to build houses in future?

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): I thank Deputy Byrne for bringing forward this topic for discus-

sion and providing us with an opportunity to consider what we have achieved in recent years through Meath County Council. I will also outline our plans for the next few years, including funding allocations.

Deputy Byrne will be aware that housing is one of the Government's top priorities. Investment in Rebuilding Ireland has been significantly increased every year. Apart from having sites and planning permissions, the Government must have the ambition to solve and prioritise this issue, which is the case. This year, we have funding of €2.4 billion for housing and the figure will increase to €2.6 billion next year. Capital spending increased by 25% this year. Money is being set aside to try to make this happen. The Deputy is right that it is important to have a pipeline of projects in place in every county, especially priority counties such as Meath, to ensure this money can be spent on projects to deliver housing. Part of my job, through the housing delivery office of my Department, is to look at the pipeline of projects that are coming through across the areas of build, acquisition, lease, housing assistance payment, HAP, and so on. We do this on a weekly and monthly basis with every local authority. We have a very close working relationship with Meath County Council. As a local Deputy, I naturally engage a lot with the council on its projects. Meath County Council has been doing quite well in recent years in responding to the national drive from the Government to improve the situation around housing and put plans in place for the future.

Nationally, 27,000 households will be helped with their housing needs in 2019 and more than 10,000 new social houses will be delivered. These include more than 6,000 direct build units and leased or acquired housing. These are 10,000 taxpayer funded houses that were not available last year. Meath County Council's share of that is approximately 1,100 and rightly so.

With regard to the social housing programme in Meath, the local authority itself is responsible in the first instance for housing delivery on the ground. I cannot tell the local authority what sites to use and the Department does not micromanage every detail. We work with the authority on the proposals it brings forward and make an envelope of money available for projects. We have made that very clear. We have worked with the local authority to set targets for 2018, 2019, 2020 and 2021 and Meath has reached those targets at all stages and gone beyond them. We have made it very clear that the funding is available from the Department to go beyond those targets to put a greater pipeline of projects in place. In 2018, Meath County Council delivered through all of the various mechanisms more than 1,200 new solutions, of which 436 were new social houses provided through build, acquisition and lease. That was 100 more than the target. We funded that happily. It is my job as Minister of State from the local area to ensure the funding is there. Provision through HAP, RAS and so on came to 767 homes. In total, Meath delivered 1,204 houses in 2018 and will be very close to that number in 2019 given the pipeline that is there. Since Rebuilding Ireland commenced in 2016, over 3,400 units in total have been brought forward by Meath County Council across all the schemes.

The ambition is there on the part of the local authority and on the part of the Department. The targets are being reached and I understand we have to put in place the pipeline projects for 2020 and 2021. They are there for 2019 and 2020 to match the targets but I am looking beyond that to 2021 and 2022. We support the local authority to purchase land banks and develop more sites but we have moved on from the days of bringing forward large-scale sites to put hundreds of social houses in a single area while all the private houses are built somewhere else. We try to develop sites with social and affordable housing and private housing together. The projects in the pipeline that are larger include the site in Ashbourne which was previously owned by the Department of Education and Skills and there are sites in Ratoath too. Bettystown is coming

forward this year and next year and housing is being brought forward this year, hopefully, in Cortown and Oldcastle. There are also sites in Nobber, Carlanstown, Donore, Dunshaughlin and Kells. Many sites are being developed which will give us the supply we need for 2019. We have been very clear with the local authority about putting in place more projects, including on its own lands. It has a large land bank in Navan at the Farganstown site and is bringing forward proposals there. The money was sanctioned last week and a project has gone to tender for a new road to open up those lands. That land bank will be brought into use. We encourage the local authority to put together more land banks and will work with it on that.

We recognise the need for the local authority to put in place a pipeline of projects. Meath County Council has, as a rule, responded to what is required of it over the last couple of years. Naturally, the ambition is to go even further. There is a great deal of private sector development in Meath also. It is probably among the top three or four counties for private housing development and that will bring forward other options under Part V, including turn-key options. We want to encourage and continue with that too because we recognise that there is a great deal of demand in Meath to which we want to respond. I am confident the local authority is in a position to do so. It needs to do so and we will certainly work with it on a weekly basis to bring more projects forward. However, the Department cannot tell the local authority which sites in which areas it should use. We can work with the local authority on any project it brings forward. I will try to work with the authority to ensure we give it quick answers and respond as quickly as we can to any proposals it brings forward. We will continue to do that.

Deputy Thomas Byrne: The Minister of State has set out the targets which he says have been exceeded by Meath County Council. I am not going to be critical of the local authority which is working with limited resources. When the Minister of State refers to 1,200 being the total housing delivery for 2018, 767 of those units, or the vast majority, relate to HAP and RAS. That is not sustainable social housing. It is also a reason people are taken off the housing list. Their housing needs are deemed to be met when they go on HAP. While HAP, which is the old rent allowance in a new guise, is important, it is not the answer and it does not provide the stability people need. That is the problem. People need stability and are entitled to it.

I can see the arguments behind why the Minister of State says we are not going back to building hundreds of social housing units in the one place. They are obvious. However, it is not an excuse for having ten here, 20 there or even the two largest projects planned for Meath of 55 units in Ashbourne and 42 in Navan. Farganstown is listed on the current design plans. While the social housing in various rural areas is welcome and there is demand for it and while it has to go through proper planning and so on, it is a drop in the ocean compared to what is required. It is important that whatever social housing is provided is on bus routes, in established communities and suitable for people to live in. We do not want people moving to areas they do not know with no public transport, which is something I have seen happen over the years.

The ambition has to be much greater. While we can see houses going up and houses being bought, I do not see that greater vision into the future. I see a great deal of plugging of holes in terms of filling in sites the local authority already has ownership of and I see that running out. I see a greater reliance on HAP than is there even already and a greater reliance on the purchase of houses in the private market which has the other effect on the housing market of increasing the price for everyone else. If the local authority was building its own houses, it would actually reduce the price for everyone else as there would be more houses there. We have it the wrong way around and are entitled to see a better vision for social housing.

Deputy Damien English: Deputy Byrne should look at his own party's proposals. No party in opposition has greater ambition in relation to social housing than we do in government. We have set out a ten-year plan which brings Rebuilding Ireland forward with a commitment to deliver up to 1,200 social houses a year. I do not see anyone else here with that ambition. The ambition is there at national level and it is backed up by the money allocated to make it happen. The Deputy is right that we need every local authority to match that ambition by bringing forward plans and a pipeline of projects. As a Minister of State in the Department, I sit down with local authorities and officials on a weekly and monthly basis to see where they are going with this and what are their ambitions. In some cases, it is 50 units, 60 units, 70 units or 90 units and it can go over 100 units. However, bringing forward a massive site just for social housing will not happen. The site in Navan is 28 acres and its initial phase involves fewer than 100 social houses. However, a great many more can go on that at the right and appropriate time as determined by Meath County Council.

As I said to Deputy Byrne's colleagues, we will match the ambition of Meath County Council. The funding will be put in place to fund the housing projects it brings forward. Whether it is ten large sites or 40 small sites is a decision for Meath County Council to bring forward through Fianna Fáil and Fine Gael county councillors working together. Meath has responded to the initial targets set and is on track to meet them by delivering over 1,056 permanent new build homes itself. In the short term, it uses the HAP scheme to meet people's needs today and tomorrow and it does so very well. Deputy Byrne mentioned homeless families. The majority of people who become homeless in Meath do so for a very temporary period. The local authority responds quickly using all of our schemes to find those people houses and rightly so. That is what we expect it to do.

I understand what the Deputy is saying. He wants to see what is happening in 2020 and 2021 and I share his wish. We want to work with the local authority to fund plans for the future. We are up for it in our Department and the money is ring-fenced to match that ambition. Meath County Council has brought its housing waiting list down by 20% every year for the last two or three years and is well capable of doing this. We need to continue that positive trend, build on it and bring forward many more projects while also dealing with vacant units. An example in Kells is the €10 million which has been set aside for a street of vacant houses. Meath County Council is beginning to take on a great many initiatives and it can do more with our funding.

Services for People with Disabilities

Deputy Denis Naughten: Cuisle is a unique holiday centre in Ireland and, probably, across Europe. It provides 24-7 care support at a fully accessible holiday and respite centre. It also provides nursing support. The Irish Wheelchair Association has said one of the reasons it is pulling out of the centre is that there has been a reduction in bed night usage at the facility. The six-year average bed-night usage at Cuisle is 4,800 per annum. By the end of 2019, 4,380 bed nights will have been used. The reason for the drop-off has been the lack of recruitment of staff to operate a holiday facility over weekends.

We are now being told Cuisle is not suitable because it is an institution. However, the Irish Wheelchair Association wrote to members of Roscommon County Council in 2018 to say that its facilities resembled those of a hotel and included 34 *en suite* twin and double bedrooms, the Castle restaurant, Harry's Bar, a leisure suite and gyms. That does not look to me like it is an

institution. Further, BDO consultants prepared a report at the time setting out a business plan for the tourism development of that facility, yet the Irish Wheelchair Association now says it is not viable.

Deputy Eugene Murphy: I will add to the sentiments expressed by Deputy Naughten - Deputy Fitzmaurice will speak in a moment - on the shock and consternation in the community of Donamon in Roscommon at how this matter has been handled. The Minister of State visited the area approximately two and a half years ago and he was quite impressed with the centre. He has been a champion for people with disabilities. The budget for 2019 was almost €40 million, which is a record amount. Money is required and refurbishments need to be done. That will cost €1.2 million or €1.3 million. Surely this money can be found out of that €40 million budget?

The Irish Wheelchair Association needs to pull its horns in here. It must respect the public representatives who were elected to represent the people and meet them when they are asked to do so. I urge the Minister of State, who is good at his job, to clarify the information that has been provided to him by Members of the Oireachtas and to ensure that action is taken. This is a disgraceful act. It is not acceptable that any group should make a decision of this type without consultation.

Deputy Michael Fitzmaurice: I thank the Minister of State for the meeting earlier. Some 48 jobs in a rural area are at stake, as well as the fine facilities at the Cuisle centre. There has been talk of the new hotel model. Nobody is opposed to the use of different models but when one listens to them they speak of a ten year projected model. Do they refer to a new HSE model? Works are required but, to be fair, the Divine World Missionaries have said that there would not be a problem with a lease or trying to help financially. We need to pause. Solutions must be found and I ask the Minister of State to intervene in order to ensure that those jobs are saved. This facility is the jewel in the crown in our area. It is one of the finest facilities in the west. We talk about the Hidden Heartlands and there is great potential in this with people working together. Will the Minister of State talk to the head of the Irish Wheelchair Association in order to ensure that this is paused so that plans can be put in place for the benefit of everyone, especially the wheelchair users who avail of the facility.

Minister of State at the Department of Health (Deputy Finian McGrath): I thank Deputies Denis Naughten, Eugene Murphy and Fitzmaurice for raising this very important issue and for giving me the opportunity to respond.

The Government is committed to providing services and supports for people with disabilities which will 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. This year, €1.9 billion has been allocated to the HSE's disability services programme. This is funding the provision of a wide and complex range of services and supports to people with disabilities, including the provision of home support packages and respite services, within available resources. Respite can occur in a variety of settings for any length of time, depending on the needs of the individual, the family and available resources. In recent years, there have been positive changes in accessibility standards in Ireland that now present a greater range of choice and options for people with disabilities seeking a holiday or respite. Consequently, there has been a shift in best practice approaches. This is reflected in current HSE policy - Time to Move on from Congregated Settings: A Strategy for Community Inclusion - and Sláintecare.

In line with this, Irish Wheelchair Association has decided to transition its holiday service in the west to provide accessible hotel holidays into the future, and to move away from its holiday facility at Cuisle, County Roscommon. Cuisle requires major capital development in respect of fire upgrade works estimated to be in the order of €1.5million. The Irish Wheelchair Association has indicated that this level of capital funding is not available within its current resources. Notwithstanding the requirement to ensure regulatory standards are maintained, the HSE has confirmed to Irish Wheelchair Association that this level of capital investment is not considered viable in the context of other potential alternative service options and models from which to deliver respite services.

The Irish Wheelchair Association is planning to provide a wider range of choice to people with disabilities seeking to take a supported respite holiday in the west by partnering with accessible hotels. This new and innovative service will commence in March 2020 in conjunction with the HSE. The Irish Wheelchair Association has been operating comparable hotel holiday breaks in Kilkenny since 2018 and has received positive feedback across the board from guests. Some 99% of guests said that they would return. This service was also shortlisted for an Irish Healthcare Centre award in 2019. The Irish Wheelchair Association hopes that in the coming years, its accessible hotel holiday service will expand to key destinations across the country.

The move to the new holiday service will mean that the Cuisle buildings will not open in 2020. The Irish Wheelchair Association acknowledges the contribution of staff at Cuisle for their contribution to the respite service in the west. Where possible, the Irish Wheelchair Association will offer redeployment opportunities to staff and is engaging with local staff members and their representatives to ensure minimum impact.

Deputy Denis Naughten: We are looking at 45 job losses. If we were we talking about the Minister of State's constituency, the equivalent would be 1,200 job losses. The staff have been given 20 working days notice. That does not show that the Irish Wheelchair Association is acknowledging the contribution of the staff. The staff have also been told by management that there are no, or very minimal opportunities, for redeployment.

The Minister of State has just told the House that the Irish Wheelchair Association is suspending its respite services for five months until the new service comes into play next March. That is totally unacceptable to the service users. Finally, under no circumstances will we in the community accept the removal of equipment which was fundraised for by the local community and was funded through the Exchequer, from the Cuisle facility because we believe the facility has a viable future as a going concern. We plead with the Minister of State to ensure that there is an extension of 12 months to allow us to put in place a viable alternative.

Deputy Eugene Murphy: I plead with the Minister of State to pause the Irish Wheelchair Association's decision. Let us give it a year to see if we can examine and resolve this problem. I am using strong words but how dare the Irish Wheelchair Association carry on like this and behave in this way towards elected representatives? Its treatment of workers has been disgraceful. Some 45 or 46 jobs are at stake. The treatment of the workers is outrageous. What is wrong with this facility? When he visited the area, the Minister of State stated that the facility is outstanding. The decision must be reversed, at least in the short term. Many people use this facility. Not long ago, I received a call from Deirdre, an Irish Wheelchair Association member from Dublin, who had read about this online as did many of her friends. This is disgraceful carry on from a body which has just received €40 million, with the help of the Minister of State, over the past year. I again ask the Minister of State to please reverse this decision, in the short

term at least.

Deputy Michael Fitzmaurice: There is no way that by next March the Irish Wheelchair Association will be able to accommodate over 20,000 bed nights throughout the country. The Irish Wheelchair Association has already outlined that the facilities required are not there in many counties. In general, one gives three or six months notice to staff when it is planned to close a premises. These staff were given 28 or 29 days. On the matter of redundancy or redeployment, the staff have been told bluntly that the chance of redeployment is minimal to none. If the Irish Wheelchair Association ultimately wants to decide that it will not run this any more that is fine. However, it should give us space to work on it. To be fair, the owners of the buildings, the Divine World Missionaries, are willing to help out. A set of drawings is required. It is possible to throw figures at anything and say something will cost €1.5 million or pluck them out of the sky, but let us see. The community, along with the Divine World Missionaries, Government help and the Irish Wheelchair Association must be given the space required to help immediately.

Deputy Finian McGrath: I thank the Deputies for their support for Cuisle. I take on board the points they raised, particularly with regard to staff. I will convey their views and concerns to the HSE.

The Deputies mentioned the Irish Wheelchair Association partnering with hotels. This is to provide people with disabilities with modern and fully-inclusive independent hotel breaks at a range of locations, with easy access to local towns and a wider choice of amenities. The Irish Wheelchair Association has the ethos of delivering services that respond to the wishes of its members. The new service will be located in accessible hotels in the Galway area and the midlands. The Irish Wheelchair Association is in the final stages of the procurement process and will soon be able to announce the exact locations involved.

I am aware of the matters raised by the Deputies and I agree that there will be an impact on people with high-dependency issues. These will require clarification and I have instructed HSE officials in the past few minutes to ensure that this will happen in consultation with the Irish Wheelchair Association. I will revert to the relevant Deputies with this clarification over the coming days. It is essential that common sense prevails. In that context, the Deputies have put forward sensible solutions. I give a commitment that these solutions will be put on the table in trying to resolve the matter.

Deputy Denis Naughten: We will not get any better community facilities than those in County Roscommon.

Deputy Eugene Murphy: Hear, hear.

Mental Health Services Provision

Deputy Richard Boyd Barrett: The Minister of State may have heard on the radio this morning the really shocking news that the St. Joseph's dementia care facility in Shankill has sent letters to the families of those people with dementia in the facility stating the belief that it may have to close very soon, possibly by the end of the year. This is the biggest and, arguably, the best dementia care facility in the country but it may have to close because of a deficit in funding. This is shocking news for people. Everybody in my area knows somebody with a

family member in the facility. A member of my extended family suffered from dementia and she spent her final years there. The staff were wonderful and the care was really amazing.

One of the features of St. Joseph's is that it caters for high-dependency dementia sufferers. It was indicated to me by families of people using the service earlier in the summer that there was a problem. I tabled a parliamentary question at the time expressing concern about the funding deficit and the implications it could have for St. Joseph's but I was informed, in a fairly cold response, that the HSE was discharging its funding responsibilities under the fair deal scheme, which is more properly known as the nursing home support scheme. The problem is that this does not provide sufficient funds for high-dependency sufferers. The extra cost of providing care for high-dependency sufferers of dementia has been covered by St. Joseph's, leading to a deficit of €7 million building up to 2012. St. Joseph's has managed to cover the latter up to now. It is facing an ongoing deficit for this year of €1.2 million and it simply cannot cover it any more. This deficit exists because the National Treatment Purchase Fund, NTPF, the HSE and, ultimately, the Government will not provide the additional necessary funds for high-dependency dementia sufferers.

Ms Emma Belmaine, the chief executive of the facility, put it very well when she explained the cruel injustice of this for families and dementia sufferers. It is difficult enough for family members to deal with high-dependency dementia sufferers without them being treated in this way. She states:

Decision makers and funders need to understand that people living with a diagnosis of dementia cannot be discriminated against and are entitled to the same spectrum of care as those with a different terminal illness. Funding for dementia care also needs to be increased significantly and allocated fairly, not based on numbers in beds but on the needs of people. It should not matter whether the person is receiving that specialist dementia care in a HSE facility, a private nursing home or an independent not-for-profit facility such as St. Joseph's.

I ask the Government, as a matter of urgency, to cover the deficit and ensure the biggest and best care facility for dementia sufferers in this country does not close, causing great hardship for dementia sufferers and their families.

Deputy Finian McGrath: I thank the Deputy for raising this matter, which I am taking on behalf of the Minister of State, Deputy Jim Daly.

St. Joseph's in Shankill is a part of the St. John of God Hospitaller Services Group. It provides both residential care and day care for service users, all of whom have a diagnosis of dementia. Many of the 60 residential places are funded through the nursing homes support scheme. Separately, the HSE contracts for approximately 25 day care places per day at St. Joseph's.

The nursing homes support scheme, commonly referred to as the fair deal scheme, is a system of financial support for people who require long-term residential care. Participants contribute to the cost of their care according to their means while the State pays the balance of the cost. The scheme aims to ensure that long-term nursing home care is accessible and affordable for everyone and that people are cared for in the most appropriate settings. The nursing homes support scheme is expected to support 23,042 people at any one time in 2019. The scheme's budget for 2019 saw an increase of €24.3 million over 2018, making a total budget of €985.8 million for 2019. In 2020, the scheme will see a further investment in its budget of €45 million,

bringing the total annual budget for the scheme to €1.03 billion.

This substantial investment will provide ongoing long-term residential care over the course of 2020, ensuring that the scheme can continue to deliver affordable and accessible nursing home care for our citizens with long-term care needs. The NTPF has been designated by the Minister for Health pursuant to section 40 of the Nursing Homes Support Scheme Act 2009 as a body authorised to negotiate with proprietors of non-HSE registered nursing homes to reach agreement on the maximum price that can be charged for the provision of long-term residential care services to nursing homes support scheme residents.

The NTPF has statutory independence in the performance of its function and negotiates with nursing homes on an individual basis. The Minister for Health does not have any role in this regard. The NTPF has clear and established processes for agreeing prices and has successfully negotiated terms with over 430 private and voluntary nursing homes participating in the scheme. The NTPF's processes are available to all nursing homes and since the end of 2017 there has been a net increase in the number of nursing homes operating in Ireland, with an increase of almost 1,300, or 5.7%, in the number of beds in the nursing homes with which the NTPF has agreed terms. In its statutory role to negotiate maximum prices charged for the provision of long-term residential care services to nursing homes support scheme residents, the NTPF established processes are the appropriate mechanism for engagement. The established processes include provision for an NTPF review mechanism where agreement is not initially reached on the price.

The HSE has been involved in extensive engagement with the St. John of God Hospitaller Services Group about the day care service at St. Joseph's and this engagement is ongoing. I acknowledge the role of private and voluntary providers in residential care provision. I encourage the St. John of God group to continue the engagement with the HSE on day care services. I also encourage the continued engagement with the NTPF processes with regard to the prices for the residential care services.

Deputy Richard Boyd Barrett: My office has been inundated in recent days by frightened people who have family members suffering with dementia in St. Joseph's Shankill because of the possibility that this amazing facility will go. That would cause extreme hardship for dementia sufferers, their families and the wonderful staff and 100 volunteers who assist in this dementia care centre. For example, Frank wrote to me. He said his father died aged 48 years. Then his mother died two years ago in 2017. She was 92. He has been taking care of his stepfather, aged 87, who has had dementia since his mother's death. He works full-time and depends heavily on the service and help of the wonderful people in the day care facility at Saint Joseph's. He said without the service he does not know what he will do. He said the letter he received regarding the consequences should the facility close frightened him. I have received a range of other similar correspondence. Frank and the others who have written to me want to know that the Government is not going to let this facility close for the want of €1.2 million.

Will the Minister of State to acknowledge the point I made earlier? It was the same point Ms Emma Balmaine made, which is that the funding provided under the NTPF does not recognise the difference between low-dependency and high-dependency dementia sufferers. Every other part of our health service recognises that. No one suggests that regardless of how bad a person's cancer is or what level it is at, that person should get the same treatment regardless. The treatment is tailored to the need but when it comes to dementia sufferers the Government has decided a given amount is as much money as a dementia sufferer is getting and no more,

regardless of his or her need. That is cruel and inhumane. By the way, the day care rate given by the HSE to Saint Joseph's Shankill has not increased by a cent since 2008 even though all the costs have gone up dramatically since then. I appeal to the Minister of State to get the Government to intervene to ensure this facility does not close because many people, staff and families will suffer if it does.

Deputy Stephen Donnelly: A Cheann Comhairle, can I have 60 seconds to speak, please? Would that be possible?

An Ceann Comhairle: Deputy Donnelly wants 60 seconds.

Deputy Richard Boyd Barrett: I do not mind.

Deputy Stephen Donnelly: I wish to add my request to this. I wrote to the Minister in June about this. This is the most important and largest dementia care centre of its kind anywhere in the country. Those involved are leading the way. They have revolutionised dementia care in this country. They have been raising the issue for a long time. The centre is a high-care facility and it is getting approximately three quarters of the funding it needs. What is being sought is not much extra.

The letter the chief executive sent out explained that the centre will have to close the doors in approximately seven weeks. Approximately half the staff and patients there come from my constituency of Wicklow. The anguish and fear felt in Wicklow today over this is unprecedented.

Will the Government, as a matter of urgency, agree to short-term funding? We are talking about a small amount. It could ensure funding was in place for a six-month reprieve. That could give time for a proper renegotiation. We have to back these dementia facilities.

Deputy Finian McGrath: Of course, I will bring the concerns of the Deputies back to the Minister of State with responsibility for this area, Deputy Jim Daly, in respect of the important points raised in the debate. I fully acknowledge the important role played by the voluntary and private providers in the provision of services such as residential care and day care for older people, including those with dementia.

I assure the House that appropriate mechanisms exist for service providers such as Saint Joseph's Shankill to engage with the relevant agencies. The Deputies can tell those people who have major concerns or who are worried that, in respect of day care services, there has been intensive engagement between the HSE and Saint Joseph's Shankill this year. The HSE has committed to continuing this engagement with a view to further assisting the facility where possible.

The majority of residents are supported through the nursing home support scheme, under which residents contribute to the cost of the care according to their means while the State pays the balance of the costs. The NTPF has statutory responsibility for negotiating with individual private and voluntary nursing homes to reach agreement in respect of the maximum price that will be charged for the provision of residential care services to nursing home support scheme residents. The fund has well established processes with which all providers must engage. In the event that agreement cannot be reached through the engagement process with the fund, there is a process whereby the nursing home may seek a review by the NTPF chief executive officer. I understand that the initial engagement and negotiation process is active. Given the NTPF has

statutory independence in the performance of its functions, it would not be appropriate for me to comment any further other than to reiterate my encouragement to Saint Joseph's Shankill to engage fully with the established processes.

An Ceann Comhairle: That concludes our consideration of Topical Issue matters for today. We now move to No. 33, which is-----

Deputy Richard Boyd Barrett: Can I raise a point of order?

An Ceann Comhairle: Yes.

Deputy Richard Boyd Barrett: I do not intend to, and will not, disrupt the order of the Dáil. We had a long discussion yesterday and, as you know, proceedings are ongoing about that. There will be more discussion about the issue of money messages. However, I want to get some clarity on precisely what happened to the arrangements for today. The communications that we got leave very big questions in my mind as to exactly how the arrangements for today unfolded or were revised. In the first instance, notwithstanding the issue of the motion and your ruling on the motion, a Cheann Comhairle, there was a slot for Solidarity-People Before Profit due to start now. That was still in the arrangements for today this morning when the business schedule was sent out. At some point later in the day that slot disappeared. How did the decision happen? How did the slot disappear?

An Ceann Comhairle: That is very simple.

Deputy Richard Boyd Barrett: I have one last question. Given that we only received the correspondence at 9 p.m. on Monday, was it your expectation that we could then in that short period submit another motion for the slot, notwithstanding debate about the motion? I just want clarity about how all that unfolded.

An Ceann Comhairle: I am very conscious that this matter is now *sub judice*.

Deputy Richard Boyd Barrett: I am not going to discuss the substantial issue or ask you---

An Ceann Comhairle: It was my understanding, insofar as my understanding is of any benefit in these circumstances, that an alternative motion was suggested to your group, which would have allowed you to debate the generality of issues and, indeed, some of the specific aspects of the issues that you would have been debating had your motion been tabled, but you chose not to avail of that so we have no choice. We have no valid business from you. We had a vote on the Order of Business yesterday and we must proceed in accordance with that vote. We further had a discussion, as you are aware, at the Dáil reform committee where all of the members, save your own Solidarity representative, were of the view that we were proceeding in a correct and appropriate manner.

Deputy Richard Boyd Barrett: I wish to clarify one point. The vote that we took yesterday still included a slot for Solidarity-People Before Profit, did it not? That slot remained in the arrangements for today this morning.

An Ceann Comhairle: We voted yesterday on the arrangements. The arrangements were agreed. There was subsequently no business submitted by yourselves that could go on the agenda and, therefore, we are where we are now.

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Deputy Richard Boyd Barrett: Because the business we submitted was disallowed.

An Ceann Comhairle: Yes. You chose not to submit that which would have been allowed, and would have allowed you to have the same debate.

Deputy Richard Boyd Barrett: Somebody else's motion.

An Ceann Comhairle: Yes, but the debate was-----

Deputy Richard Boyd Barrett: It was not our motion.

An Ceann Comhairle: Let us not get into it.

Consumer Protection (Gift Vouchers) Bill 2018 [Seanad]: Order for Report Stage

Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys): I move: "That Report Stage be taken now."

Question put and agreed to.

Consumer Protection (Gift Vouchers) Bill 2018 [Seanad]: Report and Final Stages

Bill received for final consideration.

Question proposed: "That the Bill do now pass."

Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys): I thank Deputies for their interest in and contribution to the passage of this Bill through the Dáil. I am pleased that the key features of the Bill have been welcomed and supported by all sides during the debate. The provision for a five-year minimum term for gift vouchers and other protections contained in the Bill will be of real benefit to the very many consumers who give and receive gift vouchers. The amendments made to the Bill have improved it considerably and they are important provisions that I believe significantly strengthen the protections provided for in the Bill. I look forward to returning the Bill to the Seanad, to its enactment shortly thereafter and to having it in force in time for the peak Christmas buying period for gift vouchers.

Question put and agreed to.

An Ceann Comhairle: A message shall be sent to the Seanad acquainting it accordingly.

Regulated Professions (Health and Social Care) (Amendment) Bill 2019: Order for Report Stage

Minister for Health (Deputy Simon Harris): I move: “That Report Stage be taken now.”

Question put and agreed to.

Regulated Professions (Health and Social Care) (Amendment) Bill 2019: Report and Final Stages

An Ceann Comhairle: Amendments Nos. 1, 6, 11, 14 and 19 are related and will be discussed together.

Minister for Health (Deputy Simon Harris): I move amendment No. 1:

In page 25, between lines 3 and 4, to insert the following:

“Amendment of section 44 of Act of 1985

17. Section 44 of the Act of 1985 is amended by the insertion of the following subsection after subsection (3):

“(4) (a) Paragraph (b) applies where—

(i) a registered dentist becomes the subject of an order under subsection (3), and

(ii) the Council has reason to believe that—

(I) the dentist is registered in another jurisdiction as a dentist, or has made an application to be registered as a dentist in another jurisdiction which has not yet been determined, and

(II) that order may not have come to the attention of the body duly authorised to perform functions in that jurisdiction that correspond to the functions of the Council.

(b) The Council shall give notice in writing to that body of that order and may, notwithstanding any provision of Directive 2005/36/EC or of the Regulations of 2017, provide that body with a copy of the order and copies of other documents relevant to that order.”.”.

These amendments address an issue relating to data exchange which my colleague, the Minister of State, Deputy Jim Daly, indicated on Committee Stage. At present, regulations in European Economic Area or EEA states are automatically notified when a sanction has been imposed on a registrant. In drafting the Bill, it was considered prudent to provide for this for third countries also, particularly in the context of Brexit. The Bill, therefore, provides that a regulator shall notify sanctions to its equivalent body in another jurisdiction if the regulator has reason to believe the registrant is also registered there. All five Acts provide a mechanism for the regulator to apply to the High Court for the immediate suspension of a registrant where this is considered necessary to protect the public. This suspension comes into effect while steps are being taken under the fitness to practise process. As indicated on Committee Stage, it is necessary to provide separately for exchange of data between regulators outside the EEA

space in these circumstances. Accordingly, a separate provision in each of the Acts is required to provide for this.

The amendments I am now proposing will provide that the regulators will be able to advise their equivalent body in another jurisdiction of an order of the court under the immediate suspension provision where the regulator has reason to believe the practitioner is registered in that jurisdiction, or has made an application to be registered, and that the regulator in that jurisdiction is not aware of the court order. There is already provision to notify in certain circumstances and we are adding to that a provision to notify under the immediate suspension provisions. This was largely welcomed on Committee stage.

Amendment agreed to.

Deputy Louise O'Reilly: I move amendment No. 2:

In page 25, to delete lines 21 to 36.

I have submitted this and similar amendments on which we had a discussion on Committee Stage. We need to open up a dialogue about what exactly is being proposed. The sanctions of admonishment and censure in the respective Acts are considered relatively minor and would not automatically be published where the appropriate regulatory body considered it was not in the public interest. I do not understand what the problem is with the original legislation or why there is a need to make changes at this stage. There is considerable confusion and concern among workers across the health service who are affected by these changes, such as nurses, physiotherapists, social workers, optometrists, doctors and dentists. Why is the Minister seeking to change the primary legislation in this way? The regulatory body may take the view that it is not in the public interest but this almost places an onus on the relevant body to publish.

I will give the Minister a small example of what I mean. Years ago, I represented a nurse who was accused of something that was minor but serious. When she committed the misdemeanour she was in the grip of an issue with addiction but she got her life back on track and, by the time she came before the fitness to practise committee, she had already come through it and was ready to go back to work. The committee took a very benign view but she was terrified that any reference to what she had done would be published, on the basis that she did not present a threat to anybody. She had had an incident but she had dealt with it and had come through it on the other side. Has the Minister had discussions with the representatives of the people who are going to be at the business end of this provision? Can he outline the rationale behind the provision? It seems to me to place an onus to publish. While we should always have a consideration of the public interest, we should also have consideration for the person who will have to deal with the consequences of this.

Deputy Simon Harris: The Bill amends all five Acts to require regulators to notify both the HSE and the employer when a sanction is imposed on a registrant. Provision has also been made to allow the regulator to notify the HSE and the employer where a sanction is applied by a regulator outside the State and the regulator is satisfied that it is in the public interest to do so. This provides a very important protection to the public in light of the increased mobility of health professionals globally. Deputy O'Reilly's amendment would restrict the Dental Council's powers to notify the HSE only when a sanction is imposed in this country and not outside.

Deputy Louise O'Reilly: That is not my intention.

Deputy Simon Harris: I understand the Deputy's intention and I am conscious that the Bill will go through to the Seanad, where will be another chance to have a look at this. From a technical point of view, this would be an accidental consequence of the amendment. It would also remove the express power to notify an employer when such a sanction is imposed and this approach would run contrary to the purpose of the Bill. None of the other amendments for consideration is attempting to remove these powers of notification in relation to the other regulated health professions so this amendment would treat dentists differently from all other health practitioners, though I accept that this is also not the rationale behind the amendment. For this reason, I cannot accept the amendment. On the broader point, however, the capacity to notify the HSE when a registrant has a sanction imposed on him or her outside the State is an important provision and, in the interest of equity, should apply to all health professions. I am not convinced of the case for not having such a provision but perhaps the Deputy and I could discuss it when the Bill goes to the Seanad, as well as the technical issues I have with the amendment.

Other provisions in the Bill require practitioners to make a declaration upon application for registration and every year after sanctions or convictions are applied outside the State. The Bill also provides the power for all five regulators to notify employers and the HSE of sanctions imposed in any country outside the State but this amendment would remove this power in the case of dentists. Public interest is always the test the regulators apply and both the Deputy and I agree with them on this. I am satisfied that the regulators understand the meaning of "public interest" but I am happy to tease the issue through further if the Deputy wishes to consider further amendments in the Seanad.

Deputy Louise O'Reilly: For clarification, it was not my intention to isolate one grade, group or category, although I accept that is how it looks. Sometimes, however, it is not in the public interest. Let us put aside the technicality of the amendment. I accept this is isolated to one group. Does the Minister accept there are scenarios where the sanction could be quite light? The offence, for want of a better word, might be relatively minor. There are scenarios where the public interest is not served by publication or notification of one's employer. I am thinking in particular of the woman mentioned earlier, who I will not name. She was terrified that, should she choose to re-enter the workforce, her employer would be advised of her offence. I acknowledge that an offence was committed, but she had more than come through it. Does the Minister accept that there are scenarios where, for whatever reason, it is not always in the public interest to publish this information? There are situations where the damage caused to the person in question would outweigh any benefit to the public interest.

I accept that there is a technical issue with the amendment. That is fine. Between now and when this Bill comes before the Seanad, I ask the Minister to engage with those representing these people because there are scenarios where the public interest would not be served. I accept that the public interest is absolutely paramount. However, I have experience of situations where it would definitely not have been in the public interest to publish that information in any way, shape or form. It would bring people back to a time in their life when they had a particular issue, through which they have now come. It would be unfair to keep bringing them back to that place.

Deputy Simon Harris: I accept the Deputy's long history and involvement in representing employees in the health service, as well as her knowledge and bona fides in this area. I am happy to engage further on this issue between now and the Seanad's consideration of this Bill.

I will make two points on this amendment. I accept that there are situations where it may

not be in the public interest to publish certain information, but I also trust our regulators to make that determination. The independence and robustness of our regulatory bodies is right and proper. We are empowering our regulators and trusting them in this regard. That is an important point.

On my second point, I do not wish to be pedantic but there is a difference between publication and notification.

Deputy Louise O'Reilly: There is not when people talk.

Deputy Simon Harris: Publication suggests that something is published in a newspaper, as opposed to notification. A person's employer has a right to be notified, but people also deserve second chances. It is about striking that balance. By and large, our regulators understand how to do that and get it right. I am happy to engage further between now and the Bill's passage through the Seanad.

Amendment, by leave, withdrawn.

An Ceann Comhairle: Amendments Nos. 3, 8, 16 and 22 are related and may be discussed together.

Deputy Simon Harris: I move amendment No. 3:

In page 30, line 22, after "post" to insert "or electronically".

I can be brief because this is a largely technical series of amendments. The Minister of State, Deputy Jim Daly, introduced a series of amendments on Committee Stage that would give regulators the option to send notifications about registration by email or other electronic means. At that time, the Minister of State signalled that there may be a need to introduce further amendments on Report Stage to provide for notification by electronic means for events other than registration. We are now bringing forward those technical amendments.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 4:

In page 32, between lines 10 and 11, to insert the following:

"Amendment of section 27 of Act of 2005

26. Section 27 of the Act of 2005 is amended, in subsection (3), by the deletion of paragraph (e)."

This is another technical amendment flagged on Committee Stage. The Minister of State brought forward an amendment on that Stage to further amend the Health and Social Care Professionals Act. The amendment specifically sought to remove the requirement for the council to refer all sanction recommendations from the fitness to practise committee to its registration board. At that stage, the Minister of State indicated that a further technical amendment would be required on Report Stage to delete the recommendation-making function of the registration boards contained in section 27 of the Health and Social Care Professionals Act, as this had been inadvertently omitted from the Bill. This amendment deletes the relevant section of the Act. It is a purely technical amendment to fix an error.

Amendment agreed to.

An Ceann Comhairle: Amendments Nos. 5, 10, 12 and 17 are related and may be discussed together.

Deputy Louise O'Reilly: I move amendment No. 5:

In page 36, to delete lines 30 and 31 and substitute the following:

“33. Section 50 of the Act of 2005 is amended—

(a) in the definition of “disciplinary sanction”, by the substitution of “section 66(1)” for “section 65(1)”, and

(b) by the substitution of the following for the definition of “poor professional performance”:

“ ‘poor professional performance’, in relation to a registrant of a designated profession, means a serious error or failure of the registrant to meet the standards of competence that may reasonably be expected of registrants practising that profession;”.”.

The Minister will be aware that in 2015, the Supreme Court upheld the dismissal of a Medical Council ruling made against consultant paediatrician, Professor Martin Corbally. A finding of poor professional performance was made against Professor Corbally by the Medical Council, and he challenged that finding all the way to the Supreme Court. The Supreme Court judgment was a landmark one. The five-judge court unanimously dismissed the Medical Council’s appeal against the High Court’s quashing of a council decision that Professor Corbally should receive an admonishment over a once-off error. The court said that a threshold of seriousness must be met for a medical professional to undergo a public inquiry. It further stated that it was neither fair nor just that someone like Professor Corbally was subjected to an inquiry with extensive publicity, some of which lacked fairness and moderation. Despite the landmark judgment, the case has not been legislated for. With that in mind, I have submitted this amendment to try to legislate across all the primary Acts to incorporate the Corbally judgment in the definition of poor professional misconduct. I would prefer if such legislative change came from the Minister, but that has not happened. We discussed this on Committee Stage. In the absence of a satisfactory response from him, I will press the amendment and the others that incorporate the Corbally judgment in the definition of “poor professional performance”.

Deputy Stephen Donnelly: I refer to the related issue of appeals going to the courts. A lengthy discussion was held on Committee Stage about finding a reasonable way for people to avoid going to the High Court as their first port of call for an appeal. As Deputy O'Reilly said, it is sometimes necessary for them to do so, and the Supreme Court can also be brought in. At that time, the Minister stated that he would take a serious look at the issue. However, I was disappointed to see that none of his amendments deal with it. It is mentioned on pages 16 and 17 of the Bill, where it is stated that the first port of call is the High Court. Do any of the Minister’s amendments deal with this or is any work being done to find a non-judicial route for a person’s first appeal?

Deputy Simon Harris: I will comment on Deputy O'Reilly’s amendments together. I note her wish to appropriately reflect the Corbally judgment in the regulatory Acts, specifically by

the addition of the words “serious error” to the definition of “poor professional performance”. This was the subject of a good and intense debate on Committee Stage. The issue has been considered by my officials since then, and, indeed, had been considered before Committee Stage as well. As advised on Committee Stage, the health regulators are absolutely clear in their application of legislation that a threshold of seriousness applies to poor professional judgment. The Supreme Court’s judgment in the Corbally case left no doubt in this regard. The judge at the time ruled that:

The term “poor professional performance” has a threshold of seriousness built into it: therefore only conduct or activity, by act or omission, which reaches that level, can be said to meet the test.

Against this clear Supreme Court ruling, these amendments propose to insert a variation of additional phrasing into the definitions in the four Acts. I am advised that such an introduction risks potential unintended consequences and would not bring additional clarity. Do these amendments intend the word “serious” to apply only to error or also to failure, and is that intention sufficiently clear in the proposed definition? As we know, professional regulation is a highly litigated area and the amendment of definitions, in particular, is something we must approach with great caution. It is also worth noting that the regulatory Acts provide for a registrant to provide particular undertakings to the regulator in appropriate circumstances. These may be employed, for example, where the necessary threshold of seriousness has not been met. A revision of the definition could, therefore, impact on these or other aspects of the legislation, which are, therefore, difficult to predict in advance. For these reasons, I remain of the view that it is neither necessary nor desirable to amend the definition and accordingly, I am not in a position to support these amendments. The Supreme Court ruling has provided great certainty, and my fear is that amendments to the definition would accidentally inject a degree of uncertainty into this area.

Deputy Louise O’Reilly: I do not have access to the same facilities as the Minister, but my intention was to legislate for the Corbally judgment. The concerns I raised have not been addressed by his response. It is imperative that we legislate for this. The intention when the judgment was issued was fairly clear. It was a landmark judgment and the dismissal of the Medical Council’s appeal was unanimous. From my perspective and based on the interactions I have had, the intention is to legislate for the Corbally judgment. In the absence of that, I have no option but to press this amendment.

An Ceann Comhairle: Does anyone else wish to comment?

Deputy Simon Harris: I caution the House against that. I do not in any way dispute what Deputy O’Reilly is trying to do. The strong advice available to me is that the definition of “poor professional performance” is provided for in four of the five health professional regulatory Acts already in place. It is not covered in the legislation relating to dentists. That has now been defined by the Supreme Court. There is no greater clarity in terms of understanding that we could arrive at than the Supreme Court. For us to begin to alter the wording would inject a degree of uncertainty. I know that is not the Deputy’s intention, but it could be an unintended consequence. I would genuinely advise against these amendments. I would be happy to engage further with Opposition spokespersons in advance of the Seanad debate, but I am concerned about this.

On Deputy Donnelly’s query, my officials responded to him, through the committee, in

terms of outlining the rationale for confirmation by the High Court versus a lower court. Perhaps I will discuss this with him and we can decide if he wants to pursue it further.

An Ceann Comhairle: The Minister cannot come in again, I am afraid. He is on his second round.

Deputy Simon Harris: I will discuss it with the Deputy.

An Ceann Comhairle: Is the amendment being pressed?

Deputy Louise O'Reilly: Yes.

Amendment put:

<i>The Dáil divided: Tá, 27; Níl, 75; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Barry, Mick.</i>	<i>Aylward, Bobby.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Bailey, Maria.</i>	
<i>Brady, John.</i>	<i>Brassil, John.</i>	
<i>Broughan, Thomas P.</i>	<i>Brophy, Colm.</i>	
<i>Buckley, Pat.</i>	<i>Bruton, Richard.</i>	
<i>Burton, Joan.</i>	<i>Burke, Peter.</i>	
<i>Collins, Joan.</i>	<i>Byrne, Catherine.</i>	
<i>Connolly, Catherine.</i>	<i>Cahill, Jackie.</i>	
<i>Coppinger, Ruth.</i>	<i>Cannon, Ciarán.</i>	
<i>Doherty, Pearse.</i>	<i>Carey, Joe.</i>	
<i>Ellis, Dessie.</i>	<i>Casey, Pat.</i>	
<i>Fitzmaurice, Michael.</i>	<i>Cassells, Shane.</i>	
<i>Funchion, Kathleen.</i>	<i>Chambers, Jack.</i>	
<i>Howlin, Brendan.</i>	<i>Chambers, Lisa.</i>	
<i>Kelly, Alan.</i>	<i>Collins, Niall.</i>	
<i>Martin, Catherine.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Mitchell, Denise.</i>	<i>Coveney, Simon.</i>	
<i>Munster, Imelda.</i>	<i>Creed, Michael.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Curran, John.</i>	
<i>Ó Laoghaire, Donnchadh.</i>	<i>D'Arcy, Michael.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Deasy, John.</i>	
<i>O'Reilly, Louise.</i>	<i>Deering, Pat.</i>	
<i>O'Sullivan, Jan.</i>	<i>Donnelly, Stephen.</i>	
<i>Pringle, Thomas.</i>	<i>Donohoe, Paschal.</i>	
<i>Quinlivan, Maurice.</i>	<i>Doyle, Andrew.</i>	
<i>Sherlock, Sean.</i>	<i>Durkan, Bernard J.</i>	
<i>Stanley, Brian.</i>	<i>English, Damien.</i>	
	<i>Farrell, Alan.</i>	
	<i>Flanagan, Charles.</i>	

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	<i>Fleming, Sean.</i>	
	<i>Grealish, Noel.</i>	
	<i>Halligan, John.</i>	
	<i>Harris, Simon.</i>	
	<i>Harty, Michael.</i>	
	<i>Haughey, Seán.</i>	
	<i>Healy-Rae, Danny.</i>	
	<i>Healy-Rae, Michael.</i>	
	<i>Heydon, Martin.</i>	
	<i>Humphreys, Heather.</i>	
	<i>Kehoe, Paul.</i>	
	<i>Kyne, Seán.</i>	
	<i>Madigan, Josepha.</i>	
	<i>Martin, Micheál.</i>	
	<i>McConalogue, Charlie.</i>	
	<i>McEntee, Helen.</i>	
	<i>McGrath, Finian.</i>	
	<i>McGrath, Mattie.</i>	
	<i>McGrath, Michael.</i>	
	<i>McGuinness, John.</i>	
	<i>McHugh, Joe.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	
	<i>Murphy, Dara.</i>	
	<i>Murphy, Eoghan.</i>	
	<i>Murphy, Eugene.</i>	
	<i>Naughten, Denis.</i>	
	<i>Naughton, Hildegarde.</i>	
	<i>Neville, Tom.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Dea, Willie.</i>	
	<i>O'Keeffe, Kevin.</i>	
	<i>O'Loughlin, Fiona.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ring, Michael.</i>	
	<i>Rock, Noel.</i>	
	<i>Ross, Shane.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Smith, Brendan.</i>	
	<i>Smyth, Niamh.</i>	

	<i>Stanton, David.</i>	
	<i>Troy, Robert.</i>	
	<i>Varadkar, Leo.</i>	
	<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Louise O'Reilly and Aengus Ó Snodaigh; Níl, Deputies Seán Kyne and Tony McLoughlin.

Amendment declared lost.

5 o'clock

Deputy Simon Harris: I move amendment No. 6:

In page 38, between lines 9 and 10, to insert the following:

“Amendment of section 60 of Act of 2005

36. Section 60 of the Act of 2005 is amended by the insertion of the following subsection after subsection (3):

“(4) (a) Paragraph (b) applies where—

(i) a registrant becomes the subject of an order under subsection (3)

(a), and

(ii) the Council has reason to believe that—

(I) the registrant is registered in another jurisdiction in a designated profession or has made an application to be registered in a designated profession in another jurisdiction

which has not yet been determined, and

(II) that order may not have come to the attention of the body duly authorised to perform functions in that jurisdiction that correspond to the functions of the Council.

(b) The Council shall give notice in writing to that body of that order and may, notwithstanding any provision of Directive 2005/36/EC or of the Professional Qualifications Regulations, provide that body with a copy of that order and copies of other documents relevant to that order.”.”

Amendment agreed to.

An Ceann Comhairle: Amendments No. 7, 15, 17 and 21 are related and will be discussed together.

Deputy Louise O'Reilly: I move amendment No. 7:

In page 41, to delete lines 1 to 14.

This section is opposed for the same reasons as I outlined in respect of previous amendments. It has to do with publication. The Minister and I have had a discussion and we agree that we must put the public interest first. I am seeking only to afford a modicum of protection to an individual against whom a finding, even a minor one, is made. In such a circumstance, the publication of a censure or admonishment for a minor infringement could have major implications for a person's professional career and personal life. I think the Minister understands where I am coming from with this amendment. My hope is that he and his officials will take the time to engage with the representative bodies before the Bill moves to the Seanad. These bodies have much more knowledge than we do concerning the potential unintended consequences of publication. I say that with the caveat that the public interest has to come first.

Deputy Simon Harris: As Deputy O'Reilly said, we have already had a discussion. I will reflect further on this issue before the Bill goes to the Seanad. I make the following point to be of assistance should the Deputy decide to have an amendment tabled in the Seanad. The amendment, as drafted, would cover three of the five regulatory bodies and would not cover dentists and pharmacists. I only point that out by way of being helpful. My position remains very similar to that which I expressed in the previous debate we had on notifications.

Amendment, by leave, withdrawn.

Deputy Simon Harris: I move amendment No. 8:

In page 41, line 31, after "post" to insert "or electronically".

Amendment agreed to.

An Ceann Comhairle: Amendment No. 9 has been ruled out of order.

Deputy Louise O'Reilly: May I speak on amendment No. 9?

An Ceann Comhairle: No, it is out of order and Deputies may not speak on matters that are not in order.

Deputy Louise O'Reilly: That is fine.

Amendment No. 9 not moved.

Amendment No. 10 not moved.

Deputy Simon Harris: I move amendment No. 11:

In page 55, between lines 8 and 9, to insert the following:

"Amendment of section 45 of Act of 2007

60. Section 45 of the Act of 2007 is amended by the insertion of the following subsection after subsection (5):

"(6) (a) Paragraph (b) applies where—

(i) a registered pharmacist becomes the subject of an order under subsection (1), and

(ii) the Council has reason to believe that—

(I) the pharmacist is registered in another jurisdiction as a pharmacist or has made an application to be registered as a pharmacist in another jurisdiction which has not yet been determined, and

(II) that order may not have come to the attention of the body duly authorised to perform functions in that jurisdiction that correspond to the functions of the Council.

(b) The Council shall give notice in writing to that body of that order and may, notwithstanding any provision of Directive 2005/36/EC or of the Professional Qualifications Regulations, provide that body with a copy of that order and copies of other documents relevant to that order.”.”.

Amendment agreed to.

Amendment No. 12 not moved.

Deputy Simon Harris: I move amendment No. 13:

In page 90, to delete lines 8 to 14 and substitute the following:

“(2) The Council may, until the 1st anniversary of the commencement of section 94 of the Regulated Professions (Health and Social Care) (Amendment) Act 2019, grant registration in any particular list of the Specialist Division to a medical practitioner who—

- (a) is registered, or is able to be registered, in the General Division,
- (b) on or before 31 December 2008, both met the qualifying criteria for appointment to a medical post in the State as a consultant and occupied such post, and
- (c) satisfies the Council that he or she has sufficient competency such that he or she should be registered as a specialist in that list.”.

This amendment reflects a commitment given on Committee Stage to review and, if necessary, revise a Committee Stage amendment to the Bill. The Committee Stage discussion was very helpful because several Members, principally Deputies O’Reilly and Donnelly, sought greater clarity on eligibility for registration on the specialist division of the Medical Council’s register of a small cohort of medical practitioners who were correctly appointed to consultant posts prior to 2008. As we discussed at the committee, a small number of people would have qualified but, for whatever reasons, whether family life or something else, did not avail of the grandfathering clause at that time. I do not think any Deputy had a difficulty with this cohort being dealt with. Deputy O’Reilly wanted to check that the provision was specific. I am revising the text, therefore, to bring additional clarity to the scope of the provision, especially regarding the cohort of medical practitioners that it is intended to capture. The amendment specifies that a consultant must have been correctly appointed to his or her post under the terms in operation in 2008 and must satisfy competency requirements for registration. I thank Deputies for their helpful comments on Committee Stage. I trust and hope that the revised wording addresses their concern and I respectfully ask the House to accept my amendment.

Deputy Louise O’Reilly: I welcome the clarity the Minister has given. For the avoidance of any doubt and to be a bit belt and braces about the whole affair, this is not intended as

a vehicle by which people who have a lawful entitlement, which I would not interfere with, to a contract of indefinite duration are now practising as consultants. It is explicit and recorded in the House that this is intended to deal only with those people who would, by virtue of their qualifications and experience, in 2008 have been entitled in this regard and not an entitlement by virtue of a contract of indefinite duration. It refers to people who would have had that entitlement at the time but who did not avail of it, for whatever reason. I have spoken to people who, for family reasons, could not avail of the contract and that is fair enough. The intention is to include these people. We need to be very clear that this provision is not intended to add to the register those people only practising as consultants because they have a contract of indefinite duration. That is a whole other conversation that we will have on another day.

Deputy Simon Harris: To be helpful, the Deputy is entirely correct. The amendment introduced on Committee Stage was to facilitate the transfer of a small number of consultants, estimated to be about 30 or 40, from the Medical Council's general division to its specialist division. These are consultants who were correctly appointed to their posts prior to the introduction by the HSE in 2008 of a requirement that consultants be registered in the specialist divisions. The consultants in question did not take advantage, for a number of reasons, of the five-year period during which they could have applied for transfer under the Medical Practitioners Act 2007. On Committee Stage, Members were agreeable to this change but they were concerned that the language used in the amendment was overly broad and could be problematic in terms of access by consultants outside of the intended cohort. The revised text is now being introduced to address those concerns.

Amendment agreed to.

Deputy Simon Harris: I move amendment No. 14:

In page 104, between lines 30 and 31, to insert the following:

“Amendment of section 60 of Act of 2007

109. Section 60 of the Act of 2007 is amended by the insertion of the following subsection after subsection (4):

“(5) (a) Paragraph (b) applies where—

(i) a registered medical practitioner becomes the subject of an order under subsection (3)(a) or (3A)(a), and (ii) the Council has reason to believe that—

(I) the practitioner is registered in another jurisdiction as a

medical practitioner or has made an application to be registered as a medical practitioner in another jurisdiction which has not yet been determined, and

(II) that order may not have come to the attention of the body duly authorised to perform functions in that jurisdiction that correspond to the functions of the Council.

(b) The Council shall give notice in writing to that body of that order and may, notwithstanding any provision of Directive 2005/36/EC or of the

Regulations of 2017, provide that body with a copy of that order and copies of other documents relevant to that order.”.”.

Amendment agreed to.

Amendment No. 15 not moved.

Deputy Simon Harris: I move amendment No. 16:

In page 115, line 22, after “post” to insert “or electronically”.

Amendment agreed to.

Amendment No. 17 not moved.

Deputy Louise O’Reilly: I move amendment No. 18:

In page 118, to delete lines 36 to 39, and in page 119, to delete lines 1 to 3 and substitute the following:

“(c) by the insertion of the following subsection after subsection (11):

“(11A) (a) Subject to paragraph (b) herein, paragraph (a) of subsection (11) shall not apply to the Preliminary Proceedings Committee except in relation to the Committee’s initial consideration of a complaint made before the date of coming into operation of section 129 of the Regulated Professions (Health and Social Care) (Amendment) Act 2019.

(b) Where the Preliminary Proceedings Committee, or a subcommittee thereof, is considering a complaint referred to that Committee—

(i) if the complaint concerns a registered nurse, at least one member of the Committee or subcommittee shall be a registered nurse, and

(ii) if the complaint concerns a registered midwife, at least one member of the Committee or subcommittee shall be a registered midwife.

(c) Subject to section 63, paragraph (a) of subsection (11) shall not apply to the Fitness to Practise Committee except in relation to the Committee’s inquiry into a complaint made before the date of coming into operation of section 129 of the Regulated Professions (Health and Social Care) (Amendment) Act 2019.”.”.

This amendment is submitted to avoid what I hope is an unintended consequence of preliminary proceedings of fitness to practise committees adjudicating on a matter concerning a nurse in the absence of a nurse sitting as part of that committee or similarly adjudicating on a matter concerning a midwife in the absence of a midwife sitting on the committee. It is proposed that the Bill be so amended. To be honest, I thought this was an oversight. Where a member of a regulated health profession is being adjudicated upon, it should be made explicitly clear that a member of the same profession should sit on the preliminary proceedings of fitness to practice committees.

I have discussed this matter with individuals who take these cases and it is their belief that this provision is absolutely essential. I also raised the issue on Committee Stage and it has not been addressed. I will press the amendment to a vote because it is my understanding that the people involved feel extremely strongly about the issue. They initially believed this was an oversight and I thought an amendment would have been made in the intervening period. Since that has not happened, I will press this amendment.

Deputy Simon Harris: I had hoped that Deputy O'Reilly would be open to my powers of persuasion on this matter before deciding to press the amendment. I believe we have addressed the issue the Deputy wishes to address. There are two parts to this, namely, the composition of the committees and ensuring a shorter timeframe for complaints, which is in everybody's interest. While Deputy O'Reilly's amendment addresses the concern about the composition of preliminary proceedings committees and a fitness to practise committee of the Nursing and Midwifery Board of Ireland, it had been suggested that the Bill, as drafted, could potentially have unintended consequences in the make-up of committees. That concern was brought to the attention of my Department earlier this year and an amendment in my name, which addressed this issue and one other issue, was introduced and agreed on Committee Stage. The composition of committees is dealt with in a number of sections in the Nurses and Midwives Act and I am advised that, when read together with my amendment on Committee Stage, they fully achieve the outcome sought by Deputy O'Reilly.

The amendment I introduced on Committee Stage also addressed the second problem, which the Nursing and Midwifery Board of Ireland had identified. The Bill, as initiated, was applying a new streamlined committee structure to complaints received after the section of the Bill comes into effect. This would not have assisted with processing the complaints already received by the board and it could have taken up to two years before the new structure came into effect. For want of a better phrase, we did not want a backlog of complaints building up. Accordingly, the Committee Stage amendment that I introduced applies the new structures to complaints already received but which have not yet progressed to inquiry stage. This approach will ensure that complaints are concluded in a shorter timeframe, which is obviously of benefit to the complainant, registrant, witness and regulator.

I very much appreciate that it is Deputy O'Reilly's sincere intent to address the original issue. However, the amendment, if accepted, would undo the provision which addresses complaints already received when the section takes effect. Accordingly, I cannot support it. I believe I have addressed the concern regarding the composition of the committees with the Committee Stage amendment I brought forward when it is read alongside the Nurses and Midwives Act.

An Ceann Comhairle: Is Deputy O'Reilly persuaded?

Deputy Louise O'Reilly: Let us wait and see. Can the Minister confirm that as part of the preliminary proceedings or the fitness to practise committees, there will be a member of the profession on which the adjudication is being made, for example, a nurse where the adjudication is on a nurse and a midwife where the adjudication is on a midwife? My intention is to ensure that happens. I do not want to undo anything, add to a backlog or do anything like that. Clearly, that is not the intention here. The intention is to ensure that the regulated health profession in question is represented on the committee. If the Minister can give me that assurance, I will find myself amenable to persuasion.

An Ceann Comhairle: It sounds like it is looking good.

Deputy Simon Harris: My officials are even more persuasive than I am.

Deputy Louise O'Reilly: I see them nodding.

Deputy Simon Harris: They have given a clear “Yes” in answer to the Deputy’s question. I hope that assists her.

Amendment, by leave, withdrawn.

Deputy Simon Harris: I move amendment No. 19:

In page 133, between lines 29 and 30, to insert the following:

“Amendment of section 58 of Act of 2011

156. Section 58 of the Act of 2011 is amended by the insertion of the following subsection after subsection (4):

“(5) (a) Paragraph (b) applies where—

(i) a registered nurse or registered midwife becomes the subject of an order under subsection (3)(a), and

(ii) the Board has reason to believe that—

(I) the nurse or midwife is registered in another jurisdiction as a nurse or midwife or has made an application to be registered as a nurse or midwife in another jurisdiction which has not yet been determined, and

(II) that order may not have come to the attention of the body duly authorised to perform functions in that jurisdiction that correspond to the functions of the Board.

(b) The Board shall give notice in writing to that body of that order and may, notwithstanding any provision of Directive 2005/36/EC or of the Regulations of 2017, provide that body with a copy of that order and copies of other documents relevant to that order.”.”.

Amendment agreed to.

Deputy Louise O'Reilly: I move amendment No. 20:

In page 135, to delete lines 15 to 18.

This section proposes to amend the primary legislation, the Nurses and Midwives Act, in a manner which appears unnecessary. It is burdensome in a financial, administrative and personal respect and it will have the unintended consequence of unnecessarily exposing registrants who are suffering from illness to the glare of publicity associated with proceedings in open court. I referred already to a case in which I was personally involved. This section proposes an amendment to section 72 of the Act, which will require now that sanctions of advisement, admonishment or censure are confirmed by a court. Currently, those sanctions do not require confirmation by a court. It is not confirmation by a court that I have difficulty with but the fact that the case is made public. I am happy to listen to what the Minister has to say about how that scenario will be avoided. None of us wants to place regulated health professionals in a scenario

whereby they find themselves in open court in respect of something that does not require the glare of publicity.

Deputy Simon Harris: The Bill provides that for all of the regulated professions, the minor sanctions of advisement, admonishment or censure will now require confirmation by the court before they come into effect. This provision is considered appropriate in light of evolving case law which is increasingly concluding that it is the adverse finding arising from a fitness to practise proceeding rather than the specific sanction which often has the most significance for registrants. It is appropriate, therefore, that such a finding goes before a court before a sanction is applied on a registrant. The Bill, as drafted, will provide for all sanctions to be subject to confirmation by the court. This will result in greater equity of treatment for registrants who are the subject of an inquiry.

I recognise the concerns expressed by Deputy O'Reilly on this issue, particularly in relation to how a registrant may feel he or she will be negatively impacted in the process. However, I must balance that, to use a phrase we keep discussing and with which the Deputy and I both agree, with the public interest in maintaining a transparent, fair and robust system of professional regulation. Under the current legislation, for example, a censure with a fine requires confirmation by the court before it comes into effect, while a censure alone does not. Clearly, the current position is not equitable. Confirmation of all sanctions will ensure that all registrants are subject to the same treatments and protections of the court.

I also remind the Deputy that, in accordance with the definitions discussed earlier, a threshold of seriousness applies to the events giving rise to a fitness to practise complaint and these are cases that have been deemed to meet a threshold of seriousness. In appropriate cases, a regulator may invite a registrant to give an undertaking or consent to a particular course of action and, if given these, conclude the matters and not require the confirmation by the court.

The issue of costs was raised on Committee Stage. It is important to state that in future, as is the case now, it will be the courts which will determine who bears the costs. The determination by the court in these matters cannot be presumed in favour of either party in advance.

Deputy O'Reilly's amendment would relate only to nurses and midwives. I am sure that is unintentional but I need to point that out. For the reasons of equity I have outlined, I do not believe the Deputy wishes to treat one group of registrants more favourably than another. For these reasons, including the technical matter I outlined, I am not in a position to accept the amendment.

Amendment put and declared lost.

Amendment No. 21 not moved.

Deputy Simon Harris: I move amendment No. 22:

In page 140, line 26, after "post" to insert "or electronically".

Amendment agreed to.

Bill, as amended, received for final consideration and passed.

Early Exit from Peat for Electricity Generation: Statements

An Ceann Comhairle: I welcome the Minister for Communications, Climate Action and Environment, Deputy Bruton, and ask him to make his opening statement. Under Standing Order 45, the Minister has ten minutes.

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): I intend to share time with Deputy Marcella Corcoran Kennedy.

I welcome the decision of the Business Committee to allocate time to allow us to discuss this very important issue. As Members are aware, the position in respect of Bord na Móna has been threatened by a number of decisions. This is a very worrying time for workers, their families and the entire midlands region. We have had substantial use of peat in power generation in three plants, one operated by Bord na Móna and two by the ESB. The Edenderry plant has permission for co-firing and that continues to 2023. However, regarding the planning application made by the ESB in respect of the other two plants, in the case of West Offaly Power, a decision was made by An Bord Pleanála that it would not grant the permission sought for co-firing. There was considerable discussion about the opportunity for a judicial review of that decision. Having considered the basis on which a judicial review can be taken, which is essentially a failure of due process within the planning process, the ESB decided that there were no grounds on which to take such a review. An application has been made to Longford County Council in respect of the Lough Ree plant but a decision has not yet been made on it.

Against the background of this considerable setback to the original plan, which was to have a gradual exit from peat but with more years during which it would continue to be used to for electricity generation, the Government has decided that we need to be prudently preparing for alternative opportunities for these workers. I have met the workers concerned, the worker directors, the community and public representatives in the area. There is a strong desire on the part of the workers, their families and the region in general that alternative opportunities would be available to copper-fasten the future of people who anticipated that they would have opportunities to continue to work up to 2027-2028. As a result of that, we have been working diligently to develop those alternatives.

As Members know, in the recent budget we made a significant announcement in that context. That provides for the establishment of a €20 million fund to have aggregated retrofitting in the midlands, which will provide new work opportunities. We also made a decision that we would establish a just transition fund of €6 million, which would be available to support change for both the workers and the region. We also made a decision that, apart from Bord na Móna's work to rehabilitate bogs, which will provide work opportunities, we will also accelerate the work done by the National Parks and Wildlife Service in facilitating the rehabilitation of bogs. We anticipate that the employment opportunities generated by these alternative activities could run to 400 or 500. In addition, Bord na Móna has recognised that it has an obligation to restore its bogs. We have been working with the European Union to consider how further support can be obtained in order to develop a high standard of rehabilitation that would provide additional work opportunities over a sustained period. We continue to discuss the opportunities for that with the European Union.

I have also been involved in discussions with outgoing Commissioner Cañete. We have secured agreement that peat would be included in the coal regions in transition platform. It has been agreed to include peat in that, which will allow us to have the support of a dedicated

country team comprised of Commission experts who will be visiting Ireland next month to work with all those involved - workers in the region, the transition team and Bord na Móna - to develop alternative opportunities.

At the core of this is Bord na Móna's own ambition to move strongly, as it would describe it, from brown to green. It made a significant announcement recently re-endorsing that ambition to move by 80% from brown to green by 2025. It has had significant successes in developing alternative opportunities in recycling, alternative and renewable fuels and alternative activities for its 80,000 ha landbank. It continues to develop those opportunities. They will be important activities. Bord na Móna is unique in the context of the midlands in that it is a commercial State body dedicated to providing employment opportunities in the midlands. It has recognised that we are moving out of solid fuel generation. We are moving out of coal and peat. It must transform that business and provide opportunities for workers and for the regions.

I assure the House that the Government is wholly committed to delivering a just transition for the workers, their families, the region and the enterprises in those areas. We will be seeking to work with all the key players to make that a reality. I have already dedicated my senior officials to develop this retrofitting model, along with other Departments. I have committed to appoint a just transition commissioner who will assist us in developing the framework to achieve that just transition.

Deputy Marcella Corcoran Kennedy: I welcome the opportunity to speak on this vital issue for my area. As I am from west Offaly and having been brought up in Belmont, in Fermoy, I am very well aware of the importance of energy generation to the economy of the area, not only for employment but to generate electricity. As children, all of us were very aware of that growing up. One third of our land mass is comprised of peat so it is no surprise that, for generations, peat harvesting was crucial to the area. We were fortunate enough not to experience emigration at a time when other regions did.

The transition from peat harvesting in the midlands will be enormously challenging. It has been flagged for a number of years but, unfortunately, the decision by An Bord Pleanála in respect of West Offaly Power has accelerated it. That is causing a great deal of concern for the workers, their families, the communities and those of us who care about this issue in terms of public representation both at local and national level. I am aware also that the Government - I thank the Minister in this regard - has been very concerned about this matter. The Minister has made every effort, as has the Taoiseach, in establishing an interdepartmental committee in the Department of the Taoiseach. That shows how seriously the Government is taking this issue. I welcome that. I want to acknowledge the Minister's visits to Offaly. This issue is of huge concern and his visits were very welcome.

I refer to the implications for Offaly County Council and the hole in funding this will create for it. It has been very proactive in the just transition team forum which it put together, the midlands transition team. It is welcome to hear of the positive efforts being made. However, we must never forget that the impact on the workers and their families is at the heart of all this. We must ensure there will be no lack of clarity for them in terms of what they are entitled to access, training and upskilling and the impact on their pensions. We must be clear that they will get everything they are entitled to get.

I also welcome the announcements in the budget about the various funds. One in particular, relating to bog rehabilitation, was strongly welcomed. A number of the workers had identi-

fied this as an area in which they could be well employed for a number of years. I hope Bord na Móna will be able to apply to the climate action fund to ensure the workers have access to further employment to bring them to retirement age, which is what many of them want. Unfortunately, I have run out of time. It is most important that the workers, communities and our county are at the heart of this just transition.

Deputy Jack Chambers: I am sharing time with Deputy Eugene Murphy, if he arrives. I thank the Minister for allocating time for this debate. What is surprising in the context of his opening statement is that he has yet to set out when a commissioner will be appointed for the just transition task force and how independent the commissioner will be. Apart from restating much of what we have heard previously, we have no detail on foot of the Minister's contribution.

We all acknowledge the issues surrounding the transition in the midlands. The title afforded to this debate is incorrect. It refers to a potential early exit, but the problem is a disastrous and unequal exit due to many poor Government decisions for the best part of a decade. There has been much inaction in this area for many years. The switch is being flicked and many workers, communities and livelihoods are being left behind. I acknowledge the work of my colleague, Deputy Cowen, in trying to ensure that a just transition task force was part of the budgetary negotiations. There will be a hypothecated funding allocation for the regions most affected by the transition that we must progress across the Government. The Government's decision to appoint a just transition commissioner might be the right approach and is in line with the recommendations of the Oireachtas joint committee, but there has been little detail from the Minister about when that will happen. It is far too late, however. The commissioner must be appointed before Christmas so that there can be negotiations with workers.

People who are watching this debate will know that workers are at the core of this. They are transitioning from their existing jobs and livelihoods into future prospects of employment, which were announced in the budget. It is one thing to make announcements, but it is another thing to deliver for workers who cannot be left behind. Bord na Móna and the ESB must commence immediately with a respectful deal in early 2020. The commissioner must be independent and must allocate just transition funding on a fair basis to the communities involved. These funds must be made available not only to the midlands but to all affected areas and sectors, for example, the coal plant at Moneypoint is a particular concern for the just transition task force.

I have a question for the Minister about the hypothecated fund that is a key part of the climate action plan. What will be its legal structure to ensure not only that just transition occurs across communities but also that there is no diversion of funds to other areas if gaps have to be plugged in those areas? What will be the legal structure relating to it in order that we can progress it into the future? No legislation has been published yet. Is it a hypothecation within Government figures or will it have a legal standing? It is important for the communities and workers that are adversely affected to see that a just transition task force has a commissioner appointed and that there is a crystallised funding model whereby any moneys raised through carbon tax are allocated and future-proofed. That has not been announced so far by the Government. I am anxious to see progress on the legal basis for that.

The restoration of bogs is a particularly important climate measure. Has the Minister examined the potential employment opportunities in this area, which we heard about at the climate action committee? We also had a great deal of discussion about retrofitting and the employment opportunities in that area. There are potentially thousands of jobs, a matter for the just transi-

tion task force. In addition, the task force must examine the issue of the restoration of bogs. We should see formal details from the Minister in that regard.

There is an absolute fear among people and communities about their livelihoods. Over a number of years there have been delays and a lack of action, and now we are playing catch up. However, that catch up should not be to the detriment of the communities and livelihoods of people whose jobs are being shut down. They have few prospects and little hope until we see more detail. I am surprised that the Minister provided more nebulous information but little detail regarding how he is going to conclude this transition and how he proposes to progress it for the people whose livelihoods are at risk. We know from the climate action committee the number of deaths that occur as a result of fuel poverty. One acceleration for jobs growth will be in the aggregation of retrofitting across the country. There is a potential fund of €30 million for that, but we must see those jobs crystallised into the future.

As regards the just transition fund, can the Minister provide additional information on how the midlands can transition from brown to green? Again, there was little information from him on a roadmap for people's livelihoods and jobs. What is the scale of negotiations that are on-going? There is enormous concern about a mismatch between management level and the feed down to workers on the ground in the midlands. The regions across the board want buy-in on this issue if there is protection of jobs and livelihoods. We have EU and UN obligations, but we cannot leave people behind. That is a core message.

Deputy Eugene Murphy has been delayed. Will he be able to contribute later for a couple of minutes?

An Ceann Comhairle: We will see how the debate goes.

Deputy Brian Stanley: Being from the midlands, I welcome the opportunity to speak on this. We all accept that the move away from brown energy to green energy is happening, but it must happen in a way in which workers and communities are not left behind but are respected and have a future. There must be a just transition. When the committee was putting together the report for the Government, this is one of the areas on which my party and others were united in terms of ensuring it was in the Government's proposals and moved forward.

Unfortunately, that has not been happening up to now and it is having a seriously negative effect on families, workers and communities across the midlands. In County Laois, there was no just transition for the workers of Cúil na Móna. That has been moving away from peat over the last 20 years and has been scaled down, but there has been nothing for the workers over that time. The redundancies announced this year were a shock to workers and families. There were 200 earlier this year in the Offaly area, followed by 150 laid off temporarily in Longford last July. What has been frustrating for many people in the midlands is that the move away from peat has been in progress for 20 years, yet workers and their communities have been left behind. In towns such as Mountrath, which depended on Bord na Móna, there has been no replacement employment for the hundreds who lost their jobs.

We must change how we do this. In the future there must be proper planning and appropriate transition for workers and communities in counties such as Laois and Offaly. For a start, the power stations at Shannonbridge, in west Offaly, and Lough Ree are set to see the public service obligation, PSO, expire on 31 December next. The licences are also due to end in December. I contacted the Department about this, but I am still awaiting a reply. Perhaps the Minister could

let the House know whether these matters have been resolved or what the plan is for these two stations. Obviously, people are very concerned about this. According to the paper published this year by the Commission for the Regulation of Utilities, CRU, the ESB unsuccessfully sought funding to dismantle both Lough Ree and Shannonbridge in the event that these plants lose funding from the PSO levy. If that happens and both plants are shut down, what plans does the Government have in place for the workers? What transition arrangements and alternative employment will be available?

Our party has brought forward a well-researched document titled, *Powering Ireland 2030*. It calls for 80% of energy in the all-Ireland market to be generated from renewable sources. It is an ambitious target but, looking to what has been achieved in other countries, we believe it is achievable.

A key component of such a transition is the development by the State of renewable biomass and biogas sectors. The midlands can be the heart of such development. That is the message I want to convey to the Minister this evening. This presents an opportunity for the midlands because the region has the land, power stations and people with certain skills that can be developed. At the moment Bord na Móna's bioenergy division sources biomass to be used in the Edenderry power station. I am told that one shipload came from Australia. I do not know whether that is correct. A union representative told me that but the Minister might confirm it. We know, however, that shiploads have come from South America. That is absolute insanity from the point of view of the environment, the economy, and building sustainable communities.

We already have raw material, although it is not being utilised. I highlight the fact that there is a surplus of straw in the country in addition to hedge cuttings and forestry thinning waste. Some forestry waste is being utilised but we need to start using all of those sources of biomass. They will not be enough in themselves, which I understand. It is for that reason that Sinn Féin has been arguing for the past eight years that we need to develop biomass crops and to grow them widely. Trials with willow trees have been carried out, which were not that successful, but there are other crops and other examples. We have all been looking at information in that regard over recent years because we know how important it is. We have a large farming sector in this State. We also have issues with waste and emissions. Farming incomes are also low, which is a major issue, particularly in some of the communities where Bord na Móna activities are being scaled down. Many of the people working in Bord na Móna are also part-time farmers. The State should not be importing biomass of any kind of a long-term basis. We need to develop our own supply chains in Ireland.

The Government's plan for the plant at Moneypoint under Project Ireland 2040 is to convert it to burn natural gas by 2025 at a cost of €1 billion. We face a challenge in that respect. The plant was closed for a period. The future of Moneypoint is an issue in the context both of servicing our electricity needs and of the communities and workers involved. We welcome the commitment to phase out coal combustion but consideration has to be given to converting those plants to alternative fuels and to developing biogas and biomass.

Bord na Móna and the ESB are renowned for their apprenticeship schemes. They have an excellent history of, and great credibility and experience in, producing good apprentices and tradespeople. They have good track records in that regard. There is no reason they should fail to play a role in the new green and sustainable energy sector. What plans are in place to upskill those workers currently employed in the peat industry and in the other industries that are to be scaled back? What plans are in place to train them in the high-efficiency construction skills

needed to retrofit homes and to enable them to work in different parts of the country?

With regard to the horticultural sector, the horticultural peat plants at Coolnamona and Kilberry are hanging by a thread. Peat is stockpiled on the bog. I was looking at it again over the weekend. The decision by the British retailer, B&Q, to refuse compost composed partially or totally of peat is a reality. That is what the customer is telling us. Workers in Laois and south Kildare cannot be thrown on the scrapheap. We need to make more use of the facilities at Coolnamona and Kilberry and to provide a sustainable transition for them with regard to horticultural products. There is an opportunity to start using municipal waste to generate compost free from horticultural peat. That needs to be developed. Some of this is being done at Kilberry. I know that and I understand that but it needs to be scaled up. We produce a lot of waste as a country. This is an opportunity to use that waste to move towards more sustainable horticultural products.

We cannot allow the midlands to become a rust belt. We have to ensure that it becomes a dynamic economic area. It has been one in the past. Bord na Móna regenerated Offaly, as did the ESB and other industries. That can be done again as part of the move from brown to green. We are late starters, however, and we are where we are. We need to ramp this up now. We need investment in alternative employment and in training and upskilling. That is why I have proposed that we use the training centre at Mount Lucas. It needs to be expanded. The Laois and Offaly Education and Training Board is doing very good work there but it needs to become a centre for apprenticeship training. I am making the firm proposal that the centre at Mount Lucas, between Edenderry and Daingean, be used for that purpose. I know people who have attended courses there but it needs to become a centre for training and apprenticeships in the new skills required for installing green energy measures, building energy-efficient homes, commercial buildings, offices and community facilities, and retrofitting.

Many communities throughout the State are watching to see what will happen in the midlands with regard to the peat industry because it is the litmus test for how the transition to a more sustainable future will be handled. Successive Governments have handled Bord na Móna poorly. I do not refer only to this Government but to the Governments in the 1980s and 1990s that moved away from horticultural peat and sod fuel, for example. These past actions have served to make communities anxious and concerned. People in rural areas resent the fact that they will carry an unfair share of the financial burden arising from proposed climate actions.

A much better approach to a just transition is needed to gain the trust and support of the ordinary people and communities who will enter into the just transition phase. Moneypoint is a case in point, as are the midlands. We need to do our best in that regard.

An Ceann Comhairle: Is Deputy Sherlock sharing time with Deputy Fitzmaurice?

Deputy Sean Sherlock: Yes. Just transition is about allaying fears by involving those most directly affected. In Ireland, the areas of energy, transport and agriculture all need to undergo rapid transformative change. Hauliers, peat production workers, builders, mechanics and farmers will all be impacted. The sooner we start to plan for their well-being during this transition, the less social and economic disruption we will face. The point of planning for a just transition is that it is not just about climate change, but about people having decent and sustainable livelihoods.

A good example of this from elsewhere in the globe was articulated by our former Presi-

dent, Mary Robinson, in a keynote speech in Dublin last November when she referenced Port Augusta in South Australia where a coal-fired power station was to be closed down. In the five years leading up to the plant's closure, workers, unions, citizens and local businesses came together to research how to achieve a just transition. They developed a thermal solar plant that will create 1,800 jobs and save 5 million tonnes of greenhouse gas emissions. This is a story of how preparation and partnership can work to deliver positive outcomes for all.

This leads us to the Minister's announcements in respect of the midlands following the most recent budget. No matter what part of the country we come from, we all agree that the midlands region is the effective epicentre for the just transition. It is the test bed. I share the views of Deputy Chambers regarding the vagueness in respect of planning.

Notwithstanding the budget announcements, which we understand is the €31 million package for the midlands and the just transition fund, we still do not have sight of what that means in real terms for project delivery on the ground. We do not know, for instance, the detail around the proposed 500 jobs that will be created, as referred to by the Minister, between peatland restoration and the transition into alternative sources of employment.

I believe that we all agree there has to be a transition away from harvesting. I am sure my colleague Deputy Fitzmaurice will speak for the sole traders who are looking after their own little patch of raised bog in his part of the world. There is a case to be made for those people also. I certainly do not have sight of the detail around the just transition as it relates to the midlands. I would welcome a further response from the Minister to provide greater detail on what is his and the Government's vision for how the transition will come to pass.

I am aware that a retrofitting programme for housing was announced in the budget but the detailing of that has yet to be articulated by the Government. We all welcome a retrofitting programme but how will it be implemented and how can we ensure that people will transition from one form of employment into that type of employment into the future? The details of that also remains to be seen.

I welcome the opportunity to discuss the matter. My plea to the Government is for it to provide this House, within a short space of time, with the details of what the just transition means for the midlands and how comprehensive the programme will be. We need to see the devil in the detail on that.

Deputy Michael Fitzmaurice: I thank Deputy Sherlock for sharing time.

The Minister, Deputy Bruton, will be well aware that some 12 to 18 months ago Bord na Móna invited all public representatives to meet it, especially those from the rural areas who are involved in the Bord na Móna areas, so that Bord na Móna could show the lovely, glossy booklet it had done out, probably at great expense, about the just transition that was to happen between 2018 and 2030. This included the plan that guys who had worked on the bogs and at the peat would be ceasing around 2027 and then there would be two years after that for burning peat. A lot has changed since then. There was talk of them going into selling herbs for medicine, or going into fish farming, and trying out so many things that it was going to be an eight to nine-year process that would create employment. Everything looked lovely and we all swallowed it and said "Happy days". Then we look back at what has happened over the past four years while this Government has been in power. The answer to the just transition in Donnelly's

coal yard in Galway, which was controlled by Bord na Móna, was redundancies, and to let them off. The next phase we came to was the workers in Sligo where the coal came in. The just transition was redundancies and let them off. For people in Derryfadda or Mountdillion, or in parts of the midlands where the works have gone, the just transition once again has been, with this lovely magazine type document, to let them off, give them redundancy and head for the hills. That is it. If this is the way we are going to treat people we should be ashamed of ourselves.

First, why are we not standing up? Regardless of whether it is An Bord Pleanála or anybody else, who is calling the shots in this country with regard to legislation and making sure there is such a thing as a just transition for the 1,400 or 1,500 workers currently? We must also remember that those small towns have shops and businesses that rely on it. Unfortunately, we seem to be throwing in the towel and saying that we are going to put a few quid towards this, that and the other. There are proposals around retrofitting houses, which are great and nobody has a problem with retrofitting houses but let nobody go telling. I have seen it first hand during the debacle on the special areas of conservation, SACs, when we talked about re-wetting bogs. The reality is that someone in Antrim, Cork or Donegal, regardless of where they are from, can compete for that work. It does not mean that somebody from the midlands will get it, unfortunately, under the procurement process. I have seen this happen first hand when things were said to people about re-wetting bogs but it did not work out. This €5 million fund is being traipsed out with regard to re-wetting bogs. I can tell the House that I have worked in this area. Before anyone knew what re-wetting bogs was, the National Parks and Wildlife Service and the Turf Cutters and Contractors Association, TCCA had done some 1,800 hectares. Having gone through all of the figures over the past three to four years, and on the best advice, €5 million will be 17 diggers and 17 people up on a machine when they have to use the liners, for 240 days. I do not know who is giving this tripe about 300 or 400 jobs - perhaps it is based on going back to using shovels - but if they use machines that is the amount of time the funding would cover.

We are looking at a Bord na Móna that brought in a shipload of stuff from South Africa that could not be used. This is a company that bought a business in England that went wrong. On top of the 1,600 Bord na Móna workers there are a further 2,000 horticulture jobs in the midlands. Whether we like it or not we need to make sure we give the just transition. Yes, by all means put in for funding for new types of work. Yes, by all means help in every way in that regard. There is a bottom line, however, and growing biomass incentives in the midlands, for those people who have done that, was unfortunately not viable, whether we like it or not. We need to make sure that we do not just drop the hatchet on those people straight away or that they end up with the same story as the people in Donnelly's coal yard or those people in Derryfadda and others who have seen redundancy as the only answer so far.

As politicians we have to stand up and say if we are doing a just transition it is from now until 2025. Everyone bought into that. Let no-one say that they did not buy into it. Perhaps we as legislators have to create a derogation or some legislation to get over the hump in the likes of An Bord Pleanála. Unfortunately there is no drop of a hat solution in a lot of those areas whereby one could solve it overnight.

On re-wetting bogs, there is one thing that needs to be understood: it is the machinery that does most of this work and liners are involved. Although rail lines are to be picked up, whoever is talking about the works or the number of people involved needs to sit down and talk with the National Parks and Wildlife Service, not me. This is not coming from me. Let them go through what has been done already, which will give the facts around the number of jobs, rather than we in here doing it. There is misinformation going out to workers who are in a desperate situation

not knowing their future. We should stand up and be counted for them.

Deputy Bríd Smith: I shall share time with Deputy Paul Murphy.

I welcome the workers from Bord na Móna to the Gallery this evening, many of whom have travelled quite a distance. I thank the Business Committee for acceding to the request by People Before Profit to have this debate. The heading is oddly titled but, as we can see from the discussions, it is about the Bord na Móna workers and just transition, which is supposed to lie at the heart of their future. Their future cannot be considered in isolation from the future of the environment or that of climate justice. In the words of one climate justice campaigner the workers “have earned a living and served the people of Ireland by harvesting peat to heat our homes and power our industries.” They cannot be allowed to have given their blood, sweat and tears and be thrown on the scrapheap.

In ICTU’s publication of 2019, *Building a Just Transition: the case for Bord na Móna*, the union identified very clearly the momentous significance of what is happening in Bord na Móna. These might be the first group of workers to face the challenge of just transition, or the first group of workers with whom Government has to face the challenge of just transition, but they will not be the last. The very workers who turn on and off the lights in the ESB are just around the corner from this. As others have said, it is therefore important that this litmus test is faced.

I was on the Committee on Climate Action. One of the priority recommendations we managed to get through was priority recommendation No. 4 in the energy chapter, which has been completely ignored. Recommendation No. 4 states, *inter alia*:

[I]n the interests of a Just Transition, any decision to close Moneypoint or to end peat production, the Government will guarantee to underwrite the current pay, conditions and pensions rights of workers affected where those workers continue to be employed in State renewable energy industries.

I am glad that we prevailed in sticking with this recommendation which seeks to provide concrete solutions for Bord na Móna and ESB workers. However, there has been a selective invoking of the recommendations of the report of the Committee on Climate Action. The priority recommendations were agreed by the joint committee after lengthy meetings and considered deliberation. Most notably, however, in the case of the Government’s recommendation to increase carbon taxes, it has repeatedly invoked the committee’s recommendations while overlooking completely and ignoring others, including the crucial priority recommendation No. 4 in the energy chapter. It is not acceptable for the Minister and Government to cherry-pick the more regressive recommendations while jettisoning conveniently the ones which are of critical importance to the workers of this country.

I consulted closely with the unions representing Bord na Móna workers in advance of today’s debate and I take this opportunity to relay some of their most pressing concerns. Inadequate levels of finance have been allocated to a just transition to secure jobs and work on bog rehabilitation. The budgetary allocation of €31 million is inadequate for a number of reasons, as was the manner in which it was allocated. The €31 million will be raised through an increase in carbon taxes and allocated to schemes to support a just transition to a low-carbon economy. When one looks at the break-down, however, €20 million will be dedicated to the creation of new energy efficiency schemes, most of which will involve wrap-arounds and retrofitting of

homes in the midlands contracted out to private companies. An allocation of €5 million will be provided for peatland rehabilitation but where will that money go? More than likely, the National Parks and Wildlife Service will contract it out to private companies. A paltry €6 million will be dedicated to a new just transition fund.

The above is in stark contrast to what has happened in the Spanish coal industry. Mining unions in Spain have won a landmark deal for a just transition for coal mining. The *plan del carbon* for northern Spain covers a workforce similar in size to that of Bord na Móna and an investment plan of €250 million has been put in place to provide them with a package of benefits and a sustainable development plan. Approximately 60% of the miners are aged over 48 and those with 25 years of service can take early retirement. They are provided with a redundancy payment of €10,000 as well as 35 days per year of service. Additional payments are provided for miners affected by asbestosis and money has been set aside to restore and environmentally regenerate the former sites, upgrade facilities within the communities themselves and provide for the creation of an action plan for each community. Why can we not do that? In November 2018, the then Minister told the Dáil that Bord na Móna was assessing its eligibility for an application for assistance to the European Union globalisation fund. As of October 2019, that application has still not been made. It is shameful. If the Minister does not instruct Bord na Móna to fast-track that application, he will leave these workers on the scrap heap.

I turn to the position of the workers. The last meeting the workers had with Bord na Móna was described to me as “brutal”. In fact, Bord na Móna has consistently refused to honour outstanding issues, some of which I will outline now. With regard to the retirement age, there is discrimination against older workers. Bord na Móna is refusing to allow workers aged over 62 to retire. Why would it when it can get more years of work out of them without having to pay them any redundancy? Seasonal workers are being disregarded completely and new ways of flexible working are questionable. There is nothing on joint training and upskilling of the workers. ICTU has requested the establishment of a forum at the Workplace Relations Commission but Bord na Móna has refused point blank to engage with the proposal. There is no clarity around plans for the ESB at Shannonbridge and Lanesborough where Bord na Móna workers depend on ESB production. No plan has been outlined for the future.

There are concrete supports we could provide, including training and upskilling, proper redundancy payments, permitting all workers to enter the voluntary redundancy scheme and to deal with the treatment of seasonal workers. The appropriate context for this work is a just transition forum at the Workplace Relations Commission, and not before a commissioner with €6 million who will relate to local businesses. We need to relate to workers and their union representatives otherwise we are giving them the two fingers. We need clarity on what Bord na Móna is doing. A senior figure in the company said recently at a union meeting that a just transition is 95% bull. In fact, he said “bull” with something beginning with “S” attached to it, but I will not use unparliamentary language. That is what he told the unions and that is what he thinks of a just transition. The Minister is the person in charge and we need him to undo this mess immediately, apply to the European Union fund for more money for these workers, talk to the unions in the Workplace Relations Commission, which exists for that reason, and set up schemes to deal justly with the transition from peat production. If we do not do that, we are leading ourselves into major trouble and the Minister may face the wrath of the workers who switch the lights in this country on and off.

I conclude by referring to Naomi Klein, the famous campaigner, who asked how those who inflict brutal, neoliberal climate policies that result only in economic hardship expect these com-

munities to believe them and stay with us to help transition and move to a new system.

Deputy Paul Murphy: I welcome the workers in the Visitors Gallery. This is an incredibly simple issue. We need a rapid, just transition to a net zero carbon economy by 2030, which means moving away rapidly from fossil fuels. It means the use of finite resources such as peat for energy supply must stop immediately. It is incredibly costly to our livable planet to continue to use them. We have to do this in a just way. A just transition means no worker loses out at all. It means no worker losing any income or his or her job and terms and conditions. It is extremely simple. It is necessary to do that for the workers who deserve to have the right thing done by them, in particular in the context of successive Governments from the early 2000s knowing we would face this situation. It is also necessary from the point of view of the environment and the reasons set out by Naomi Klein as referred to by Deputy Bríd Smith.

If we do not have a just transition, there will be no buy-in from ordinary people across the country for the change we need. Instead of treating them as they are being treated now, these workers could be at the heart of a national climate service. They are skilled workers and could play a key role in transitioning our economy. A green new deal with socialist policies involves changing people's lives for the better and giving people decent and quality jobs in transitioning. For example, boglands have great potential as sources of wind and solar power. We need a proposal from the Government to increase wind and solar production on worked-out bogland with major community involvement along with a range of other investments and initiatives to ensure workers do not lose out.

Deputy Thomas Pringle: I wish to share time with Deputy Joan Collins, albeit she is not here yet. She may arrive.

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

Deputy Thomas Pringle: The recent announcement by Bord na Móna that it is to cease to harvest peat for electricity generation because of An Bord Pleanála says it all about Government policy in relation to a just transition, of which more later on. While Bord na Móna has played a remarkable role in the transformation of rural Ireland and provided much-needed jobs and fuel in the midlands and Ireland more generally in the 20th century, we are now facing into a climate and ecological emergency in which the burning and harvesting of peat must cease. If vital jobs in its locations are to be protected, Bord na Móna must transition to alternative enterprises such as renewable energy, biomass energy crop production, afforestation and retrofitting. We must change radically our attitude to land, bogs and energy. We need a new vision for the midlands, for sustainable green jobs and for our precious bogs.

Burning peat for electricity emits more CO₂ than coal and almost twice as much as natural gas. In 2016, peat generated almost 8% of Ireland's electricity but was responsible for 20% of the sector's carbon emissions. Natural peatlands are considered one of the most important ecosystems globally because of their biodiversity value, ecosystem functions, potential for carbon sequestration and storage, and the important amenities they can provide, if managed properly. There is also potential to increase carbon storage from the rewetting and restoration of bogs. However, this will require bold and transformative Government policies and much more funding. The recent budget announcement will fund the restoration of 1,800 ha of bogland over five years. While welcome, that is a drop in the ocean, bearing in mind that Bord na Móna owns more than 80,000 acres and all our bogs and wetlands are releasing up to 9 million metric tons of CO₂ annually.

A managed transition is also in line with the citizens assembly proposals where 97% recommended that the State should end all subsidies for peat extraction and use that money on peat bog restoration instead. The assembly also said that there should be a proper provision for the protection of the rights of workers impacted. That is key. By the end of 2019, the Government will have to eliminate the €100 million in annual subsidies which it currently pays for peat-generated electricity through the PSO levy. While this is the correct approach, it will be a significant challenge for Bord na Móna which is the chief employer in the midlands region, and for the affected workers. Approximately 60 bogs no longer needed for fuel must be converted back to wetlands. Up to 400 jobs will be lost unless alternatives are found rapidly. Part of the alternative must be the retraining of workers to so that they may make the changes required to properties across the country, as there is a shortage of workers in the area. This training should be part of the just transition. From what I recall of the climate action committee, Bord na Móna resisted that and it was not something it wished to be a part of. It should be told that it must be.

Replacing peat with biomass, as power companies plan, is not a sustainable solution. It is only possible because of the loophole in the European renewable energy directive that classifies biomass as a renewable source of electricity. This direction is currently being challenged so this may change. The State is acting hypocritically by claiming to act on climate change while proposing to lift protection from bogs and allowing their ecological value to degrade.

Despite all of Bord na Móna's positive messaging, it has been planning to continue burning peat with biomass until 2027. We have heard how biomass is coming from as far away as Australia, which makes no sense at all. The Government supported this until An Bord Pleanála's decision last June which pushed the climate and sustainable dimension to the fore of Government policy. We have An Bord Pleanála to thank for that, rather than the Joint Committee on Climate Action or the Citizens' Assembly or anything like that. That says it all about Government policy.

Following An Bord Pleanála's refusal of permission for the continuation of Bord na Móna's Edenderry power plant with 30% biomass, the ESB applied for similar permission at Loughrea. New research shows biomass energy is not inherently carbon neutral, although low carbon, but that it can have a climate impact as bad or even worse than fossil fuels and thus, by implication, per unit of energy. Bord na Móna's stated intention was for the station to run on 100% biomass by 2027 but this is unlikely to be feasible and it is clearly not a sustainable solution. These decisions highlight the need for the State to put in place a just transition task force and heed the recent UN call for a land use plan to end destructive land management patterns.

None of this should come as a surprise. Environmental organisations and trade unions have warned for decades that peat-fired generation would have to cease. Recently I read in *The Guardian* how the former US President, Lyndon Johnson, was aware of climate change and its causes and what was happening in the mid-1960s. The oil companies were fully aware of what was happening in the early 1980s. At the turn of the previous century, Irish Governments were aware of what was happening, yet nothing was done. At least now there is a plan, despite its shortcomings.

These bodies have called for plans to be put in place to enable a just and timely transition in order that social and employment impacts can be assessed and provided for. The joint committee discussed this matter at length. Its report of last March recommended that a just transition task force be established to do the research, groundwork and mediation that the just transition will require. We advocated a partnership approach so that all stakeholders could engage on an

equal basis. Sadly, this recommendation was not adopted in full by the Government, which has taken a completely different approach. It is an approach of sticking one's head in the sand. We may be appointing a commissioner to oversee a just transition now, but as far as the Government is concerned, that will take care of the everything.

A structure based on social dialogue, consultation, and inclusion will be essential if we are to engage communities and not alienate them. That is especially the case in the county that I represent, Donegal, as a just transition will not stop in the midlands or with Bord na Móna. It will have to move on to the ESB, and to rural counties where people, through economic necessity, use turf. This is something we will have to address. We have high rates of unemployment, social exclusion and fuel poverty, especially since the financial crash in 2008. From first hand experience, I know that many families returned to cutting turf fuel due to the sheer financial crisis in which they found themselves after 2009. We should not contemplate imposing further restrictions on turf cutting without first considering human needs and how these will be met. Social justice and environmental justice must go hand in hand.

I propose that a just transition should be funded for the entire country. The midlands is currently the crisis point but we must be prepared to move it right across the board. That would dedicate resources into home retrofitting to alleviate fuel poverty and bog rehabilitation. The problem is not confined to the midlands, and we should not limit the role of the just transition commissioner to that region only if we are serious about protecting our blanket bogs and ensuring that no one is left behind in the process.

Deputy Mattie McGrath: I am glad to have the opportunity to speak on this important matter. There will be many people in the midlands and, indeed, beyond who will look on the Government's plans around a so-called just transition away from solid fuels like peat with a fair degree of concern if not downright alarm. I hope that whatever the plans for an early exit from peat for electricity generation that they will benefit the ordinary people on the ground who have spent their lives generating peat from the bogs.

We should not forget that since the Minister for Finance introduced a solid fuel carbon tax in May 2013, enormous sums have been accumulated. We know that last year alone, the solid fuel carbon tax took in €25 million. Between 2013 and 2017 the solid fuel carbon tax raised €72 million on top of the €25 million from 2018. Where has all that money gone? That is just under €100 million from this tax alone, to say nothing of the additional amounts generated by the tax on gas, kerosene or petrol. I want firm assurances that this money will be pumped back into the communities most directly impacted by the Government's plans relating to peat and peat extraction from bogs.

I welcome the workers here this evening. Bord na Móna management has had plenty of time to consider different, innovative methods as they knew this was coming. They have been found very lacking. We cannot depend on the Government. We cannot depend on it for anything in rural Ireland; all it does is attack us and take stuff away from us. If it would leave us alone, we would be happy and carry on left to our own devices. I made my way down to the Select Committee on Finance, Public Expenditure and Reform, and Taoiseach to try to mitigate the carbon tax being put on small farmers and on fuel for contractors but the Government voted down my amendments. The Government does not care about anything outside the Pale. It is just posh boys and girls. I am surprised at presence of Deputy Corcoran Kennedy, who is from Offaly. She is sitting beside the Minister, Deputy Bruton. I know that his wife is from Clonmel but other than that he knows nothing about rural Ireland and he does not care about it. The

Government's policy is one of to hell or Connaught. It is as bad as Cromwell.

Deputy Marcella Corcoran Kennedy: The Deputy should withdraw that remark.

Deputy Mattie McGrath: What remark?

Deputy Marcella Corcoran Kennedy: The Deputy made a negative remark in connection to myself.

Deputy Mattie McGrath: Yes, I did. I said that the Deputy does not care about rural Ireland. I said that I was surprised at her coming from a rural constituency, being part of this Government.

An Leas-Cheann Comhairle: We are all politicians. It is a political remark. Carry on and refrain from any personal remarks.

Deputy Danny Healy-Rae: Stop the clock.

Deputy Mattie McGrath: I did not make any personal remarks. I am just speaking the truth and it is bitter. It hurts. They do not care about rural Ireland.

Deputy Marcella Corcoran Kennedy: The Deputy does not understand the truth. That is his problem.

Deputy Mattie McGrath: We were involved in talks to form a Government for several weeks and we insisted that every piece of legislation should be rural-proofed. Not one syllable of legislation has been rural-proofed.

Deputy Michael Healy-Rae: I welcome the people who are here this evening and I thank them for being here. It would be remiss of us to speak about peat without mentioning two people. One is our late grandmother, Nana Rae, who cut turf in the bog barefoot. That is where we came from. The other is our late father and if he heard about the cessation of peat extraction, he would first ask if the people have gone mad.

I know we must deal with the realities of climate change but I do not agree that we must go down the road we are and accept everything being thrown at us. For example, if we go away from discussing the big commercial harvesting of peat, we are left with the people who want to cut turf for themselves. Those people can never be denied the right to cut turf. These are traditional turf cutters who want to provide fuel for heat in their homes. They cannot ever be interfered with. People in the Government got a fright with the water charges but they will not know what will hit them if they think they can stand on the people who want to cut turf themselves for their homes.

The Government is dealing with the issues in the midlands in a reactive way. There is no plan and it is jumping from crisis to crisis with no organisation. The families affected by job losses cherished the work they had. They and their fathers before them were brought up working on the bogs. I certainly do not like to see that right being taken away from them. I appreciate very much the dignity in the work done by these people for many years in providing turf and peat products around the country and Europe. We must be very careful in how we proceed.

We are talking about moving the carbon tax from €20 to €26 per tonne and up to a possible €80 per tonne. That would be unsustainable for the taxpayers and if they realise the implica-

tions on household budgets there would be outrage. It is not hitting people immediately so they do not realise what is coming down the road. Fianna Fáil, Fine Gael and everybody else seem to be saying this is all right but I am not saying it is all right. A carbon tax of €20 per tonne going to €26 and up to €80 is not right for struggling families that cannot balance their budgets or provide heat and fuel to homes right now. What will they do when the reality dawns? It will be completely unbearable. The Government must treat people with respect and it cannot stand on them all the time. The people will rise up and bite back.

Deputy Danny Healy-Rae: This is the biggest sell-out that has happened in the country. When the sugar factories were closed, they were knocked down to ensure they would not re-open. We are discussing the desperate position of the people from the midlands who are here tonight, wondering and worrying what will happen to them. They are being sold out.

The Minister has spoken about providing alternative jobs but all we know is that the bogs will be rehabilitated for two or three years. That means drains will be blocked and pumps will be switched off so the bogs can be flooded. That is all that is involved and there will be a small bit of work for a couple of years. What will be the green jobs? Members here speak about defending workers but they also talk about climate change. The climate has always been changing and there is nothing we can do about it. There is nothing the Ministers can do about it either. There would have been a future for the midlands and Longford, in particular, if the Government had behaved. It is trying to kid these people into accepting the idea that they will be provided with jobs and trained. What will they be trained for and what sort of jobs will they be? These people are asking those questions.

It is clear what is happening in the Chamber. Fianna Fáil and Fine Gael are trying to be greener than the Greens. The Government is being supported in its actions closing Bord na Móna by Fianna Fáil. In the budget a carbon tax was put on the people and the argument is it will compensate the people who worked on the bogs. It will not compensate them because their jobs and livelihoods are gone. The workers are part of this but there are businesses that were living off those jobs and they will go as well. Many shops and supermarkets will close because the people will not be able to give them business. These workers will probably have to go to Dublin to create more traffic jams.

What about the horticulture and composting sectors, which could have provided a future? They could have been there for an unlimited period. Where will people now get briquettes? We will import more coal from Poland, other parts of Europe or Russia. We had our own peat for many years in the midlands that could make briquettes but that market will go. The Government would have got VAT and other taxes from it but now people will get coal, timber and other fuel on the black market. They will have to keep a fire at home unless the Government wants them to perish with the cold. Ministers have spoken about insulating houses but at the rate the Government is going, it will not have them insulated for the next 50 years. At the same time, this generation is supposed to carry on like this.

I am very disappointed when I see what is going on and we cannot stop the midlands from being closed along with the bogs that gave a livelihood to so many people and families over generations. This is being done in the name of climate change so that parties can try to be greener than the Greens. They are not even in the Chamber for this debate. The Government is supported by Fianna Fáil but the people in the Gallery are being let down. They will tell Members at the next election how they have been let down.

An Leas-Cheann Comhairle: Those 40 seconds will come off the Deputy's allocation next time.

Deputy Mattie McGrath: Cá bhfuil an Comhaontas Glas?

An Leas-Cheann Comhairle: Sin ceist eile.

Deputy Mattie McGrath: Cá bhfuil siad?

An Leas-Cheann Comhairle: With the agreement of the House, I propose to give two and a half minutes to Deputy Denis Naughten. Is that agreed? Agreed.

Deputy Denis Naughten: I thank the Leas-Cheann Comhairle and I will be brief. Based on the An Bord Pleanála decision in west Offaly, we need to have Irish-grown biomass support in this country to ensure that both Lanesborough and Shannonbridge power stations can co-fire. As the Minister and his officials know, as Minister, I made it clear that priority must be given to the growing of local biomass before any imports would be considered for either of those power stations. We now have the demand side in place with respect to use for biomass. This relates to a support scheme for renewable heat and power generation in Lanesborough, Shannonbridge and Edenderry. We urgently need financial supports to be put in place to establish and grow these crops. We need approximately €33 million for a financial package to establish and pay a premium for three years to farmers before we can harvest the approximately 10,000 ha of willow that would be required to power those two power stations.

I know a working group was established between the Minister's Department and the Department of Agriculture, Food and the Marine to engage on this and put a support package in place to ensure farmers could have financial aid to establish these crops across the midlands. There is sufficient land there to meet the need. It would provide farmers in the vicinity of those two power stations with a steady cash income which would be contracted to them by Bord na Móna. It would also ensure that when the new application for west Offaly and the current application for Lough Ree go before An Bord Pleanála they will be looked at positively, because the supply of biomass will be sourced locally. This would support local communities across the region.

Deputy Eugene Murphy: What time do I have?

An Leas-Cheann Comhairle: You have three minutes, Deputy.

Deputy Eugene Murphy: You might have to give me a little rap since I have limited time.

An Leas-Cheann Comhairle: It is one thing to ask for it but it is another to keep to it.

Deputy Eugene Murphy: I live among the communities. I am surrounded by them. Members of my family worked in the company in the past. My late father worked for many years for Bord na Móna. Before he passed away he often told me about there being no wet time in Bord na Móna and how difficult and harsh it was. I can remember him and the neighbours coming home drenched. Those people worked hard. Generations worked hard. It was a lifeline for people in our region.

The great Seán Lemass led the innovation to develop our bogs. That was really important for people in our part of the country. We should remember that Bord na Móna built many estates, including one up the road from myself in County Roscommon.

Yet, things change and times change. Change relating to the climate is going to happen. I certainly do not agree with some of the moves relating to climate change, but the reality is that it is happening all over the world. There are two sides to this argument. Many young people in my constituency have written and emailed me about climate change, including neighbours and friends. I do not think we can expect people in the rural areas to carry the can completely for this climate change.

Whatever Department he is in, I have found the Minister to be an honourable Minister and Deputy. However, I wish to bring him back to 6 October when he spoke to RTÉ. He said the future of Bord na Móna workers was a priority for him at the time. He said there would be a development within six months on retraining and other schemes for Bord na Móna workers. We fought hard on this side of the House to get a just transition commissioner and fund. I say to the Bord na Móna workers and families that this side of the House will not be found wanting in getting a solution to this problem. We are not going to leave them out with no support, but it will take hard work. It will not all be done by waffling in this House. Many of us work hard behind the scenes. My colleagues from Roscommon-Galway work particularly hard with me to try to bring the matter forward and get solutions.

There is a feeling that we are being left behind. There is a feeling that things are not moving. I did not like the carbon tax. I did not like voting for the carbon tax but I took a brave decision. We fought on this side of the House to get the fund ring-fenced to help Bord na Móna communities. Many Bord na Móna communities will be hit now. All manner of businesses and shops will be hit. If we do not come up with a real plan and if we are not innovative in addressing the problem we have, thousands of jobs will be lost. The Minister knows himself that Shannonbridge, Lough Ree and other areas are all affected. There is serious concern among the communities about the lack of pace in dealing with this issue. I am not expressing any disrespect for the Minister but this must be taken seriously. We need to start moving quickly and we must see real decisions taken. We were told initially that the just transition would be up to eight or ten years. Then, all on a sudden that changed. Myself and my Oireachtas colleagues took the commitment in good faith. We went back to Bord na Móna workers and said to them that it would develop over a period of eight to ten years. We thought we had the space. What happened? We are now told the show is over. That is unfair and unworkable. We are demanding that a proper plan is put in place so that we can start acting now.

An Leas-Cheann Comhairle: It is dangerous to set precedents but we have a little extra time. With the approval of the House, I suggest that we give two minutes to Deputy Ó Laoghaire because I understand there was some misunderstanding with his colleagues. Is that agreed? Agreed.

Deputy Donnchadh Ó Laoghaire: There was some confusion with the Whips office so I thank the House for the time.

I trust the Minister will indulge me for a moment. My leaving certificate history project was on the miners' strike in Great Britain and the associated fall-out. One thing that struck me was how isolated parts of Wales, Yorkshire and Derbyshire endured destitution after the mines closed. There were extraordinary levels of unemployment, poverty and drug addiction and various other social problems. It was tragic, to be honest. The mines were closed. Bad and all as that decision was, nothing came in afterwards to support them. This struck me when I heard the discussion around what was happening with Bord na Móna given what a crucial employer the company is in the midlands.

The Minister may be wondering why I am addressing this as a fellow from Togher on the south side of Cork city. It is not a big issue for my constituents but my mother is from Banagher in west Offaly. It is a part of the country that has taken many blows recently not only with Bord na Móna but with companies like Banagher Concrete too. Many big employers were lost in that part of the world.

I recognise that peat is not the most efficient way of generating electricity, but the sector has been a vital industry and an employer for many generations and for hundreds and thousands of families. I call on the Minister to ensure that what happened in those parts of England, Wales and Scotland is not repeated in Ireland. That must not be allowed to happen in the midlands communities. This will be a big blow no matters what. There needs to be a just transition and every support possible provided. This is not only about employment but social supports for the communities as well. Every possible effort needs to be put in place to ensure the communities stay above water and thrive and that the level of disadvantage seen elsewhere is not inflicted on them.

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): I thank Deputies for participating in the debate. Many points were raised that I will not have the opportunity to answer in great detail. However, I wish to reassure the workers, the House and the region that I am working intensely to develop a just transition strategy. As Deputies know, in the budget I secured an allocation for just transition from the carbon transition fund. We have allocated €31 million for this. I convened a group immediately to develop the aggregation model for retrofitting. It will start with social homes within the midlands region. The project aims to include many other homes so that we genuinely have a scheme for developing a strong sector within the midlands.

Deputy Stanley is not here at present but I recognise the valuable asset we have in Mount Lucas. I have been there with Deputy Corcoran Kennedy and it really is a valuable asset that we can exploit.

Deputy Jack Chambers asked about a just transition. I am working out the details for a just transition commissioner and I hope to complete them shortly. We have a cross-Government team led by the Department of the Taoiseach. We are putting together the details so that we can ensure every element can be properly furnished and we can have a comprehensive response.

I have been working with the European Union to ensure we develop the potential to support alternative activities like restoring the bog assets as well as wider activities. Lough Boora has already developed valuable facilities. That is a real asset in the community. We are liaising with the country transition teams within the European Union. They have been working on the coal restitution approach to support just transition. I assure the House that we are giving this intense attention.

There are those who are no longer present but who believe that our attention to climate action is all a conspiracy against the people. I wish to reassure people that is not the fact of it. We will be the first generation that fails to pass on our world in as good a condition as we found it, unless we get serious about dealing with climate. Unfortunately, that means transitioning out of fossil fuels and there are consequences for that, which we recognise. That is why the attention of Government focuses on just transition. We cannot stop the gradual withdrawal from fossil fuels. We have to make sure we support people and find alternative outlets for them. I recognise the point made by Deputy Jack Chambers about giving legal assurance that the money

raised by the carbon tax will be exclusively for just transition, supporting climate action and so on. That will get attention from Government and we have a wholehearted commitment to it. We will consider how it can be structured from a legal perspective.

There are valuable opportunities in restoring our boglands. Notwithstanding the criticism of some Deputies, they are genuinely a huge asset and can be part of managing carbon much more effectively. We have to make sure we do this in a proper way and this will provide valuable opportunities as well as being a valuable way to help us future-proof our country. I recognise the discontent among workers around industrial relations but the Bord na Móna statement makes it clear they are willing to use the joint structures chaired by the Workplace Relations Commission. That is a good model for dealing with difficulties and I urge people to use the Workplace Relations Commission, with which I dealt as Minister for jobs. I have absolute confidence in its capacity to manage even the most difficult situations. I am determined that we will move ahead and will have in place a just transition approach. We will have an independent just transition commissioner so that liaison between workers in communities and Government can be built.

Gnó na Dála - Business of Dáil

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): It is proposed that, notwithstanding anything in Standing Orders, a motion on membership of the Committee on Members' Interest shall be taken now without debate, and that any division demanded thereon shall be taken immediately; and that tomorrow the motions on by-elections for Dublin Mid-West, Cork North Central, Dublin Fingal and Wexford shall be taken immediately before the sós.

An Leas-Cheann Comhairle: Is it agreed that the motion on membership of the Committee on Members' Interest be taken now, without debate? Agreed. Is it agreed the motions for the by-elections in Dublin Mid-West, Cork North Central, Dublin Fingal and Wexford to be taken before the sós tomorrow?

Deputy Paul Murphy: On a point of order, did an alternative arrangement get passed for today's business which took out the Solidarity-People Before Profit slot? An email came from the Business Committee but was it ever voted on by the Dáil?

An Leas-Cheann Comhairle: I am told there were no alternative arrangements because there is no business indicated.

Deputy Paul Murphy: The last substantive vote on this in the Dáil was on Tuesday when we voted for the business as outlined in the second report of the Business Committee, which outlined for today a slot for a two-hour debate on the Solidarity-People Before Profit motion, with the motion "to be confirmed". If that was never undone by the Dáil, I do not understand how it was removed without a vote of the House. I think that is a problem.

Deputy Seán Kyne: My understanding is that because nothing was confirmed by Solidarity-People before Profit, the business moved forward.

Deputy Paul Murphy: Surely the Dáil should have had a vote on that if a slot was going to be removed without reference back to the Dáil. The Business Committee is not entitled to

alter the work of the Dáil. I was genuinely not sure whether a vote had taken place earlier on.

An Leas-Cheann Comhairle: I am told the slot was not removed, that there was no valid business on the Order Paper.

Deputy Paul Murphy: It was removed from the report of the Business Committee.

An Leas-Cheann Comhairle: I did not attend.

Deputy Paul Murphy: It was removed from the website of the Oireachtas.

An Leas-Cheann Comhairle: The Business Committee only makes recommendations and gives indications. It is a matter for the House.

Deputy Paul Murphy: We should, then, have proceeded with a motion. The order, as adopted by the House on Tuesday, applies if not overturned by a next vote of the Dáil.

Deputy Jack Chambers: Time has moved on.

Deputy Paul Murphy: Yes.

An Leas-Cheann Comhairle: The order for Wednesday included sympathies for a former member. I am told we are in conformity with the regulations. Is the motion for the by-elections in Dublin Mid-West, Cork North Central, Dublin Fingal and Wexford to be taken immediately before the sos tomorrow agreed? Agreed.

Deputy Paul Murphy: I am not interested in a suspension of the House but it seems highly unusual that the Dáil's business would be changed without a vote. It is quite undemocratic and is very problematic. It is the second substantial thing that has happened this week. We should return to it in future but it should not have been removed from the website, for example, without the agreement of this Dáil. The Dáil agenda should not have been changed other than by a vote of the Dáil.

An Leas-Cheann Comhairle: The business is agreed by the House.

Deputy Paul Murphy: Exactly.

An Leas-Cheann Comhairle: It was announced and agreed by the House. I will clarify so that there is no ambiguity. It is not a matter for the House to take Private Members' business. It was not on the Order Paper.

Deputy Paul Murphy: We agreed the second Business Committee report, which included a slot "to be confirmed" for our motion. That stayed on the website, for example, until this morning at some point when it was removed. How can that have happened without a vote of the Dáil?

An Leas-Cheann Comhairle: The business in Private Members' is not agreed by the House. It is announced on the Order of Business but is not agreed by the House.

Deputy Paul Murphy: This has significant implications because one of the reasons the High Court judge did not give us an interlocutory injunction was because of the idea the Dáil had voted to not have our Members' business. Can I get clarity that did not happen, that the House did not vote on any aspect of Private Members' business yesterday?

An Leas-Cheann Comhairle: I gave clarification so we will have to agree to differ. The House did not vote on it.

Deputy Paul Murphy: Okay.

Deputy Bríd Smith: It voted yesterday.

An Leas-Cheann Comhairle: Is the proposal on the by-elections agreed? Agreed.

I am told the Minister has to move the motion on committee membership now.

Membership of Committee on Members' Interests: Motion

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): I move:

That, notwithstanding anything in Standing Orders, and for the purposes only of consideration of complaints made pursuant to the Ethics in Public Office Act 1995, as amended by the Standards in Public Office Act 2001, in relation to electronic voting in Dáil Éireann—

(a) the Committee on Members' Interests of Dáil Éireann established under Standing Order 109 shall consist of not more than six members, of whom three shall constitute a quorum;

(b) Deputy Bernard J. Durkan is hereby appointed as a member of the Committee;

and

(c) Deputy Jonathan O'Brien is discharged from the Committee and Deputy Aengus Ó Snodaigh is hereby appointed in substitution for him.

Question put and agreed to.

7 o'clock

Blasphemy (Abolition of Offences and Related Matters) Bill 2019 [Seanad]: Second Stage (Resumed)

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

An Leas-Cheann Comhairle: Deputy James Lawless was in possession when debate was adjourned. There are ten minutes remaining in his slot. We might be able to accommodate him if he comes in. I call Deputy Brian Stanley.

Deputy Brian Stanley: Sinn Féin fully supports the Bill. We supported the "Yes" vote in the referendum on this issue last October. The inclusion of blasphemy in the Constitution has become outdated. It was an undue restriction on freedom of speech. It is outdated that blasphemy be an offence which is punishable by law. Freedom of speech is a central tenet of republicanism and is valued by all. The imposition of partition on the island unfortunately cre-

ated two reactionary states in this country, and those circumstances created the context and climate for the inclusion of the crime of blasphemy in the Constitution. It belongs in the past, like the banning of books and censoring of films and theatre that went on in decades gone by. The concept of blasphemy suits that kind of controlling, stifling attitude and philosophy. Making a person with a criticism of any particular religion potentially liable for a criminal conviction is repressive and bad for democracy. In spite of the lack of convictions, the fact that complaints of blasphemy could be made had a potentially chilling effect on freedom of speech. Changing this is a step towards the recognition of a new Ireland, one that is culturally, spiritually, and religiously diverse, and one that is accepting of all within it from all faiths and none.

It is also a move towards a united Ireland, given that in a united Ireland, or in any republic, no religious faith could be privileged over another. As republicans, we want to build a modern secular republican state that respects people of all religions and none. We want a republic as envisaged by Wolfe Tone which is for Protestants, Catholics, dissenters, and the various people of other faiths who live on this island. That is not to question the right of any citizen to hold any particular religious belief. If we are going to have an inclusive Ireland, we must recognise the entitlement of everyone's right to his or her beliefs. The right to religious freedom must be protected and must be held sacrosanct at all times. However, such beliefs cannot define the laws of the State and an offence such of blasphemy does that. The next step in defining a new and better relationship between church and State is the further decoupling of the State and church in areas such as health, education, and other public services. We must also develop systems that represent modern Ireland as a whole in all its parts and provide services and institutions that are inclusive and pluralistic.

Deputy Sean Sherlock: This Bill implements the referendum result by removing statutory references to the offence of blasphemy. The Labour Party supports the Bill. The sentence in paragraph 5 of Article 40.6.1 of the Constitution originally read: "The publication or utterance of blasphemous, seditious, or indecent matter is an offence which shall be punishable in accordance with law." As amended, the sentence now reads: "The publication or utterance of seditious or indecent matter is an offence which shall be punishable in accordance with law." We are now tidying up the Statute Book in order to take account of the removal of blasphemy from the Constitution. In the case of *Corway v. Independent Newspapers (Ireland) Ltd* in 1999, the Supreme Court pointed out the difficulty in prosecuting blasphemy, given that neither the Constitution nor any other legislation had provided a definition setting out the ingredients of the offence. Mr. Justice Donal Barrington gave the lead judgment, which stated:

In this state of the law, and in the absence of any legislative definition of the constitutional offence of blasphemy, it is impossible to say of what the offence of blasphemy consists ... The task of defining the crime is one for the legislature, not for the courts.

While it is not as interesting, we can make exactly the same criticism about at least one of the two offences left in this Article of the Constitution. There is no clear or comprehensive definition of the offences of indecent publication or sedition. What was the thinking behind the decision to keep some of the offences in Article 40 while deleting this one, given that all three give rise to the same difficulties?

I refer to the Fianna Fáil contribution to this debate from last night. The following was said in relation to the views of the former Minister, Dermot Ahern:

When the debate took place at that time, the economic climate was such that spending

on a referendum might not have been prudent or even financially feasible, so the Defamation Act 1961 was updated instead because there was a lacuna in which there was an offence defined in the Constitution ... yet it did not have a place on the Statute Book.

The Government of the day should have had the moral courage to hold a referendum on this issue. Instead of doing so, the Government introduced an Act which arguably made matters worse. By removing a formal link between Judeo-Christianity and blasphemy, it became a matter for each religious group to define for itself what matters were sacred. There was no free speech provision in subsection 3 of the 2009 Act. An example of the effect of that was that Salman Rushdie's guilt or innocence depended on a court's finding that his book, *The Satanic Verses*, had genuine literary value. Under section 36(2)(a), individual sects or religions would be left free to police what was considered blasphemous. It did not address a lacuna, as was stated last night, but in effect made matters worse.

Deputy Catherine Connolly: Fáiltím roimh an deis páirt a ghlacadh sa díospóireacht seo. Tá mé 100% taobh thiar den Bhille agus tugaim mo thacaíocht dó. Gabhaim comhghairdeas leis an Rialtas as ucht teacht os comhair na Dála chun an mhír seo a bhaint amach. I welcome the opportunity to take part in this debate. I am fully supportive of this Bill and congratulate the Government on bringing it forward.

It is just over a year since we had a referendum on this subject on 26 October 2018. It should have been held back in 2009, and as the previous speakers said, the Government at the time failed to grasp the nettle on this issue. Why did it fail to do so? I pay tribute to the Oireachtas Library and Research Service for putting together a Bills Digest on this legislation. It shows that from 1991 onwards, the Law Reform Commission recommended that the reference to blasphemy should be deleted and further advised that religious adherents could be protected by the incitement to hatred legislation instead. It is extremely important that they be protected. That was recommended by the Law Reform Commission back in 1991. In 1995, the Constitutional Review Group recommended something similar and in 2006, the report of the special rapporteur on freedom of religion or belief stated the same thing, though I will not go into it. In 2007 a report was published by the Oireachtas Joint Committee on the Constitution. That was two years before the then Minister, Dermot Ahern, felt there was a lacuna. In 2007 the committee endorsed the view of the Constitution review group which recommended that Article 40.6.1o be deleted. The legislation was introduced in 2009, a point to which I will return.

Subsequent to 2009, we received reports from the Venice commission, the UN Human Rights Committee and the Convention on the Constitution. There was also a paper by Mr. Justice Peter Charleton, whom we have revered in this Chamber, rightly so, for the Charleton report. In 2017 he concluded that, from a constitutional perspective, laws on blasphemy were not a necessity, despite it being mentioned specifically in the Constitution. He compared it to the references to felony crimes which, although mentioned in the Constitution, no longer existed in Ireland. There was a long lead-in period to 2009 when, as a country, we decided that we were not mature enough to take it out of the Constitution.

I thought about that and asked what had happened in 2009 and 1999 when the case which set this process in train, namely, the Independent Newspapers case, came before the Supreme Court. It stated there was no definition of blasphemy and that it could not deal with the matter. It took a further ten years for the Government to look at the issue and when it did, it failed to act and instead introduced legislation which was never going to work.

In 1999 the then Taoiseach apologised for abuse. In 2009, when the Dáil was concerned with introducing legislation in order that we would not insult the Christian God, the Ryan report which made specific conclusions and recommendations came out. I cannot read all of them, but it is important to say there were 21 recommendations and 43 conclusions made, all of which stand out. The report found that sexual abuse was endemic in boys' institutions. The recidivist nature of the abusers was known to the religious authorities, but they did not do anything about it. In a surprising sentence the Ryan report stated it was startled by the level of emotional and physical abuse and so on. The report refers to the lessons that should be learned from the past. It stated the congregations needed to examine how their ideals had become debased by systemic abuse. It went on to state they must ask themselves how they had come to tolerate breaches of their own rules and, when sexual and physical abuse was discovered, how they had responded to it and those who had perpetrated it. It also stated they must examine their attitude to neglect and emotional abuse and, more generally, how the interests of the institutions and congregations came to be placed ahead of those children who were in their care. The report further stated that acceptance and understanding by the State and the congregations represented an acknowledgement of the fact that the system had failed children, not just that children had been abused because occasional individual lapses had occurred.

Deputies may ask me what this has to do with the debate on blasphemy. I ask them to reflect on what Governments were caught up with when the report was released and the apology given. In 1999 the then Taoiseach's apology was in parallel to the Supreme Court case on blasphemy. In 2009 we introduced legislation which would not work at the same time as the Ryan report told us about abuse.

The Comptroller and Auditor General has outlined the costs, which are startling. The estimated cost of the redress scheme was €250 million, but the actual cost is €1.25 billion and rising. The child abuse inquiry and the redress scheme cost a total of €1.4 billion in 2015. The reason for the underestimation was, of course, the negotiation and consultation with the religious orders in which the nature and extent of the abuse were clearly underestimated, something the Government was happy to accept. I wish to outline the extent of the abuse. Offers from the redress board which dealt with 139 scheduled institutions were accepted by 15,562 people. Almost half of those cases involved ten institutions. It makes for difficult reading, but it is important to highlight it because in 2009 the debate was limited to whether we would insult God - a particular God - and ignore all of what was done in God's name. It is time to reflect on whether we have moved on. We have not moved very much if we look at the experience in Caranua. It was a misnamed organisation. The name means "new friend", but it was anything but.

I happily support the Bill. I wish we did not have to support it, that legislation had not been introduced in 2009 and that we, as a country, had had the courage to hold the referendum then. We finally found the courage to hold it last year, but it happened on the back of a tremendous amount of suffering. Just last week I attended the showing of "Land Without God", Mannix Flynn's film. I ask all Deputies to see it. His opening sentence is, "I was the child in the children's court found guilty and condemned at six years and taken away in handcuffs." It is a film which took over ten years to make. More significantly, it has taken a lifetime for his extended family to begin to speak about their experience in institutions. I pay tribute to Mannix Flynn, Maedhbh McMahon and Lotta Petronella for the film. I might not agree with all four of the words used by Fintan O'Toole to describe it, but I certainly agree that it is haunting and devastating. He also described it as poetic and moving. It was the first time some members of the

family were ready to speak, yet this country was caught up with defamation and taking God's name in vain, as opposed to looking at what was being done in the name of God.

Deputy Mattie McGrath: I am happy to make some remarks about the Bill. When the Thirty-seventh Amendment of the Constitution (Repeal of offence of publication or utterance of blasphemous matter) Bill 2018 was debated on Second Stage in September last year, I began by acknowledging that the issue of removing the offence of blasphemy was a source of deep concern for a significant proportion of the population. I shared the view that respect for authentically held religious values had been on the decline for decades. Anti-Catholic rhetoric, in particular, is rampant. Some have even described such views as the last acceptable public prejudice. That said, I supported the Government's Bill to repeal the blasphemy clause from the Constitution.

As Our Lord said, "Render to Caesar the things that are Caesar's; and to God the things that are God's." While many of us have wished matters to be different, it has been clear ever since the 1996 Constitution review group report that the contents of the offence of blasphemy are totally unclear and potentially at variance with the guarantee of free speech and freedom of conscience in a pluralistic society and that the end has been coming for this clause in Article 40.6.1o for some time. The issue also received substantial and detailed analysis in the sixth report of the Constitutional Convention, which was established by the then Government in 2012. As I understand it, the convention voted in favour of including a new constitutional provision against religious hatred with 53% of members in favour, 38% against and 9% undecided.

Many people saw the position I adopted as some kind of concession to those who want to remove even the mention of God or the sacred from our culture and society. That is emphatically not the case. I simply hold the view that it is not tenable for the State to involve itself in the making of theological judgements, much less enforce specific theological and philosophical judgements by any one particular creed or church. I believe in the separation of church and State. I do not believe, however, that the separation should become a division. Some people would like to see a big division. The church has a vital role to play in our society and it works effectively in a spirit of collaboration with the State on so many issues. That role needs to be respected and protected. It is not appropriate for the State to act as the guard dog of any particular church. Such a position harms both church and State - an outcome that is in nobody's interests at any time.

In the broader international context, we know that one of the arguments put forward for the abolition of the offence of blasphemy was that it gave encouragement to other regimes where the penalty for such an offence was death or some other awful physical punishment. There is merit in that view but it is not the entire truth. I am conscious that perhaps we should have investigated that claim in a bit more detail because while we wanted to give the impression that we are now an enlightened people, the record of the State when it comes to protecting those who suffer religious persecution for their beliefs is very mixed, to put it mildly. In November of last year, I asked the Tánaiste and Minister for Foreign Affairs and Trade if he had made representations to the government of Pakistan or its ambassador regarding the high-profile imprisonment of Asia Bibi, a Christian, for blasphemy. I also asked him if requests had been made to his Department to offer asylum to the individual in question and her family following public disturbances and disorder after her release. The Tánaiste assured me that under Article 18 of the Universal Declaration of Human Rights, everyone has the right to freedom of thought, conscience and religion and that Ireland works within and alongside the EU and UN to address the persecution of religious minorities wherever it occurs. Those words are fine and dandy but

we do not do so. Deputy Grealish, Senator Mullen and I visited Lebanon some years ago, a country that is a pretty difficult topic at the moment with regard to refugees and asylum seekers. We met Syrian refugees in the refugee camps in the mountains. Thankfully, we were there for a few days and met them. They gave us a *fíorfáilte* - a wonderful welcome. We saw young children and very old grandmothers in many cases. They told us about the savage persecution they endured and about how all the men had to flee. They only got 24 hours to leave, otherwise they would have been slain.

We were pretty chastened by what we heard and saw and returned to this Parliament determined to get a debate on it. However, there was no debate about the persecution of Christians and many other minorities, including minority Muslim groups. It is not just Christians who are being slaughtered. I am sad to say that we found out that under Saddam Hussein, Colonel Gaddafi and other dictators, people were free to practise their faith. They had full freedom to do so. The US-British coalition then went in, blew the hell out of the place and caused massive destruction. Now there is slaughter. We saw how minorities suffered genocide of the worst order but there was no meaningful debate here. We tried and tried but the Government kept paying lip service and there was no debate because we did not want to offend the Americans or British. Yet it was rather poignant that when four of us looked for and were granted a Topical Issue debate, it fell on Holy Thursday evening - the evening of the Last Supper. That was the only debate we had. Four Members got together. I thank the Ceann Comhairle for giving us a chance to have a debate on the atrocities in the Middle East. We are paying lip service.

The Tánaiste told me that under Article 18 of the Universal Declaration of Human Rights, everyone has the right to freedom of thought, conscience and religion and that Ireland works within and alongside the EU and UN to address the persecution of religious minorities wherever it occurs. They do not address it. We are shamefully lacking as a country when it comes to this. We have a proud record of peacekeeping all over the world but as far as this subject is concerned, it is just a nod and a wink. We might raise it here and there but we do nothing publicly. Nothing is said and no proper calls or demands are made by Ireland as a sovereign neutral country that this not be carried out in our name and that we will not allow Shannon Airport to be used to transport arms and planeloads of soldiers going to and from the Middle East. What is happening in the Middle East is unbelievable. The fact that I went and saw for myself what is happening there was one of the best experiences of my life. We have had no debate on it here when we have had debates on everything. We have Members going to the courts today to get a debate on money messages. You name it, we have debates on it yet we have had nothing when it comes to our international role in the protection of human rights. We looked for help here when we were being persecuted ourselves but of course, we have citizens here who are now being persecuted by the banks and the system and we do not look after them either.

The Tánaiste was not correct when he said that Ireland works within and alongside the EU and the UN to address persecution because we do not. Our voice is shamefully and abysmally absent. Our voice is silent, which is pitiful and shameful for a modern free country. The case of Asia Bibi, a Pakistani woman convicted in 2010 of blasphemy and sentenced to death, does make that very commitment clear. Following an appeal, the supreme court of Pakistan, thankfully, overturned her conviction. In fact, we commended the judges of the Pakistani supreme court for doing so and for upholding the rule of law in a very difficult situation. Thankfully, her life was spared. The Tánaiste went on to say that Ireland attaches great importance to the fundamental human rights of freedom of thought, conscience, religion or belief but, again, how credible is that when we see doctors being threatened with removal from their jobs if they dis-

play a conscientious objection to abortion? It is pretty hollow. How credible is it when we see medical doctors and nurses being threatened with removal from their jobs by the Minister for Health if they display a conscientious objection to abortion - to the taking of a human life? It is shocking for someone to be so threatened as if we did not have enough of a scarcity of doctors and nurses. I salute the courageous ones who have refused to have any hand, act or part in that savagery.

I supported the Government last year during the blasphemy referendum and not because I wanted to see respect for God or the sacred diminished in any way. I did so primarily because it has been clear for years that our courts and legal system have found no meaningful way to prosecute an offence under the previous blasphemy law system. There is little point in having a law on the Statute Book if we cannot enforce it.

There are many laws that are barely enforceable, some that are not enforceable and some where there has never been an attempt to enforce them. It is very odd that while arguments are being made that this Bill will increase and protect freedom of speech, that the reality points in another direction entirely, namely, the polar opposite direction. In fact, we appear to be getting ready to put in place a kind of secular blasphemy law where it will be a criminal offence to say almost anything deemed offensive by the great and good who constitute the new elite in our society. We are going down the road where we will not be allowed to have a contrary view, and it is a slippery slope.

Parishioners and people in small rural communities want to be welcoming and engaging. They are full of generosity, just witness the money given to hospices and missions. If those people have a contrary view, however, the Minister, Deputy Flanagan, threatens them and tells them to back off. We need to have debate and discourse. This is not a dictatorship, although we might think that at times. A community cannot express reservations about disproportionate immigration because that is now deemed, or soon will be deemed, hate speech. That is ridiculous. I am referring to the best of communities that have every voluntary organisation possible, from tidy towns committees to community alerts schemes, meals on wheels, St. Vincent de Paul societies and hospices. They are welcoming and engaging communities.

All they want is to be treated with some modicum of respect by the Government. That is a Government that has taken everything away from them, every last vestige of that to which they should be entitled. These communities only want to be allowed to live in peace and not have the heavy hand of the law down on top of them when they want to have reasonable consultation and proper services put in place for people who come here by way of immigration. I refer to people fleeing from what we saw in Syria and Lebanon. We can see the powder keg Lebanon is at the moment. The people in those communities need to be listened to, engaged with and not talked down to and dictated to by a Minister telling them to put up or shut up and stating that communities are lucky to be getting what they are getting. I blame the officials in the Department of Justice and Equality as well for not having a template at this stage.

Borrisokane in Tipperary can be used as a template, even if they do not perhaps wish to be used in that fashion. The same kind of shoddy, underhand work happened in that community. The people there found out about it, however, and had a public meeting. I salute Councillor Joe Hannigan, the other four members and the public for coming together. They had a proper discussion. When unwanted visitors came in shouting hate speech at the meeting, they were told where to go. Things have now been worked out, Syrian refugees are being welcomed and there are more families to come. That has been done with understanding and acceptance and

those people are stepping up to the plate and doing their bit for our less lucky neighbours from yonder in Syria and elsewhere. That is what happens when it is handled that way. I mentioned Ballaghaderreen the other night, where there was disquiet when something similar happened. The local foróige group got involved with the younger children and teenagers. I salute all those people for doing that. That is what I saw, women and young children and I have no problem at all with them coming and being welcomed.

I have problems with the figures and the Taoiseach referred to them at the weekend. Massive numbers of people here from Albania and Georgia, 99% and 97%, respectively, have been refused entry. That is because they are not refugees and are not fleeing any war or persecution. They are clearly coming here as economic migrants. I have the figures on deportation, I just do not have them with me. I refer, however, to some 99% and 97% being refused by our system. I salute the people working in the system and issuing deportation orders. Less than 70% or 80% of the people issued with those orders have left, however. Where are they? We cannot afford that kind of money, some €50 million and €60 million. We are a small country and people will want to come here because we are, thankfully, reasonably wealthy and prosperous.

Parents cannot express difficulties and challenges concerning our school ethos and faith matters because that is now being seen as non-inclusive and disrespectful to those who have no faith. It is shocking. Deputy Connolly and many others here demonise the Catholic Church day in, day out. Without it, however, many of us would not be educated. The matrons and the nuns ran the hospitals as well and did so much work. We should respect that. There are bad apples and that happens in every barrel. There is a rush now to destroy our ethos that has stood us in good stead in times past. There is now a rush to throw it out. I have no problem with Educate Together and people like that but they should not be dictating what should be done in a hospital and what religious artefacts can be displayed here and there. It is not the Muslim people. We have many Muslim doctors, whom we support and welcome. They have no issue with the crucifixes and everything else. These so-called liberals and atheists have a big problem with everything like that and they want to banish all of it.

We had mass here this morning, thankfully, and it was celebrated by a wonderful priest. It was in the Ceann Comhairle's dining room and there was a good turn out. It was a holy mass for our former Members, but we did not have that from 2009 to about 2013. We could not have it because the media would not like it. We are kowtowing to the media and the liberals and we are going to end up with nothing. We will see how this Bill works out in the courts and how Bills concerning free speech and so-called hate speech work themselves out. My feeling is that they will just become the new sacred idols and anything or anyone who challenges them will be guilty of secular blasphemy. We have to remember too that the Constitution, as it stands, provides that:

The State acknowledges that the homage of public worship is due to Almighty God. It shall hold His Name in reverence, and shall respect and honour religion.

How can we get that balance right? Do we even care about that part of the Constitution anymore? We are very selective of the parts that we want to promote and those parts that we want to tread on. Attempts to remove that section will not be as easily supported by me for one. The preamble to the Constitution states:

In the Name of the Most Holy Trinity, from Whom is all authority and to Whom, as our final end, all actions both of men and States must be referred,

We, the people of Éire,

Humbly acknowledging all our obligations to our Divine Lord, Jesus Christ, Who sustained our fathers through centuries of trial,

Gratefully remembering their heroic and unremitting struggle to regain the rightful independence of our Nation,

And seeking to promote the common good, with due observance of Prudence, Justice and Charity, so that the dignity and freedom of the individual may be assured, true social order attained, the unity of our country restored, and concord established with other nations,

Do hereby adopt, enact, and give to ourselves this Constitution.

To my mind that preamble speaks to much more than respect for God. It speaks to issues surrounding how and where laws get their legitimacy. Are our laws just about majorities or must they reflect a moral law written into the hearts of men and women? That is why any attempt to remove that preamble will not be supported. Blasphemy laws in our State were a dead letter for decades. It was not possible to bring an effective prosecution, so something had to happen to remedy that. I just hope that the Minister can ensure religious people of all persuasions can have their views protected from deliberate attempts to ridicule or attack them.

Minister of State at the Department of Justice and Equality (Deputy Pat Breen): On behalf of the Minister for Justice and Equality, I thank all the Members of the House present, and those who were present last night, for their considered contributions and views on this Bill. The Minister acknowledges the broad welcome given to the Bill by all Members of the House. I also welcome the level of consensus on the Bill, which is apparent from the contributions of Deputies last night and this evening. That echoes the very high level of support which, as many people have, is already visible from the people's vote we had on this issue in the referendum last October.

I also believe that the intention of the Minister for Justice and Equality, assuming the Bill is accorded passage through the remaining Stages, is to commence the Bill as quickly as possible.

I note a few comments from Deputy Mattie McGrath, as he is in the House. What the Deputy referenced happening in the Middle East is something that I have a particular interest in as well. When I was Chairman of the then Joint Committee on Foreign Affairs and Trade, I met all the minorities and interest groups. I am sure the Joint Committee on Foreign Affairs and Trade, and Defence, under the current Chairman, Deputy Brendan Smith, is doing that as well. Deputy Mattie McGrath could note that the joint committee works hard in that area.

In response to the Deputy's comments, the Minister for Justice and Equality in presenting the Bill expressed the Government's abhorrence at the use of reference to the contribution of blasphemy as a criminal offence in Ireland to justify the prosecution of religious minorities in certain countries such as the case mentioned by him.

I note his reference to the Preamble and Article 44.1 of the Constitution. The Bill does not propose any changes relevant to those constitutional provisions.

I thank all Deputies for their contributions to the debate and I hope that we can achieve a speedy passage of the Bill through the House so that it can be enacted.

6 November 2019

Question put and agreed to.

The Dáil adjourned at 7.45 p.m. until 10.30 a.m. on Thursday, 7 November 2019.