



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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# DÁIL ÉIREANN

*Dé Máirt, 12 Samhain 2019*

*Tuesday, 12 November 2019*

Chuaigh an Ceann Comhairle i gceannas ar 2 p.m.

*Paidir.*

*Prayer.*

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## Ceisteanna ó Cheannairí - Leaders' Questions

**Deputy Micheál Martin:** I am sure the Taoiseach will agree that the latest *daft.ie* rental report makes for very serious and depressing reading, revealing very high rents across the country. The average rent now stands at €1,400 per month. It has been going up continuously for nine years. Alarming, economist, Ronan Lyons is warning that the market could face another ten years of high rents and rent misery if the Government continues to settle for a system that depends on the likes of cuckoo funds to prop up the rental market. Meanwhile, Threshold is warning that the continuing high rents are forcing more and more people into homelessness and many more are under the threat of homelessness. Alarming across the country there are only approximately 3,500 homes available for rent. In Dublin 8, rents have gone up 125% over nine years. We all have to agree that rents have been at an unaffordable level for many years. In Cork the average rent is €1,372; in Galway, €1,300; and in Limerick, €1,219. All of this should act as a catalyst for fundamental change in housing policy. In particular, younger people have been failed badly by current policies. A young person today is finding it impossible to pay these rents. Young couples, in particular, are finding it impossible to save deposits while paying exorbitant rents in tandem with credit constraints. Clearly, the rent controls in place are not working, contrary to what the Minister said in the Dáil last month. The various solutions with which the Government has come up have not been effective or had an impact.

Local authority income eligibility thresholds to qualify for a local authority house are very low. Accordingly, thousands of people on relatively modest incomes are trapped in this high rent misery. It is time for the Government to consider imposing a rent freeze, given the exorbitant levels of rent people are facing. Will the Taoiseach accept that it will be another ten years of misery, according to the comments of the economist Ronan Lyons this morning? Will he accept that current policies are simply not working and that, in particular, a whole generation of young people have been failed and can never look forward to the prospect of owning their own home, which is their wish?

**The Taoiseach:** I acknowledge that rents relative to incomes are high, which is a real prob-

lem. They have become unaffordable for many, particularly those living in cities. In the Government's view, the solution is twofold, namely, rent controls and an increase in housing supply. Rent controls which are in place mean that for an existing tenancy, the rent cannot be increased in any given year by more than 4%. As the Deputy knows, the statistics produced today by *daft.ie* do not capture this but only new tenancies. Rent controls, with a maximum rent increase of 4% a year, are working for hundreds of thousands of people who are staying in the same place they have been renting in the medium to long term. If it had not been for these rent controls, these hundreds of thousands of people would have faced high rent increases by now. That is not captured in the statistics, as Assistant Professor Lyons said, because these are new tenancies and the statistics do not apply to existing tenancies.

The second aspect of the solution has to be more supply. If there was more supply of social housing, it would ensure people could move out of private rented accommodation, the housing assistance payment and rent supplement into social housing. We will provide an extra 10,000 social houses this year, more than in any other year this century. We will ramp up that figure to 11,000 units the following year and 12,000 the year after that. It is the biggest social housing programme in many decades.

There will also be an increase in the supply of private housing, with more places for people to buy to ensure they will not have to rent anymore. This will free up properties for others to rent and ensure more places to rent.

I am pleased that another set of statistics was out yesterday which showed a significant increase in the supply of housing. In the year to September, there was a 28% increase in the number of commencement notices. There had been concerns that the number was slowing down. We know from the numbers that were out yesterday that that is not the case. There has been a 28% increase year on year in the number of commencement notices.

**Deputy Robert Troy:** They are just commencement notices.

**The Taoiseach:** Behind that, we see a 31% increase in the number of planning permissions. There have been commencement notices for 26,000 new homes in the past year, while planning permission has been granted for 31,000 right behind them. We see a strong pipeline of new housing. This covers social housing for people on housing lists and private housing for people to buy and rent. Fundamentally that is the solution and we can now see that it is working.

Deputy Micheál Martin quoted Assistant Professor Lyons, but I am not sure he was quoting from the actual report which I have here. In it, he states, in big writing, showing that he believes this is the most important point:

It looks as though Ireland's longest-ever run of increasing rental prices may soon come to an end. Nationally, inflation in the private rental market - as measured by the Daft.ie Report - has fallen from over 12% in mid-2018 to 5.2% in the third quarter of 2019.

Dublin is driving this. Over the same period, inflation in the capital has fallen from 13.4% [his words] to just 3.9%. In four of the city's 25 markets - Dublin 1, Dublin 2, Dublin 4 and Dublin 20 - the inflation rate is now less than 2%. ... This is the first time since early 2013 that this has been the case.

**Deputy Micheál Martin:** That is nothing to boast about.

**The Taoiseach:** That is the report.

**Deputy Micheál Martin:** We have had rent increases for the past 14 quarters. In 1987, a young couple would have had to pay 19% of their net annual earnings to afford a home. In 2014 - five years ago - it was 30%. In terms of a deposit in 1987, a young couple would have had to pay 30% of their net annual earnings. This increased to 50% by 2014. God knows what it is now. If the Taoiseach were to go out and talk to people, he would know this is the big issue. Young people are very angry and their parents are very angry. When one knocks on doors one is told by parents there are five or seven people living in the house because their adult children cannot afford to rent. There are as many people living in local authority houses. In the words of Threshold, high rents have forced people into homelessness. Instead of going on the streets or into emergency accommodation, many people are going back to live with their families. That is the reality.

We now have the lowest level of home ownership in this country in many a year. The reason for this is the Government's big policy mistake of going for the rental model. Fine Gael went for a rental model, thinking the private market would resolve the issue but it has not. These figures are extremely worrying. The prediction of another ten years' of rent misery for young people and young couples demands a dramatic change in scale of response in terms of house building and a rent freeze.

**The Taoiseach:** There is something a little bit odd about the Deputy referring back to 1987 or 1997. I am not sure which year he mentioned, but whichever year he chose was an interesting year to reference because he did not mention the 20 years of Fianna Fáil government that occurred after that period. During that period of government, Fianna Fáil was responsible for many of the policies that gave rise to the housing crisis and housing shortage that we face today.

*(Interruptions).*

**The Taoiseach:** The Deputy likes to pretend that he was only elected to the Dáil in 2011 or 2017 but he was part of the Government that was in power for almost all of that period or a large part of it.

**Deputy Micheál Martin:** I am speaking about the young people and the plight facing young people today.

**The Taoiseach:** If the Deputy wants to talk about young people, let us talk about young people.

**Deputy Micheál Martin:** The Taoiseach is oblivious to them.

**Deputy Michael Moynihan:** Many of them are living in Australia.

**The Taoiseach:** Let us talk about those young people. Since this Government of Fine Gael and the Independent Alliance has come into office we have introduced the help-to-buy scheme. That help-to-buy scheme-----

**Deputy Mattie McGrath:** How many houses?

**The Taoiseach:** -----has ensured that 15,000 young people and young couples have been able to raise a deposit to buy their first home.

**Deputy Robert Troy:** The Government wanted to abolish it.

**The Taoiseach:** That has happened because of decisions taken by this Government to support and help first-time buyers and supply is now coming on stream. According to the figures released yesterday, 28,000 new homes commenced in the past year, up significantly on the figure for last year, and 35,000 planning permissions were granted in the past year-----

**Deputy Micheál Martin:** Planning permissions mean nothing.

**The Taoiseach:** -----and a good pipeline being granted behind that.

**Deputy John Lahart:** They cannot sell the houses in Rathfarnham.

**The Taoiseach:** The Deputy mentioned the *daft.ie* report and said there were 3,500 properties available for rent on that particular website. According to the website's own report, that is 10% more than this time last year.

*(Interruptions).*

**An Ceann Comhairle:** Can you all calm down, please? Let us have a little calm and a little order. I call Deputy Ó Laoghaire.

**Deputy Donnchadh Ó Laoghaire:** There is a *daft.ie* report out today. For the 14th quarter in a row, average rents have risen. The average rent in Cork is now €1,372 per month. In Dublin, it is over €2,000 per month. This rental crisis - and it is beyond question a crisis - is crushing workers and families. It is costing people €2,000 per month, which equates to €24,000 per annum, to put a roof over their heads, not to mind the cost of food, insurance or sending children to school. It is the same story in Galway, Limerick, Waterford and anywhere else in the State. There are sky-high rents and no action. The figures do not lie. They are crippling people entirely. While they are shocking, they are more than just figures. They are the mother with two kids facing homelessness because her landlord has just hiked her rent. They are the young people desperately rifling through *daft.ie* just to find anything remotely affordable within commuting distance of their work. They are the couples who have no chance of saving up for a deposit on their own home. A whole generation is being locked out of every having any option of having a permanent home. People have lost hope of that. Thousands of people pay rent that in reality they cannot afford. Inevitably, other things suffer. Hard decisions are made on what bills to pay and what a family can afford to let kids participate in. People dread trying to shop for decent food on a pathetic budget.

Renters in Cork and throughout the State have been badly let down by the Fine Gael-Fianna Fáil partnership Government. They have done nothing to reduce the cost of rents or to protect tenants from further rent increases. It just goes on and on. As has been noted, the reality is this is pushing more and more families closer to homelessness. There are 5,000 households on the public housing waiting list in Cork city. Homelessness figures in Cork reached 435 at the end of September. Rents in Cork city reached an all-time high, with renters having to spend 47% more than mortgage holders to live in a three-bed house. The Fine Gael-Fianna Fáil housing policy is not working. It is failing Cork and it is failing everyone else. It is time for real solutions. For a long time we heard Fianna Fáil criticising us for a lack of solutions. I am interested that for the first time, Fianna Fáil is talking about a rent freeze, something that Sinn Féin has been talking about for a long time. That is something real and actionable that the Government can do and that this side of the House has been calling for a long time. Now Fine Gael's coalition partner is

calling for it. Will the Taoiseach now take the step that is clearly required to stop these runaway rents that are forcing people into poverty and homelessness? Will he give people that break and put in place a rent freeze?

**The Taoiseach:** As the Deputy will be aware, we have introduced rent controls-----

**Deputy Donnchadh Ó Laoghaire:** I am talking about a rent freeze.

**Deputy Brendan Howlin:** That was 4%.

**The Taoiseach:** -----and as a consequence of those rent controls, the maximum rent increase is 4% in any given year. For hundreds of thousands of people who would have seen rent increases much greater than that, the rent increase has been somewhere between 0% and 4% a year. Consideration was given-----

**Deputy Micheál Martin:** It has led to evictions.

**The Taoiseach:** -----to a rent freeze. Notwithstanding the constitutional issues that may make that impossible, even if it was possible, there is a real concern about the unintended consequences of a rent freeze. What we may see happening in the event of a rent freeze is less supply. Ultimately, those who need to rent need to find somewhere to rent. While a rent freeze might work for people who are renting already because their rent would not rise, it might cause less new supply. People who need to rent for the first time, the young people the Deputy mentioned, people who have to leave the home they have been renting for some reason, people who lose the home that they owned, people coming in from other countries could really suffer in the event of a rent freeze. We have seen in other countries where they have introduced rent freezes that this has happened. It is protecting people who are renting already-----

**Deputy Donnchadh Ó Laoghaire:** It is done in many cities throughout the world.

**The Taoiseach:** -----because they do not see an increase but people who have to rent for the first time can run into real difficulties and that is why we think that is a policy that could indeed be counterproductive.

Let us talk about what the solutions actually are. The main solution has to be supply. Ultimately there has to be enough places for people to rent. To do that, we must increase the supply of social housing for people who are on the housing list, getting them out of private rented accommodation, off HAP and rent supplement and into social housing. Some 10,000 new social homes were provided this year, more than any year of this decade. We are ramping it up as quickly as we can with 11,000 next year, 12,000 the year after and 60,000 over the next five years. Of course, there is a need for increased provision of private homes because people want to buy their own home. They also want to be able to rent out a home. We see now from the numbers that came out yesterday a big increase in commencement notices and planning permissions so a very strong pipeline is coming beyond that. What we see unfortunately, though, is some people, in particular local authorities, voting down proposals for new housing. As regards the Deputy's party, the truth hurts, and then they start shouting, but I will be heard.

**Deputy Dessie Ellis:** Is €310,000 affordable?

**The Taoiseach:** Sinn Féin is a party that only a few weeks ago, tried to vote down a proposal for 800 new homes less than four miles from here, close to Dublin city centre.

**Deputy Dessie Ellis:** Is €1,400 affordable for rental? What planet is he on?

**The Taoiseach:** Nine hundred homes, new homes for people to buy, social housing and places for people to rent but the Deputy's party voted against it.

**Deputy Dessie Ellis:** Would the people from O'Devaney Gardens be able to pay that kind of money? Is that what he is saying?

**The Taoiseach:** In here, they bemoan the housing crisis and shortage. In the places where they turn up to vote, they vote against housing.

**An Ceann Comhairle:** Before we go on, may I appeal to Members? While tensions are a little bit higher because there are by-elections impending, the same members of the public are sitting at home watching this Chamber and expecting it to behave in a respectful and constructive manner. Will Members try to stop heckling the Taoiseach?

**Deputy Dessie Ellis:** We have to live in the real world.

**An Ceann Comhairle:** Heckling will not bring us any closer to the real world. I call Deputy Ó Laoghaire, please.

**Deputy Donnchadh Ó Laoghaire:** The Taoiseach has made a lot of the fact that the rate of increase is slowing. What does that say to people in reality? The Taoiseach is telling people they are still drowning, just not drowning as quickly they were, but it is going to keep getting worse. He is closing the door long after the horse has bolted and has offered nothing to deal with the crisis that is facing renters. Under his watch, not a single, affordable home has been built to rent or buy under Rebuilding Ireland. The rent pressures zones are not working. This situation is unsustainable. It is a crisis, is forcing people into penury and is locking young people out of any chance of having a permanent home. Every action the Government has taken on the housing crisis is a day late and a dollar short. As there now appears to be a consensus, this is his chance finally to get ahead of this rental crisis and to put in place the radical solution that is needed by this radical crisis, namely, a rent freeze and rent relief for all renters.

**The Taoiseach:** The Deputy in his opening question spoke about Cork, which is the city he represents. He may be interested to know that the latest figures tell us that in the year to June 2019, there were 2,095 commencement notices in County Cork, which is up 20% on the previous year.

**Deputy Donnchadh Ó Laoghaire:** Five hundred people are homeless.

**The Taoiseach:** There were 593 of these in the city, which is a 150% increase on the previous year. We are seeing new housing being delivered. It took a long time for us to get to the position where we could get the construction sector and social housing going again. That is now happening. Due to the financial crisis and the crash, we had a seven-year period during which almost no new homes were built. As a result, we have a big deficit of housing in this country, which is at the root of the problems we face. Finally, we are getting to the position where we are seeing real and sustained increases in supply. This year, 10,000 social homes are being provided, which is getting people off housing lists and into permanent tenancies with a big increase in the supply of private housing as well. There are more places for people to buy and rent. As a result, we can now see house prices are levelling off and falling in Dublin, as we see from the *daft.ie* report today. In the words of the author, which I repeat and they are not my

words, “It looks as though Ireland’s longest-ever run of increasing rental prices may soon come to an end.” Would that not be a good thing?

**Deputy Brendan Howlin:** The economy has stabilised and the public finances are in balance, thanks to the sacrifices made by the people of this country over the past ten years. Because of the positive role of immigration, we retain a relatively young population compared with most of Europe. We have to plan for the growing number of older citizens and for the gradual increase in the average age of the population. We do not have to have what at present is the highest retirement age in Europe. Right now, people are not entitled to the State pension until the age of 66. This is due to rise to 67 in 2021. That would put Ireland into a small group of countries with the highest retirement age in Europe. We are living longer. In future, people who go to third level education will likely only begin their careers in their mid-20 or later and probably will work beyond the age of 65 but we are not there yet. Many people who are now approaching retirement came into the labour market in their teens and have already done up to 50 years of work and paid up to 50 years of tax and social insurance contributions. They have made their contribution to society and it is unjust to force them to wait another two years to receive their pensions. Many are tied into contracts that require them to retire at the age of 65 years. Some may choose to work longer if they can, but many of them do not have that option. For someone who may have been working in the same job for decades to suddenly seek a new job at the age of 65 years is not easy. Some employers may be reluctant to take on people in their 60s. Those in this cohort end up seeking jobseeker’s benefit. The Government has created an exception to the rules for jobseeker’s benefit to allow the payment to continue until a person retires, but there is no need to require thousands of older people to enter a pre-retirement period to wait for their pensions. The Social Insurance Fund is projected to have a surplus of €3.8 billion by the end of the year. We now have funds to pause or slow down the increase in the retirement age and give society time to adjust in order that those entering the labour force later can project themselves working later. We have the opportunity not to proceed in the timeframe forced on us when we were in the troika programme. In my judgment we can afford to allow 66 year olds to continue to access the full State pension, for which they have more than paid. Will the Taoiseach reflect, as I have done, and agree that it is time to pause the current plan to increase the waiting time again in 2021? Should we not give society and the economy more time to adjust before raising the retirement age beyond the current age of 66 years?

**The Taoiseach:** I acknowledge that the Deputy has acknowledged that there is now a budget surplus and that the Social Insurance Fund is back in surplus. In fact, it has been in surplus for several years. It recorded a small technical surplus last year and it looks like that it is going to record a bigger surplus this year than was even projected on budget day, notwithstanding the views of some, including the Irish Fiscal Advisory Council, that it would not do so.

The State pension age is due to rise to 67 years in 2021 and 68 in 2028. It is true that we are doing this ahead of most other European countries, but other European countries are also raising the retirement age. The reform was introduced by my forebear in the Department of Employment Affairs and Social Protection, Deputy Burton, and we supported it because it was important to make pensions sustainable. I have a lot of sympathy for the Labour Party sometimes when it does not receive enough credit for the tough decisions it made when in government with us for five years. I do not believe it gets enough credit for that and have said this before. However, I have no sympathy for the fact that the Labour Party, largely for electoral reasons, is now trying to move away from reforms it introduced. That is unfortunate. It is as simple as this: in the 1970s the State pension age was, believe it or not, 70 years. The average

man lived to 68 years and the average woman to 72. The whole idea was that, over the course of one's working life, one paid a small amount into a pension fund in order to have enough for the short number of years for which one would be retired. A wonderful thing has happened since in that life expectancy has improved. People are living much longer, which is great, but it raises questions about the sustainability of the pension system in the long term. If we do not start to raise the pension age now, we may find that people now in their 30s, 40s or 50s will not receive a pension at all at a certain point. Knowing that is why Deputy Burton introduced the reforms. Essentially, Deputy Howlin is saying that since we do not now have a problem, we should put off taking action. Is that not what was said about climate change 20 or 30 years ago? Is it not what was said about so many other things? It has been said that since we do not have the problem now, we should not fix it, that we should wait until it is a problem before we fix it. What Deputy Burton decided to do was to get ahead of the problem and make sure pension payments would be sustainable in the longer term by making reforms in order that we would not have to wait until there was a problem to fix. I am disappointed that the Labour Party has moved away from that position.

**Deputy Brendan Howlin:** I had hoped the Taoiseach might once look objectively at a serious proposal in changed circumstances, rather than always trying to be so partisan. We have come a long way since dire decisions were made under the troika's direction. The Taoiseach knows that; he is not a fool. However, there are real issues that require to be addressed, one of which is whether this is the time to at least defer the decision in line with that made in other countries in Europe because of our demographics and people are coming on stream who will have to sign on after working for 50 years to receive a social welfare payment, not a retirement payment. That does not make sense.

**Deputy John Brady:** It did not make sense when it was introduced either.

**Deputy Brendan Howlin:** We can close the gap for them. The Taoiseach is correct that there was a much higher retirement age in the 1970s. It was Brendan Corish and Frank Cluskey who reduced it. It is time to reflect again on these issues. We looked objectively, for example, at including the self-employed in the system of social benefits. Their contribution to the Social Insurance Fund is a fraction of that of the employed, but it was a justice issue. We did not say that as it would deplete the Social Insurance Fund, let us not do it. I ask the Taoiseach, rather than dismissing my request, to objectively consider it, at least for the next five years, to allow gradual preparation to face a later retirement age.

**The Taoiseach:** I do not fully agree with the Deputy's statement that circumstances have changed.

**Deputy Brendan Howlin:** The troika did.

**The Taoiseach:** One set of circumstances has changed. The public finances are in much better shape than they were, but the fundamental circumstance that caused Deputy Burton, when Minister, to introduce this reform, namely, rising life expectancy, has not changed. That was the fundamental reason for the reform.

**Deputy Brendan Howlin:** As the Taoiseach is aware, the timing was dictated by the troika.

**The Taoiseach:** When the then Minister, Deputy Burton, introduced the reform, she did not introduce it right away as an emergency response to the financial crisis; she set a future date of 2021 for its implementation. It was not an emergency response to the crisis we faced at the

time; it was the then Minister thinking and planning ahead and introducing a necessary reform a little before it was needed. The Labour Party has now abandoned that policy and stated let us put it off; let us wait until there is a crisis before we deal with it.

**Deputy Brendan Howlin:** Rubbish.

**The Taoiseach:** That is exactly how we get things so wrong in this country so often; we wait until there is a crisis before we deal with it. The then Minister was correct. This is an emerging problem and we can see that in the medium term pensions could become unsustainable. She was right to bring forward that reform to increase the pension age and to give people plenty of notice by passing the law in 2017 but not implementing it until 2021.

**Deputy Brendan Howlin:** The Taoiseach will not give people a break.

**The Taoiseach:** I can understand why, for electoral reasons or reasons of popularity, we could go out and say we were not doing this. People aged between 62 and 65 years would say that was great and that they would vote for the parties that were stating this because they would not have to retire at 67 years but at 66. However, the ones who would lose out are the people who are in their 40s and 50s or who are 60 because they are the ones who would see major reductions in their pension payments if we do not get ahead of this problem and make pensions sustainable long before there is a crisis.

**Deputy Brendan Howlin:** Rubbish.

**The Taoiseach:** Let us for once in the country's history fix a problem before there is a crisis.

**Deputy Josepha Madigan:** Hear, hear.

**Deputy Noel Grealish:** I bring to the Taoiseach's attention the amount of money being transferred out of Ireland in personal remittances. Over the past eight years alone over €10 billion has left the country by way of personal transfers. That is a staggering amount of money. The top five countries to which money was transferred in the past eight year include €843 million to Lithuania and €1 billion to France. The top three countries were: €1.54 billion to Poland, €2.7 billion to the United Kingdom and €3.54 billion to Nigeria. These figures have been published by the World Bank which defines "personal remittances" as the sum of personal transfers and the compensation of employees. It includes all current transfers in cash or in kind between resident and non-resident individuals independent of the source of income of the sender. The World Bank is an internationally recognised organisation and its data come from the International Monetary Fund. I can understand the transfers to other EU countries, for example, money being transferred to the United Kingdom, our nearest neighbour, with over 100,000 British people living in Ireland and over 10,000 Irish students currently studying in the United Kingdom. The fact that people living in Border counties may do their banking in the North is also a factor. But Taoiseach, €3.4 billion transferred to one non-EU country is astronomical. Have Revenue or the Department of Finance any way of tracking this money or where it is coming from? Are mechanisms in place to ensure the money that leaves this country in personal remittances has been fully accounted for within the Irish revenue and tax system and is not the proceeds of crime or fraud? We cannot have a situation whereby vast amounts of money leave the country with no proper controls or monitoring in place. Will the Taoiseach give assurances that all of these moneys that have been transferred in personal remittances have been fully accounted for within the Irish revenue and tax system?

**The Taoiseach:** The numbers that the Deputy quotes are no doubt correct but I am not quite sure where he is going with this. Everyone in this House will know from the stories that their parents or grandparents told them that for many centuries, Irish people went all over the world and sent back remittances to Ireland. I remember my grandmother, all of whose family went to America, telling me about the cheques coming from the US. Those were remittances coming home from Irish people who went to America. The Deputy mentioned that there is perhaps a distinction between those going to other EU countries and those who are not. If the Deputy walks a few metres across Merrion Square into Holles Street hospital, he will see a hospital full of midwives from India, nurses from the Philippines and doctors from Egypt, Pakistan and I do not know where. They work hard and pay their taxes. Out of their post-tax income, they send some money back to their families, who probably paid for their education. That is the way the world works, and it is the way Ireland worked and still will for decades. When it comes to money laundering, financial controls or tax evasion, of course all the normal protections and controls have been put in place by Revenue to make sure that any money that is taken out of the country was legitimately earned.

**Deputy Noel Grealish:** We have to assure the people that the money leaving the country, which averages just over €1 billion per year, is not the proceeds of crime. I know an awful lot of it is genuine money but I wanted to get a commitment from the Government that proper controls are in place.

**Deputy Eoghan Murphy:** Where is the evidence for Deputy Grealish's question?

**Deputy Ruth Coppinger:** What is the Deputy Grealish? This is disgraceful racism.

**Deputy Noel Grealish:** Money being transferred without proper controls needs to stop.

**Deputy Ruth Coppinger:** The Ceann Comhairle should call this out. He is suggesting that people who work here are criminals.

**Deputy Noel Grealish:** What controls are put in place to ensure that tax has been properly paid on all this money?

**Deputy Ruth Coppinger:** The Deputy should sit down. He is a disgrace.

**Deputy Mattie McGrath:** Deputy Coppinger is totally out of order.

**Deputy Charles Flanagan:** More remittances came back to County Galway than to most other counties from the US. Deputy Grealish's constituents know that.

**Deputy Ruth Coppinger:** I would say if Deputy Grealish went to a hospital, he would take his treatment.

**The Taoiseach:** I will treat Deputy Grealish's question as genuine. If he has any evidence whatsoever-----

**Deputy Noel Grealish:** What does the Taoiseach think is going on?

**Deputy Eoghan Murphy:** That is not evidence.

**The Taoiseach:** -----that anyone is sending money abroad that is not theirs, I ask him to pass that on to us and we will have that checked. I will get him a detailed reply from the Department of Finance and the Revenue Commissioners as to what controls are in place.

**Deputy Noel Grealish:** I am asking what proper controls are in place. I am entitled to ask the question.

**Deputy Eoghan Murphy:** Why does Deputy Grealish assume it is illegal money if it is not going to an EU country?

**The Taoiseach:** I am pretty confident that many controls are in place in respect of money laundering. You can barely open a bank account in Ireland without ID.

**Deputy Mattie McGrath:** That was out of order.

### **An tOrd Gnó - Order of Business**

**Deputy Michael Moynihan:** The business this week shall be as set out in the second revised report of the Business Committee, dated 11 November 2019.

Regarding today's business, it is proposed that No. 13, motion re the proposed recommendation by Dáil Éireann of the reappointment of An Coimisinéir Teanga, referral to committee; No. 14 motion re ministerial rota for parliamentary questions for the Departments of Children and Youth Affairs, Employment and Social Affairs, Transport, Tourism and Sport and Business, Enterprise and Innovation; and No. 14a motion re proposed approval by Dáil Éireann of the terms of the Comprehensive and Enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their member states, and the Republic of Armenia, referral to committee, shall be taken without debate and any divisions demanded thereon shall be taken immediately.

Regarding Wednesday's business, it is proposed that No. 60, Consumer Insurance Contracts Bill 2017, Report and Final Stages, shall be taken in Private Members' time; and No. 33, statements on the provision of accommodation and ancillary services to applicants for international protection shall commence not later than 8.55 p.m. and the order shall not resume thereafter. Statements of a Minister or Minister of State and the main spokespersons of parties and groups, or Members nominated in their stead, shall not exceed ten minutes each, with ten minutes for all other Members and a five-minute response from a Minister or Minister of State, and all Members may share time.

In relation to Thursday's business, it is proposed that in the event that Second Stage of the Social Welfare (No. 2) Bill 2019 has not concluded, the Dáil shall sit at 9.30 a.m. to resume Second Stage of the Bill. If the proceedings on Second Stage conclude before 10.30 a.m., the Dáil shall suspend until 10.30 a.m. No. 34, statements on the financial challenges facing RTÉ and its revised strategy for the period 2020 to 2024, shall conclude within 85 minutes. Statements shall be confined to a single round for a Minister or a Minister of State and the main spokespersons of parties and groups, or a Member nominated in their stead, and shall not exceed ten minutes each, with a five-minute response from a Minister or a Minister of State, and all Members may share time. In relation to No. 35, statements on progressing children's disability services, the statements of a Minister or a Minister of State and the main spokespersons of parties and groups, or a Member nominated in their stead, shall not exceed ten minutes each; there will be ten minutes for all other Members, with a five-minute response from a Minister or a Minister of State, and all Members may share time.

**An Ceann Comhairle:** There are three proposals to be put to the House. First, are the proposals for dealing with today's business agreed to? Agreed. Are the proposals for dealing with Wednesday's business agreed to?

**Deputy Ruth Coppinger:** I want to raise a matter that should be inserted for discussion tomorrow, that is, the ongoing boil water notice that is affecting 600,000 people. If it is decided by Irish Water and Fingal County Council not to lift the boil water notice today, it will merit a Dáil debate because, frankly, it is a major problem-----

**An Ceann Comhairle:** We cannot have a debate about it. Let us revisit the issue in the morning.

**Deputy Ruth Coppinger:** May I make a point about why the matter should be inserted?

**Deputy Mattie McGrath:** This is grandstanding.

**Deputy Ruth Coppinger:** Many are suffering, including people with illnesses, people who have to go and buy water all over Fingal and County Kildare-----

**An Ceann Comhairle:** The Deputy has made her point. We cannot have a debate on the matter.

**Deputy Ruth Coppinger:** It is a technical problem which has been caused by chronic under-investment. Is this going to be the new norm? Is the issue going to arise every time there is heavy rainfall-----

**An Ceann Comhairle:** We cannot get into a long debate about the matter. The Deputy has made her point. We can come back to the issue in the morning.

**Deputy Ruth Coppinger:** It is actually the norm to give Members less than a minute to make a point about why something should be-----

**Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy):** If I could be of help-----

**An Ceann Comhairle:** The Minister is going to be helpful.

**Deputy Ruth Coppinger:** I know, but I am just making a point.

**An Ceann Comhairle:** Will the Deputy make her point then?

**Deputy Mattie McGrath:** What is the point in having the Business Committee?

**Deputy Micheál Martin:** What happened to Leaders' Questions?

**Deputy Ruth Coppinger:** It was not known last Thursday that the boil water notice would be extended to Tuesday. My point is that if it is extended further, the matter will be of national importance because we will have a water system that is not serving the needs of 600,000 people.

**Deputy Mattie McGrath:** They want to pick on County Tipperary.

**Deputy Ruth Coppinger:** Without being shouted down from the usual quarter-----

**Deputy Michael Healy-Rae:** You were shouting down a minute ago, but that was fine. It

is always one law for you and one for the rest of us.

**Deputy Mattie McGrath:** It is outrageous.

**Deputy Ruth Coppinger:** I will always shout down racists. This is about the supply of water.

**Deputy Michael Healy-Rae:** She is calling me a racist, a Cheann Comhairle.

**Deputy Mattie McGrath:** She is calling Deputy Grealish a racist. She should withdraw the remark.

*(Interruptions).*

**An Ceann Comhairle:** The Deputy should not level that accusation against a Member.

**Deputy Mattie McGrath:** She should withdraw it.

**Deputy Ruth Coppinger:** I said I would always shout down racists. That is the reality.

**An Ceann Comhairle:** The Deputy should not level that accusation against a Member.

**Deputy Noel Grealish:** She should withdraw the comment.

**Deputy Mattie McGrath:** It should be withdrawn.

**Deputy Ruth Coppinger:** As there is not a hope in hell of me withdrawing it, you can just forget it, okay.

**An Ceann Comhairle:** Okay.

**Deputy Ruth Coppinger:** The point is that this is a national issue and that the Minister needs to bring representatives of Irish Water here. They refused to attend Fingal County Council's meeting last night.

**Deputy Michael Moynihan:** A Cheann Comhairle, Members want to get in on the Order of Business. Can the clock be stopped?

**An Ceann Comhairle:** I call the Minister.

**Deputy Eoghan Murphy:** Representatives of Irish Water spent hours at the Oireachtas joint committee last week speaking about this issue. There will be a meeting at 3 p.m. today and the result of that meeting will mean that there will not be a need to have this item discussed tomorrow on the Order of Business. We should, if we want to make time available in the future, have a proper discussion about water services and water quality, particularly at the Leixlip plant, because there have been two recent boil water notices. I will have no problem in that regard, but I do not think it will be necessary to discuss this item tomorrow, following the meeting at 3 p.m. today, without getting ahead of the process.

**An Ceann Comhairle:** Are the proposals for dealing with tomorrow's business agreed to? Agreed. Are the proposals for dealing with Thursday's business agreed to? Agreed. Twenty-nine Deputies have indicated that they want to contribute on the Order of Business.

**Deputy Micheál Martin:** As we are down by over six minutes, we will have to look at that

issue at the Business Committee. Our party, being the largest, believes it is continuously under-provided for in the Order of Business procedure.

**Deputy Mattie McGrath:** It is part of the Government.

**Deputy Micheál Martin:** It has been four-----

**Deputy Ruth Coppinger:** As they are a bit sensitive on the racism issue right now, I am not surprised.

**An Ceann Comhairle:** Please, Deputy.

**Deputy Michael Healy-Rae:** That is extremely unfair.

**Deputy Micheál Martin:** Four months ago a decision was taken to approve the drug, Spin-raza, for children suffering from spinal muscular atrophy, SMA. Deputy Ó Caoláin, in fairness to him, organised a cross-party presentation by families affected by this degenerative condition, which affects young children and other young people. Their hopes were lifted when that decision was taken in June, but that hope has evaporated for many families because four months on, only three of the 25 have been given the treatment. This is a rare condition, as the Taoiseach knows. It is very cruel to raise the hopes of people facing a significant chronic condition such as this that the drug will be approved and then do nothing to follow through on that decision. It is very hard and very cruel and it is causing real anguish to the families.

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

**Deputy Micheál Martin:** I ask the Taoiseach to talk to the Minister for Health. The parents are being told that the hospital concerned, Temple Street, will have to apply for 2020 funding to put in a new service-----

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

**Deputy Micheál Martin:** -----to administer the drug to some of the children involved. All this should have been done at the time of the decision, and there should be no excuses. For God's sake, will the Taoiseach do the human thing and just get the Government to sort this out with Temple Street and any other hospital that requires the wherewithal to follow through on the decision to treat these children who desperately need this drug? It is a degenerative condition, and the Taoiseach knows what that means if they do not get access to the new treatment.

**The Taoiseach:** As the Deputy knows, the drug has been approved for reimbursement. I am not sure what the cause of the delay has been in ensuring that these children get the medicine they need. I am told a meeting about the matter is to be held on 24 November. I will check into it with the Minister for Health and the Department of Health and get the Deputy a more detailed reply in the next couple of days.

**Deputy Donnchadh Ó Laoghaire:** The programme for Government commits to the plans set out by Irish Water to continue to upgrade the dilapidated national water infrastructure. Currently 615,000 people in parts of Dublin, Kildare and Meath do not know whether their water is safe to drink. That is a huge proportion of the population. While the Minister has, it is fair to say, inferred the outcome of a meeting later this afternoon, it does not tell us much about the coming months and years, whatever about the coming days, and whether the water will be safe to drink in the future or whether the people in this area can expect boil water notices every time

it rains heavily. During the last notice, my party leader raised with the Government an EPA report on the Leixlip plant, published in March of this year, which found serious operational failures that could have led to contamination. The report issued eight recommendations and stipulated that Irish Water should submit a report to the agency “within one month of the date of this audit report detailing how it has dealt with the issues of concern identified during this audit”.

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

**Deputy Donnchadh Ó Laoghaire:** I will ask my questions now. Was that instrument related to, or a repetition of, what occurred in March? Can the Minister affirm that the plant in Leixlip is fit for purpose, reliable and has the ability to protect water in the long term?

**Deputy Eoghan Murphy:** There is a lot in the Deputy’s question, and a number of hours were spent detailing these issues last week at the Oireachtas joint committee. What I can say is that the March event and the October event were two different types of event. One concerned chemical treatment, the other biological treatment. The root cause of why we had to issue a boil water notice in October was that in both instances, the emergency alarm that was activated did not lead to a stop in production. That has since been remedied. There is now an automatic kill switch where the alarm is raised. That was recommended to be put in in March and Irish Water wanted it to be put in in March. That was resisted by the plant operator but it is now in place. The latest boil water notice that is in place at the moment, which we hope will be lifted very soon, is for a separate reason related to filtration systems, which are getting investment at present under the funding we put in place. Those filters are being worked on, and the sooner they can be finished, the more the risk of further boil water notices recedes.

Investment is incredibly important. Just yesterday we turned the sod on €39 million going into new wastewater treatment services in Kildare. I was with the Deputy in Cork on Friday, when we were at the site of social houses being constructed at present. Before that I was at the new treatment plant on the River Lee, which has not been invested in in 50 years. These types of investment will protect people into the future. We have identified the Leixlip plant previously as being of particular concern. That is why those investments are under way.

**Deputy Brendan Howlin:** The Minister for Communications, Climate Action and Environment, Deputy Bruton, has been forced yet again to deny that there has been another delay to the national broadband plan. Last week, I reminded the House that a private operator, Imagine, had warned as early as February, before the Government signed off on the plan, that this could lead to difficulties with EU state aid approval. It has now emerged that the Regional Internet Service Providers Association, the industry body which represents smaller rural wireless operators, is also considering taking a legal challenge to the plan on state aid grounds. There is real uncertainty now at the 11th hour.

Can the Taoiseach clarify if the current delay is due to the objection to the Government’s application of EU state aid rules and, if so, what is the potential cost to the taxpayer if this challenge is successful? Can the preferred bidder, Granahan McCourt, apply for additional compensation from Government for encroachment by other operators of high-speed broadband before deployment of the plan?

**The Taoiseach:** This matter is with the European Commission at the moment. The Commission is assessing our submission in favour of state aid being granted for this project and any

other observations that are made by any third parties on whose behalf I cannot speak. That is being assessed by the European Commission as we speak and we will, hopefully, have a positive announcement with regard to state aid clearance in the next couple of weeks.

It is, of course, open to anyone to take a legal challenge and that is why I counsel people who think that an alternative to the national broadband plan could be done less expensively and more quickly. This process has taken a long time. It was a detailed procurement process that was open to challenge all the way. We should not be under any illusions that if we do not go ahead with the national broadband plan, it will mean going back to square one, which will delay this project by three to five years.

**Deputy Richard Boyd Barrett:** As a result of the refusal of Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, to raise the income thresholds for social housing, hundreds of housing applicants who are hard-working people are being thrown off the list. It is happening every week. I have some examples. Sinéad, who had been on the list for eight years, was thrown off it because she did three months of temporary overtime for a sick colleague. Lorraine was thrown off the list after 15 years because her husband was doing some extra hours at work. The stress broke up their relationship. Vanessa had been on the list for 15 years. She was reassessed just before she got a house and was thrown off the list, after 15 years waiting, and is now facing eviction from private rented accommodation. Orla was reassessed to include the income of her husband who did not live with her anymore. She was thrown off the list and lost credit for the years she had spent on it.

This is going on every week. These are working people whose income is too low to pay excessive rents or buy on the open market and they are being culled from the list, week after week. The Minister has promised to do something about these income thresholds for two years and has done nothing.

**Deputy Eoghan Murphy:** The Housing Agency is looking at the income thresholds for social housing eligibility. There are a number of reforms that we need to make about how we manage social housing homes, including in the areas of rents, succession rights, tenant purchase and income eligibility thresholds. For those reforms to make sense, they must be connected to each other. That work is awaiting the outcome of a larger package of social housing reforms, which is almost at completion and almost ready to go to Cabinet.

**Deputy Richard Boyd Barrett:** We have been told that for two years.

**Deputy Catherine Connolly:** There are four and a half pages in clár oibre don Rialtas in respect of mental health and a full commitment to the operation and implementation of A Vision for Change. We have now been informed of an underspend of at least €12 million, which is to go back into the general coffers. I ask the Taoiseach to confirm that this will not happen. The commitment in A Vision for Change is full operation and recognises geographic accessibility. There are at least four delayed discharges from the department of psychiatry of a Galway hospital because of a lack of funding. There are a number of vacancies and a door in a brand new unit cannot be repaired. I ask the Taoiseach to tell the Dáil that he does not intend to allow €12 million to be returned to the general coffers of the HSE and that it will be kept for mental health spending in the areas that need it.

**Minister of State at the Department of Health (Deputy Jim Daly):** There should not be any issue. I would be concerned if there were an issue. If the Deputy is telling me that a

minor issue is being held up because of funding in the Department in Galway, I would like to hear the details of that. If the Deputy sends me the details after this debate, I will have the matter checked out for her. As she knows, there has been a significant increase in mental health funding since 2012. It has improved drastically. There is an issue with whether all of the €12 million under a particular subhead will be spent by the end of the year. We have a budget of €1 billion. In other words, we will spend €1,000 million on mental health this year. If the Deputy sends me the details of the issue, I will be quite happy to check it out for her.

**Deputy Catherine Connolly:** The question was about the underspend.

**Deputy Mattie McGrath:** According to the Irish Nurses and Midwives Organisation, the number of people without hospital beds - on trolleys, chairs, window ledges or whatever else they can sit on - so far this year has reached 100,457. I am sure the Taoiseach does not dispute these figures. Some 6,040 of these unfortunate people have been waiting for days at South Tipperary General Hospital, which covers south Tipperary, west Waterford and much of north Tipperary. It is shocking that a 102 year old recently had to wait on a trolley for two and a half days. South Tipperary General Hospital has been particularly badly hit because it is an old building and these trolleys have to be placed along narrow corridors. It is totally unsuitable. It is a fire hazard. It is totally unfair to the front-line staff - the nurses and doctors - who are trying to triage and do everything else. As the Minister of State, Deputy Daly, will be aware, they are also dealing with mental health - people with psychotic attacks and everything else - because we do not have any acute area where people with those kinds of issues can be attended to. The figures for the year to date are shocking because the winter has not yet arrived. The situation in our country today is truly shocking. It is just not right.

**The Taoiseach:** I am not sure if there was-----

**Deputy Jim Daly:** I am not sure what the question is.

**Deputy Mattie McGrath:** I would like the Taoiseach to respond instead of playing pass the parcel.

**The Taoiseach:** Did the Deputy have a question?

**Deputy Mattie McGrath:** Is the Taoiseach oblivious to the fact-----

**An Ceann Comhairle:** No, we cannot start again. There was no question.

**Deputy Mattie McGrath:** -----that more than 100,000 people have been on trolleys so far this year?

**An Ceann Comhairle:** Please, Deputy McGrath. We cannot start it all again. If there was no question, there was no question.

**Deputy Mattie McGrath:** There was a question.

**An Ceann Comhairle:** What was the question?

**Deputy Mattie McGrath:** Is the Taoiseach oblivious to what is going on in our accident and emergency departments and hospitals?

**An Ceann Comhairle:** Are you oblivious to what is going on, Taoiseach?

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**The Taoiseach:** I am not oblivious-----

**Deputy Mattie McGrath:** You must be.

**The Taoiseach:** -----which is why I am Head of a Government that-----

**Deputy Mattie McGrath:** Are you deaf, so?

**The Taoiseach:** -----has just built a new 60-bed block in Clonmel, which will be open as soon as we can get it open.

**Deputy Mattie McGrath:** We have no one to staff it.

**Deputy Róisín Shortall:** In December 2018, the Minister for Health announced that agreement had been reached with St. Vincent's Healthcare Group for the Sisters of Charity to withdraw completely from that operation. He said it was guaranteed that the new National Maternity Hospital would be retained in public ownership and with public ethos. Eleven months later, that agreement has yet to be finalised. We were promised the legal documents early in 2019, but no legal documents are available. In recent days, we have learned that this agreement will require the approval of the Vatican if it is to proceed. Does the Taoiseach accept that it was reckless of the Government to commit €43 million to the first phase of this hospital while it is still essentially in the private ownership of the Sisters of Charity? Can he give the House a guarantee that no further public money will be spent on the new National Maternity Hospital until that agreement has been absolutely signed and sealed?

**The Taoiseach:** I think we made the right decision when we decided to replace our very old and out of date maternity hospitals with new buildings and to co-locate them on the sites of adult hospitals. Holles Street hospital will be co-located with St. Vincent's hospital, the Rotunda Hospital will be co-located with Blanchardstown hospital and the Coombe will be co-located at the new healthcare campus beside the children's hospital and St. James's Hospital. All three of those hospitals, including Holles Street, are privately owned. The difference is that when the new ones are built, they will be publicly owned. They will be State-owned buildings on State land. We need to sort out the details of the legal transfer over the next couple of weeks.

**Deputy Róisín Shortall:** You have been talking about it for a year now. It has taken more than a year.

**The Taoiseach:** I know, but I am afraid I do not have jurisdiction over the Vatican.

**Deputy Róisín Shortall:** You should not be spending public money on it.

**Deputy Eamon Ryan:** A successful meeting of the International Grand Committee on Disinformation and 'Fake News' was held in the Oireachtas last week. It was attended by representatives of parliaments from several other countries and by global experts on the serious issue of the effects of social media on political debate. There was a great deal of debate on the merits or otherwise of political advertising, particularly micro-targeted advertising, on social networks.

*3 o'clock*

It is not in the public sphere; it is open to outside influence and gives undue power to money over argument. People may have differing views on whether we should allow such advertising but there was clear agreement on the recommendations of the International Grand Committee

on Disinformation and ‘Fake News’ that there should be transparency on what is happening in that regard. Does the Taoiseach agree that we need to change the rules of this House such that before the end of the year, each Member gives a full account of how much he or she has spent on social media advertising and what micro-targeting has taken place, and that the same be done in advance of the election next year? As the location for many social media companies’ European headquarters, it is critical that we set the highest standards. Such standards require transparency. Can we commit to such transparency on Members’ social media advertising?

**Deputy Eoghan Murphy:** It is important to note that online and offline political advertising includes advertising by people who wish to change politics, referendums or the Constitution. It is not just political party advertising. All such advertising needs to be regulated online, as is the case offline. The Government has agreed to bring forward legislation in the first half of next year to provide for such regulation. It will go further than the regulations governing print media in terms of the amount of money being spent, whether it is targeted and so on. The proposals are contained in the latest report published by the Government’s interdepartmental group, which is examining this issue. We have committed to legislate for political advertising online in the first half of next year.

**Deputy Eamon Ryan:** Will the legislation be in place before an election?

**Deputy Carol Nolan:** The dramatic escalation of the timetable for closure of the two ESB power plants in the midlands stands in stark contrast to the European experience. For example, when the German federal ministry for economic affairs and energy outlined its plan to completely phase out coal no later than 2038 in line with recommendations of the German coal commission, it was able to do so without the closure of any major power stations. We know that unions insisted that workers would not allow themselves to be the victims of those who make big promises in climate policy but let others pay the bill. Will the Minister insist that Bord na Móna and ESB workers receive parity with their European counterparts in terms of employment transition and redundancy measures? Bord na Móna workers are aggrieved regarding redundancy packages, which fall far short of those offered to their Spanish and German counterparts.

**An Ceann Comhairle:** The Deputy’s time is up. She will be dealing with this issue on Topical Issue matters.

**Deputy Carol Nolan:** It is a disgrace. We are throwing workers and communities under a bus. The Government is sinking a community and region in order to push a populist policy.

**Minister for Communications, Climate Action and Environment (Deputy Richard Bruton):** The House will be aware that it was the intention of the Government to have a phased withdrawal from peat. This involved a proposal to co-fire peat with biomass. Unfortunately, An Bord Pleanála rejected that planning application. The ESB carefully evaluated whether it would be possible to secure a successful counter-application to overcome the refusal but, as the Deputy is aware, it indicated last Friday that that would not be possible. Since this possibility first surfaced in the summer, we have been preparing an alternative approach to develop job opportunities for people in the midlands and employees of Bord na Móna. That was reflected in the budget, as well as the work we have done with Europe to get public service obligation moneys to support rehabilitation in the bogs to a very high standard.

**Deputy Seán Crowe:** Is the Taoiseach aware of the possible closure of Cuisle, an Irish

Wheelchair Association holiday centre in County Roscommon? It has been described as devastating news for anyone who has an impairment. The centre does not just cater for people in wheelchairs. The Minister of State with responsibility for disability issues, Deputy Finian McGrath, stated in reply to a parliamentary question that there will be a move away from large holiday-type centres and towards hotel accommodation. The problem with that is that many hotels do not have the required facilities or supports. Does the Taoiseach agree that we should be moving towards having more of these centres rather than fewer? People are again being excluded. The centre provided a respite service for many families throughout the State who are being left in a situation whereby they have nowhere to go for a holiday or a break.

**Deputy Martin Kenny:** This holiday centre has been used by many people from across the country even from my constituency. The Irish Wheelchair Association has run it very well. It needs some refurbishment work. It is preposterous to suggest closing it down. We know that in future generations people with disabilities will need such services. It is atrocious that this is being taken away from people now.

**The Taoiseach:** I thank the Deputies for raising the question. I think the decision being made is regrettable. I know people have used that facility many times. I have met one or two of them and they had a very good experience there. They want to have the option of being able to go to the Cuisle centre or perhaps to go to hotels with access for people with disabilities. It will also have a negative impact on the economy in the region because a number of people work there.

**Deputy Eugene Murphy:** Forty-eight.

**The Taoiseach:** Ultimately as I understand it, this is a decision for the Irish Wheelchair Association and not one for Government. Perhaps it is one the association might reconsider.

**Deputy John Brassil:** Today is the final day for filing with the Revenue Online Service, ROS. I have had a number of calls from agents in Kerry and I believe throughout the country the service has crashed and has been out of commission for a number of hours. It was supposed to be back up at 2.45 p.m. and it is still not back up. I ask the Taoiseach to contact the Minister for Finance to give a short extension to this deadline to facilitate those trying to make today's deadline.

**The Taoiseach:** I will do that for sure.

**Deputy Michael Healy-Rae:** As the Taoiseach will know, there are proposed structural changes to pharmacy fees. Unfortunately, this will hit rural pharmacies which dispense on average 2,000 to 3,000 items per month. This will very likely put them out of business. Only last week these same small businesses received a revision on their rates. I ask the Taoiseach to ensure the Minister, when making the new pharmacy contract, keeps in line with Government policy which the Taoiseach continually states is for it to rural-proof all its policies. When the new contract is being made up I want it to take into account that we want to keep our small pharmacies, an integral part of life in rural areas. We do not want them to close down like other businesses and we want them to survive.

**The Taoiseach:** As I think the Deputy will be aware, the number of pharmacies in the country has actually increased considerably in recent years-----

**Deputy Mattie McGrath:** Not in rural Ireland.

**The Taoiseach:** -----with a good spread around the country. I can certainly make a commitment that the Minister before making any changes to fees or regulations will consult the Irish Pharmacy Union, IPU, and take on board its views.

**Deputy Margaret Murphy O'Mahony:** Marine Notice 42/2019 relating to the Work in Fishing Convention 2007, International Labour Organization, is due to be implemented on Friday, 15 November. Fishermen were asked for submissions on this and the four producer organisations got together and sent in joint submissions. They heard nothing and there has been no discussion since sending in those submissions in the middle of December 2018. However, this is to be implemented on Friday. I am today asking the Taoiseach for an extension of this. The fishermen agree that safety is paramount. One of the requirements is that all fishermen be certified fit to fish by Friday, which seems impossible. This would be very difficult to do with rural GPs being stretched as it is, without every fisherman in the country seeking this certification. I am asking the Taoiseach for an extension beyond Friday.

**The Taoiseach:** I am afraid I am not across the detail of this. The Minister, Deputy Creed, is out of the country at the moment, but I will inform him the Deputy raised the matter in the Chamber and we will make sure she gets a reply to her query.

**An Ceann Comhairle:** That concludes questions on promised legislation. Thirteen Deputies were not reached today. I point out to Members that many of the group leaders and party leaders take considerably more time than is allowed and therefore do not allow the time for their other Members to ask questions.

**Deputy Michael Collins:** Deputy Coppinger took five minutes.

### **Proposal on Reappointment of An Coimisinéir Teanga: Referral to Joint Committee**

**Minister of State at the Department of the Taoiseach (Deputy Seán Kyne):** I move:

That the proposal that Dáil Éireann recommends Mr. Rónán Ó Domhnaill for reappointment by the President to be An Coimisinéir Teanga, be referred to the Committee on the Irish Language, Gaeltacht, the Islands and the Irish-speaking Community, in accordance with Standing Order 84A(4)(k), which, not later than 26th November, 2019, shall send a message to the Dáil in the manner prescribed in Standing Order 90, and Standing Order 89(2) shall accordingly apply."

Question put and agreed to.

### **Ministerial Rota for Parliamentary Questions: Motion**

**Deputy Seán Kyne:** I move:

That, notwithstanding anything in the Order of the Dáil of 12th December, 2017, setting out the rota in which Questions to members of the Government are to be asked, Questions for oral answer, following those next set down to the Minister for Justice and Equality, shall be set down to Ministers in the following temporary sequence:

Minister for Transport, Tourism and Sport

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Minister for Health

Minister for Agriculture, Food and the Marine

Minister for Communications, Climate Action and Environment

Minister for Business, Enterprise and Innovation

Minister for Employment Affairs and Social Protection

Minister for Rural and Community Development

Minister for Children and Youth Affairs

whereupon the sequence established by the Order of 12th December, 2017, shall continue with Questions to the Minister for Housing, Planning and Local Government.”

Question put and agreed to.

**Proposal to Approve the Terms of the Comprehensive and Enhanced Partnership Agreement Between the European Union and the European Atomic Energy Community and the Republic of Armenia: Referral to Select Committee**

**Deputy Seán Kyne:** I move:

That the proposal that Dáil Éireann approves the terms of the Comprehensive and Enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Armenia, of the other part, signed in Brussels on 24th November, 2017, a copy of which was laid before Dáil Éireann on 11th November, 2019, be referred to the Select Committee on Foreign Affairs and Trade, and Defence, in accordance with Standing Order 84A(3)(b), which, not later than 19th November, 2019, shall send a message to the Dáil in the manner prescribed in Standing Order 90, and Standing Order 89(2) shall accordingly apply.”

Question put and agreed to.

**Ceisteanna - Questions**

**Cabinet Committee Meetings**

1. **Deputy Joan Burton** asked the Taoiseach when the Cabinet Committee on Social Policy and Public Services last met. [44319/19]

2. **Deputy Mary Lou McDonald** asked the Taoiseach when the Cabinet Committee on Social Policy and Public Services last met. [46344/19]

3. **Deputy Micheál Martin** asked the Taoiseach if immigration policy is discussed at the Cabinet Committee on Social Policy and Public Services. [46414/19]

4. **Deputy Brendan Howlin** asked the Taoiseach when the Cabinet Committee on Social Policy and Public Services last met. [46448/19]

5. **Deputy Richard Boyd Barrett** asked the Taoiseach when the Cabinet Committee on Social Policy and Public Services will next meet. [46491/19]

**The Taoiseach:** I propose to take Questions Nos. 1 to 5, inclusive, together.

The Cabinet Committee on Social Policy and Public Services last met on 21 October and is scheduled to meet again before the year end.

The committee covers issues relating to health and Sláintecare, education, children, equality, social inclusion; immigration; Irish language, arts and culture; and continued improvements and reform of public services. While the committee covers a broad range of areas and topics, its overarching aim is to introduce or reform public policies and services which help create an inclusive and fair society. The Cabinet committee considered a range of social policy issues over the recent period, including childcare; child protection and welfare issues; social enterprise; immigration and direct provision; gender equality issues; Sláintecare and health reforms. In addition to the meetings of the full Cabinet and of Cabinet committees, I often meet Ministers on an individual basis to focus on particular issues, including issues relating to social policy and public services.

**Deputy Joan Burton:** There are some 2,000 or 3,000 undocumented children in Ireland born to workers who came here probably at the height of the previous boom. Approximately two thirds of these children were born in Ireland and one third outside Ireland. Every year since taking office the Taoiseach has gone to the United States and argued in favour of a pathway to citizenship for the undocumented Irish in America. I would like to think that we could agree as a House that we would offer a pathway to citizenship to these children, who have been left in limbo. Some of these children are now adults, others are in school and their rights to almost any kind of services in Ireland depend on the goodwill of the State. They do not have passports or status. It is a significant restriction, as it is for the undocumented Irish in America, on their freedom to pursue their education, social and work opportunities as best they can. I would like the Taoiseach to consider giving these children legal rights to become Irish citizens, a pathway similar to our proposals to America, and to let them and their families get on with their lives.

**Deputy Donnchadh Ó Laoghaire:** This Cabinet committee is tasked with considering health policy, including the Sláintecare report. The joint committee that launched this report aims to reorientate the health service to a universal single tier system. However, the Government's implementation strategy, as we always feared, is not moving the health service to universality. The barriers to care remain sky high. Charges for urgent scheduled care are still in place and the primary and social care ambitions set out by Sláintecare are a pipe dream.

In the first six days of this month, 319 patients were left waiting for a bed at the Cork University Hospital, CUH, 103 at the Mercy Hospital and 29 at Bantry General Hospital. I was in the Mercy Hospital yesterday week with my son and, despite a high standard of care, we could see that the system was under savage pressure. There were many elderly and very ill people on trolleys. Unfortunately, there is a lack of dignity for them. It is a disgraceful situation. There are 36 people waiting on trolleys there today. That is the second highest number in the State. Conor Deasy, of the emergency department in CUH, said that his colleagues had been placed in an impossible situation and that they "abhor the inhumanity, indignity and patient safety risk

associated with treating patients, who require an inpatient hospital bed, on the corridor of the emergency department.”

The Government has committed to delivering a universal health service over ten years. What focus has the committee given to the roadmap for universal access in its work this year and to the outcomes of the under-resourcing of patient care in all care settings?

**Deputy Micheál Martin:** In spite of the quite aggressive attempt to revise homelessness statistics downwards, the most recent figures continue to show the highest ever levels of adult and child homelessness. From the many statistics available to the Taoiseach, can he tell us when exactly he predicts that these numbers will start to decline? There is conflicting evidence regarding housing construction figures. Planning permissions are no guide to the building of houses. We know that from the strategic development zone, SDZ, figures, that the majority have not commenced, one year after receiving planning permission. Given all the spin deployed on the housing issue, many people are genuinely confused, or have been deliberately confused, about the true picture. It is clear that the core targets of Rebuilding Ireland, the Government’s policy, have been missed. In the best possible scenario, the plan’s targets have been missed every single year. Can the Taoiseach explain why Rebuilding Ireland’s targets for new homes continue to be missed?

Earlier in answering Leaders’ questions, he exuded a certain degree of complacency - everything is all right and it is moving in the right direction. Homelessness is not moving in the right direction. The attitude in Fine Gael seems to be that it is all rental, rental, rental, co-living and build to rent. I saw Senator Noone’s statement about 88 units in Coolock, which used the phrase “100% social housing”, as if that was terrible and should not happen. We need more social housing. The councils need to build more houses and the scale of housebuilding by the State should be far more dramatic than it is. It should intervene in respect of affordable and social housing.

On the broader issue of social policy, the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, was interviewed yesterday about the fact that her press adviser is paid €20,000 more than the average paid to those working for other Ministers. She did in fairness say on LMFM that not only does she sometimes put her foot in her own mouth but two feet when she opens her mouth so she went looking for the best. Does the Taoiseach think that is an acceptable justification for that particular allocation?

**Deputy Brendan Howlin:** I welcome the news that the Minister for Health is set to report to Cabinet this week that eliminating private medicine in public hospitals could free up 2,000 hospital beds around the country and reduce waiting lists by 25%. This follows the expert review carried out by Dr. Donal de Buitléir. Specifically, the group noted that removing private activity from public hospitals is technically feasible but dependent purely on political will. Ireland has the highest proportion of private health care insurance of any European country, representing 45% of the population, according to the Health Insurance Authority. In 2018, premium income from private health insurance rose to €2.85 billion. If plans to end private medicine in public hospitals were followed through, it is suggested that private facilities and, ultimately, the demand for private insurance would become redundant over approximately ten years. These sums would then be freed up to be invested in quality, single-tier public healthcare systems. Will the Taoiseach confirm if he intends to push through these reforms to eliminate private medicine in public hospitals?

**Deputy Richard Boyd Barrett:** Last Tuesday, I was asked to go to an emergency meeting of parents of children in a crèche, the Magic Roundabout. They were already paying €1,100 in monthly crèche fees, which I find staggering. Those fees will go up to €1,250 a month while 20 of the parents will lose their kids' places in the crèche. This is because Tusla told the crèche it needed to make changes, which it did. Tusla then came back and stated that because of the changes made, the floor space was reduced and it would have to get rid of 20 of the kids. This is in the middle of the term. It is unbelievable.

This is against a background where 27 crèches are threatened with closure and parents are saying they have been left in the dark about these matters. Parents are flabbergasted, shocked and do not know what to do.

In the case in question, the parents have asked for a meeting with the Minister for Children and Youth Affairs, Deputy Zappone, to discuss the matter. I must stress that if there were any health and safety or fire safety issues, these parents would be the first to say something must be done. What is not acceptable, however, is the sort of ham-fisted, box-ticking, blunt-instrument approach that appears to be taken by Tusla in terms of crèche facilities, compliance and so on. The big point the parents in this case made was how can one bring in a scheme for two years of free preschool care in the ECCE, early childhood care and education, scheme but not actually provide for the places, particularly considering the shockingly high levels of costs parents must endure.

Will the Taoiseach comment on that? Judging from the attitude at the meeting, there is an explosion on the way on the issue of childcare costs and the lack of childcare places.

**The Taoiseach:** I thank Deputies for their questions.

Deputy Burton raised the issue of undocumented minors living in Ireland. From time to time, we introduce schemes to regularise undocumented migrants in the country. This is not an amnesty. It has been agreed at EU level that there will not be amnesties. That is part of our commitment to our European partners. Any time we have a scheme to regularise undocumented migrants, we always need to consult with the United Kingdom because it has an impact on the common travel area.

Within the confines of the common travel area and the EU pact not to have any amnesties, we do from time to time have schemes to regularise migrants. The one we had recently was a scheme to regularise people from outside the European Economic Area, EEA, as well as their dependants, who came here on a student visa but became undocumented for one reason or another. That just finished up this year. We regularised 2,000 people under the scheme and it worked well.

It is a useful scheme for me when I go to the United States because I can then say in Congress and the White House that we are not asking the American authorities to do anything for our undocumented there that we have not done here in Ireland. If the US were to copy our scheme, essentially it would provide a pathway to regularisation to anybody who came to the US on a J-1 or a student visa and who became undocumented there.

The other group, referred to by Deputy Burton, we want to look at next is those who came to Ireland as children and know no other home than Ireland. They will not be deported. They never really lived in the country in which they were born or, in some cases, the country in which their parents were born, as some of them were born in Ireland. We need to get these arrange-

ments right and ensure they are properly organised. We must ensure it cannot be abused or undermines our commitments to the European Union or to the common travel area. I have met some of those young people, as has Deputy Burton. They have grown up here and speak with Dublin, Cork or Donegal accents. They will not be deported. It will be correct to regularise them but we just need to get it right. We got it right for the students. We can get it right for those who Americans would call dreamers.

The policy of universal healthcare is to provide free or highly subsidised healthcare for all. There are many models across the European Union under which that can be done. There is often an assumption in Ireland that the NHS is the system they have across Europe. It is not. Every country has a different public health system. Sláintecare does not prescribe which model we should follow. It refers to co-payments, free services and many other matters. It must, however, be done step by step.

We have made much progress already on GP care. Nearly half the country has access to free GP care. That will be extended to children aged seven and eight years of age next year, having extended it to those on lower incomes by increasing the income limits this year and to carers the year before. We are also reducing prescription charges for those with medical cards and those who do not have one. By reducing the drugs payment scheme, DPS, threshold, that will continue. We are extending eligibility for medical cards. One of the first things the Fine Gael-Independent Alliance Government did was to give medical cards as a right to children with serious disabilities, regardless of their parents' income. Under previous Governments, they were often subject to review. Children with serious disabilities could lose their medical cards because their parents' incomes went up. That does not happen any more. Any child in receipt of domiciliary care allowance, DCA, is also entitled to a medical card, regardless of his or her parents' income. The next change will be around improving the income limit for the over-70s to ensure more people over 70 can contribute.

**Deputy Micheál Martin:** There are fewer medical cards than there were two years ago, however.

**The Taoiseach:** The number of medical cards goes up and down. It generally goes down when there are more people in work. That is what one would expect.

**Deputy Micheál Martin:** The number of cards is down. The thresholds have stayed the same. The Government is playing a game with the GP card.

**The Taoiseach:** The thresholds have stayed the same. The reason why the numbers have gone down is because incomes have gone up. That is the reason why the numbers have gone down. I would have thought most people would believe that is a good development.

The fair deal is a form of universal healthcare with co-payment systems. We need to do something similar around home care. We are also examining hospital charges as a possible further step. It is not something one does in one go but over a series of budgets. We are making some progress.

Deputy Micheál Martin asked me a fair question on when the number of people living in emergency accommodation and the number of homeless people will go down. The truth is I cannot answer that question. I can tell him that we have taken more people out of homelessness in the past year than ever in the country's history. The numbers becoming homeless is roughly the same, however. That is why the numbers have been roughly the same for the past year or so.

The drivers of homelessness are different ones. It is people losing their private rented accommodation but also people experiencing family breakdown. There is no reliable way to know how many people are going to become homeless. We can know how many people we are going to stop becoming homeless when they come to us or the numbers we can get out of emergency accommodation. We have never taken more people out of homelessness. At the same time, as many people become homeless, and there is no way of predicting that for sure.

It is worth putting on the record that in the year before Rebuilding Ireland was introduced as our policy, the numbers of families who were homeless increased by 60%. In the past year, the numbers of families who were homeless increased by 0.17%. That shows the difference Rebuilding Ireland has made. It has not got the numbers down yet but before Rebuilding Ireland, homelessness was rising by 60% a year. In the past year, it has only risen by just over 0.17%.

**An Ceann Comhairle:** We are running out of time.

**Deputy Micheál Martin:** Who was in government the year before that?

**Deputy Brendan Howlin:** Lies, damned lies and statistics.

**The Taoiseach:** We are meeting our targets in social housing.

The special adviser to the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, is a secondee from another part of the public service. As is the norm when somebody is seconded from one part of the public service to another, they stay on the same salary.

**An Ceann Comhairle:** I remind Members that if they consume time when asking questions, then it can leave no time for them to be answered.

**Deputy Brendan Howlin:** In fairness, five questions were asked and one question takes up to three minutes to answer. There must be some discipline in answering too.

**An Ceann Comhairle:** True.

**The Taoiseach:** In fairness, there are never five questions. Usually between 15 and 20 are asked.

### **Cabinet Committee Meetings**

6. **Deputy Mary Lou McDonald** asked the Taoiseach when the Cabinet committee on security will next meet. [44407/19]

7. **Deputy Micheál Martin** asked the Taoiseach if the Cabinet committee on security has met recently. [45242/19]

8. **Deputy Joan Burton** asked the Taoiseach when the Cabinet committee on security will next meet. [44455/19]

9. **Deputy Brendan Howlin** asked the Taoiseach when the Cabinet committee on Security will next meet. [45466/19]

**The Taoiseach:** I propose to take Questions Nos. 6 to 9, inclusive, together.

The Cabinet committee on security deals with issues relating to justice, defence, Garda reform and national security. It last met on Wednesday, 30 October 2019 and the next meeting of the committee will be scheduled in the next few weeks. It encompasses matters that were previously under the remit of Cabinet committees G, justice, and F, national security.

The implementation of A Policing Service for the Future, the Government's implementation plan for policing reform is progressing well. Updates on the progress made to date are available on the policing reform web page at *gov.ie*.

As part of the implementation of the report of the Commission on the Future of Policing in Ireland, the national security analysis centre was established to co-ordinate across the relevant Departments and agencies in providing strategic analyses to the Government. The centre is establishing its business arrangements in close co-operation with partner Departments and agencies.

With regard to the transformation of the Department of Justice and Equality, significant progress has been made this year, including detailing the new functional design for the new Department and implementing it in August and September. The fifth report of the effectiveness and renewal group is published on the Department's website at *justice.ie*.

Work is ongoing to implement the recommendations of the Public Service Pay Commission with regard to the Defence Forces. I welcome the decisions taken by both recognised associations, PDFORRA and RACO, to accept those recommendations. While this will be an important step in helping to get our Defence Forces to full strength, I accept that more needs to be done on both pay and non-pay issues for the Defence Forces.

**Deputy Donnchadh Ó Laoghaire:** I want to raise with the Taoiseach the rejection of Judge Haughton's terms of reference for the scoping exercise into the death of Shane O'Farrell, this being relevant to An Garda Síochána and Garda reform. This situation is extraordinary. Earlier this year, Deputy McGuinness asked the Taoiseach why there had not been an inquiry, for which the majority of the Dáil had voted. The Taoiseach rejected that and set out that the intent of the scoping exercise was to examine the different aspects and claims of the case and to attempt to scope out what an inquiry would look like. The Taoiseach also noted that the matters for investigation extend beyond the Garda. Bearing this in mind, is it not of serious consequence that not only has the Minister for Justice and Equality, Deputy Flanagan, rejected Judge Haughton's terms of reference, he has narrowed the terms of reference published by him in February? This is difficult to understand in light of the fact that one reason this issue came to the floor of the Dáil was because the family and many independent observers were not confident in the quality of the previous reviews. It appears that the Minister, Deputy Flanagan, is limiting the judge to take into account the outcome of the previous reports prepared and not a review of the investigations, which, in the view of many people, are significantly flawed.

Will the Taoiseach and the Government support the motion tonight tabled by Fianna Fáil to reinstate Judge Haughton's original terms of reference and, if not, will they proceed with an independent public inquiry as already demanded by a majority of Oireachtas Members?

**Deputy Micheál Martin:** I wish to raise a specific issue around the security brief, namely, the issue of hard drugs, which are at the core of most organised crime in our country, and the personal and community devastation which they cause. While the statistics provided for Ireland are behind those for many other countries, the overall picture relating to drug use is clear

and disturbing. Following Brexit, Ireland will have the highest rate of high-risk opiate use in Europe. More people are dying from overdoses than road accidents. What we did in terms of road accidents many years ago points to the type of response required. The Taoiseach will be aware that this is not only an issue in the large urban areas in that it has, for the first time, spread to many provincial communities and there is a growing fear for what the consequences are and will be.

There are many dimensions to this problem. The only way of getting to grips with it is to take a whole-of-government approach involving security, education, community development and health actions. Nobody believes that the current level of attention or urgency being given to this issue at national level is anywhere near what is required. The damage caused by the downgrading of community development and drugs policy since 2011 has been significant. The policy of devolving many actions to local authorities has not worked, by any measure. The fact that so many Ministers of State came together last week to highlight this point, particularly around the community development dimension, is an indication of this. There is no obvious commitment to coming down hard and early when drugs first appear in the community. The failure to deliver treatment and intervention services at the required level is undeniable.

Does the Taoiseach believe that current policies are adequate and are delivering and that the current highly devolved and hands-off approach is working, particularly in comparison to the previous approach, which had succeeded in many communities?

**Deputy Joan Burton:** I want to raise with the Taoiseach the issue of crime, particularly gangland crime in Dublin, as well as the gangs that operate along the Border, apparently with impunity, particularly given the terrible actions and torture inflicted on Kevin Lunney as he was carrying out his work in Quinn Industrial Holdings, QIH. In the constituency of Dublin West, which the Taoiseach and I represent, there are an incredible number of gangs who are operating in respect of the drugs trade. They are offering children as young as eight to 14 years bikes, trainers and other rewards if they will become runners for them, with horrific consequences for those children down the line.

We know that in comparison with other countries, Ireland has a relatively low ratio of gardaí and policing per head of population. Does the Taoiseach have any proposals to increase the number of gardaí and to introduce further measures against the gangs? In regard to the current epidemic of cocaine use, much of it is among well-off middle class people who think it is okay to take cocaine at the weekend with no subsequent consequences. Does the Taoiseach have plans to take action against the gangs and to put them behind bars, where they deserve to be?

**Deputy Brendan Howlin:** It has emerged that key figures in the campaign of violence against executives in Quinn Industrial Holdings, which culminated in the horrific attack on Kevin Lunney are heavily involved in criminality activity and smuggling and are connected to dissident paramilitaries. I welcome the Taoiseach's recent visit to the area to meet QIH directors. I agree with the Minister of State, Deputy D'Arcy, that this situation "should have been dealt with sooner and better". I disagree, however, with his ill-informed comment that the people have been let down by local members of the Garda because I believe they have been let down by the State. Should local members of the Garda be left to deal with such serious cross-Border criminal activity, smuggling and the campaign of violence that has been set out to all people in the last couple of weeks? Does the Taoiseach stand over the comments of the Minister of State, Deputy D'Arcy, and will he clarify precisely when these matters were first discussed at the Cabinet committee and when he became aware of the degree and nature of the

intimidation against the directors of QIH?

**The Taoiseach:** I thank the Deputies for their questions. On the Shane O'Farrell case, which will be debated later in the House, we all accept that the process has taken much longer than any of us would have liked. However, Deputies will appreciate that the terms of the reference of the scoping exercise - it is normal to do a scoping exercise before a commission of inquiry - must be compliant and in line with jurisprudence established by the Supreme Court in the case of *Shatter v. Guerin*, which judgment was delivered by the Supreme Court after the original terms of reference had been finalised. This is what gave rise to this change.

The terms of reference for the scoping exercise are focused, as required by the law and as clearly set out in the Supreme Court in *Shatter v. Guerin*, to reduce the risk of legal challenge to the recommendations of the scoping exercise. The judgment requires that the terms of reference of the scoping exercise be as specific as possible to remove any potential ambiguity and also focused enough to provide a timely outcome to ensure fairness to all parties. However, they still allow for a review of the issues intended.

Judge Haughton is free to make any recommendations that he sees fit and the O'Farrell family are also free to make any representations to Judge Haughton in regard to any matter that they would wish to see inquired into in any future inquiry. The focused terms of reference of the scoping exercise also allow consideration of what broader public policy issues highlighted by the case, such as breaches of bail conditions and execution of warrants, merit further consideration. Throughout the process, the Department of Justice and Equality has consulted with the Office of the Attorney General and we are all anxious to see progress on this matter. I ask Deputies to understand that the Minister for Justice and Equality cannot, and should not, prejudge Mr. Justice Haughton's report or change the terms of reference, just as he is about to issue his initial report, in a way that does not comply with the law. I understand that Mr. Justice Haughton may be able to produce his report in the next few days.

In response to some of the questions I was asked on drugs policy, we have a national cross-government drugs strategy monitored by the Cabinet sub-committee on social policy. The implementation of the national drugs strategy is driven by the national oversight committee, which has 35 members. We recently added a civil servant from my Department to that committee. Some 11 of the 35 members represent task forces in the community sector so they are very much involved in the oversight committee. I am of the view, as is the Government, that our approach to illegal drugs should be health-led rather than criminal justice-led. However, we need to acknowledge that it has a criminal justice aspect because so much of it is connected to crime and criminal activity. In terms of the kind of things we are doing, people will be aware of the efforts the Government is making to provide a new injecting centre in Merchant's Quay. We are working with Merchants Quay Ireland on that. Unfortunately, the city council refused planning permission but we are going to An Bord Pleanála because we want to do it. We have agreed with the Simon Community to build a 100-bed addiction services centre for people who are homeless and who are addicts to get them off the streets and into a centre where they can have their addiction treated. We are working with the Simon Community on that. We have also made Naloxone much more available. That drug can be used almost instantly to save somebody from an opioid overdose. It was not widely available five or six years ago but it is now. On foot of the expert group report, we are going to move away from a situation whereby if somebody is found in possession of a small amount of drugs for personal use, the default option is prosecution and towards a more health-led approach, giving somebody the option of attending a health-led rehabilitation programme. We do not want to end up in a situation whereby we

criminalise large numbers of people for possession of a small amount of illegal drugs. That is not an approach that has worked but we are not going as far as full decriminalisation or legalisation. I know some people would call for that but we are not going to go that far.

On Garda resources, the budget for the Garda next year is €1.88 billion, which is the biggest budget for the Garda ever.

**Deputy Micheál Martin:** Community development.

**The Taoiseach:** To answer the question that was asked, the number of gardaí has increased every year for four or five years ago now. I think the strength is above 14,000. As part of the reform being led by the Garda Commissioner, more civilian staff are also being hired, which frees gardaí to be out on the front line doing policing, which is what people want them to do; they want to see them in cars, on bikes and out on the street. That is very much being driven by the Garda Commissioner and it is happening now in a way that it did not happen in the past. The Garda is getting additional equipment and new vehicles and there is an armed support unit now in every region. There is real investment in policing very much under way.

Local drugs task forces have a budget of €28 million, which has held steady or slightly increased since 2014. It had been cut back by the former Ministers of State, Deputies Curran and Shortall, in the years previous to that.

**Deputy Micheál Martin:** Ah, stop.

**The Taoiseach:** It is a fact, I am afraid, I know the Deputy is not into them but it is a fact.

**Deputy Brendan Howlin:** The Taoiseach was a member of that Government, with Deputy Shortall.

**The Taoiseach:** I was, yes.

**Deputy Brendan Howlin:** The Taoiseach should embrace collective responsibility before he starts handing it out.

**The Taoiseach:** What is good for the goose is good for the gander on that remark by Deputy Howlin. I absolutely accept the collective responsibility for that.

**Deputy Micheál Martin:** The Taoiseach changed the model; that is the point.

**The Taoiseach:** I very much support the Minister of State, Deputy Catherine Byrne's approach. While I appreciate that some community groups and local drugs task forces would like full autonomy on how they spend the money they are given, she is of a different view. She wants to make sure the money given to the task forces gets to the people for whom it is intended - those who are addicts and drug users - and to communities and that it does not get used in other ways. I very much support her view that we should monitor how money is spent and approve projects in advance. She is very strong on that and I support her on it. Of the nine former Ministers of State with responsibility for drugs who were mentioned, it is noteworthy that all of them are members of Opposition parties but none of them made contact with me directly to share with me their concerns about the drugs issue. They did so through the media.

**Deputy Micheál Martin:** Is it a sin that they went through the media?

**The Taoiseach:** When I do it, the Deputy gets upset about it.

**Deputy Micheál Martin:** Is it a sin? They drew public attention to it.

**The Taoiseach:** It is certainly not a sin but when the shoe is on the other foot, the Deputy has a bee in his bonnet about it too.

**Deputy Micheál Martin:** I do not. Former Ministers from Pat Rabbitte onwards are quite entitled. He was a Member.

**Deputy Brendan Howlin:** Tell him first.

**An Ceann Comhairle:** Let us not bicker. We will move to Question No. 10.

### **Programme for Government Implementation**

10. **Deputy Mary Lou McDonald** asked the Taoiseach when the next progress report in respect of the Programme for a Partnership Government will be published. [44408/19]

11. **Deputy Brendan Howlin** asked the Taoiseach when the next progress report on the Programme for a Partnership Government will be published. [46449/19]

12. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on the Programme for a Partnership Government. [46490/19]

13. **Deputy Micheál Martin** asked the Taoiseach if he will report on the Programme for a Partnership Government commitment on the timeline for the passage of Bills as outlined on page 148. [46658/19]

**The Taoiseach:** I propose to take Questions Nos. 10 to 13, inclusive, together.

A Programme for a Partnership Government was agreed in May 2016 during the formation of the Government. This is a five-year programme of work being undertaken for the duration of the present Dáil. The Government publishes an annual report each year on the implementation of the programme. The third such report was approved by Cabinet in May 2019 and is published on the *Gov.ie* website. The next annual report is scheduled to be published in May 2020.

The Thirty-second Dáil has seen significant reform in how the Oireachtas does its business. Some of the crucial reforms include the establishment of a new cross-party Business Committee to discuss and agree proposals for the Dáil schedule. A new budgetary oversight committee has been established to allow the Oireachtas play a greater role in the budget. Committee Chairs are appointed using the d'Hondt system and there is more time for Private Members' business in the Dáil. Indeed, 13 Private Members' Bills have been enacted by this Dáil, which is more than any since the foundation of the State. Votes are grouped to encourage a more family-friendly environment, particularly on Thursdays. The timelines for the passage of Bills through the Dáil are agreed by the Business Committee with a view to ensuring that the use of the guillotine is not required. Should the need arise for a Bill to be guillotined, it can only be done with the recommendation of the Business Committee and the approval of the Dáil. Dáil reform is a continual process and as part of the sub-committee on Dáil reform, Government will continue to play its part.

**Deputy Donnchadh Ó Laoghaire:** I want to raise the programme for Government's commitments on education. The Government made big promises in the programme, which neither

it nor its partners in Fianna Fáil have delivered on over the past four years. Diversity and choice for parents in the school system have not been delivered. Core funding and capitation grants for schools and funding in third level are simply not up to it and students, particularly those outside Dublin, are in effect being priced out of their entitlement to third level education.

I want specifically to raise the issue of special education and education for children with additional needs. I attended a meeting last night with a number of principals in my constituency. The community healthcare organisation area that we are in, CHO 4, has the longest waiting list in the country for assessment of needs. Beyond assessment of needs, which is the issue that generated the headlines, the system of therapies for children once they have had an assessment is entirely broken. The organisations that provide these therapies are doing their best. Some of these assessments are done privately but there is no continuity of care then. In Cork, a charity, Marian House, provides therapies but children are not getting the therapies that they need. This has a serious impact on the children and their families and I believe it has an impact on society as a whole. These children are failed when they only get speech and language therapy or occupational therapy every few years. School principals are not trained in that regard and they are forced to try to figure out this stuff as best they can. What is needed is an entire re-evaluation of the special education system in the State because the Department of Education and Skills is blaming the Department of Health, which says it is not its problem. The co-operation between the two is not good enough, particularly in respect of the Department of Health, but the Department of Education and Skills needs to do much more as well.

**Deputy Brendan Howlin:** It is over three years since a Programme for a Partnership Government was agreed. It set out what most of us in this House believed would be a temporary arrangement, which has now survived three years. The document, as set out, was based on an ambition for a fairer Ireland. We will argue about that on the hustings in a few months. There is nothing fair about the record of the Government on so many levels. I want to ask the Taoiseach about the conclusion of this arrangement. I understand Deputy Micheál Martin is now suggesting an orderly wind-down of the arrangement, with these commitments raising the prospect of an agreement between Fianna Fáil and Fine Gael of a timetable and an election date. Will the Taoiseach confirm if he discussed or agreed an election date with Fianna Fáil, the party that supports him in government? Will he share his views on that matter? Does the Taoiseach intend to have such discussions on an agreed date for the next general election that he might set out for the rest of us?

**Deputy Richard Boyd Barrett:** The programme for Government makes specific reference to implementing the national dementia strategy. As the Taoiseach is aware, there is major anxiety or fear about the fate of the St Joseph's dementia care facility in my constituency in Shankill. I brought up this issue last week when I sought a debate with the Minister for Health, Deputy Harris, on its fate. It is threatened with closure. It is the biggest and best and a model dementia care facility in the country. There are, however, real fears about its fate. It would be a disaster for dementia sufferers and their families if it were to close. That simply cannot happen. There have been some reassuring comments made by the Minister for Health, but it needs to be definitive. Critically, the fate of the facility turns on recognition by the Government and the HSE that the care provided for high-dependency dementia sufferers will be funded against the minimal level of funding coming from the HSE through the fair deal scheme. Can the Taoiseach tell us, in line with commitments given in this area in the programme for Government, that the gold standard in dementia care facilities in the country will be protected, that funding will be provided and that the anxiety suffered by dementia sufferers and their families will be

ended? The sooner he makes a statement on the matter the better.

**Deputy Micheál Martin:** I wish to make a general point, given previous comments that the programme for Government is not a document that emanates from the confidence and supply arrangement. There is a separate document on policy, to which the programme for Government commits the Fine Gael Party and the Independent Alliance. The confidence and supply arrangement document is much tighter.

**Deputy Brendan Howlin:** I think the Deputy doth protest too much.

**Deputy Micheál Martin:** I also make the point that all Ministers belong to the Fine Gael Party and the Independent Alliance. There are no Fianna Fáil Ministers or Ministers of State. Such references are superficial or shallow and have no substance to them. Like every other party, we will hold the Government to account. The Taoiseach knows that secretly nobody wanted a general election while there a no-deal Brexit was threatened.

**Deputy Brendan Howlin:** Then discuss the date.

**Deputy Micheál Martin:** Privately, no one in the Deputy's party wanted to push the issue too far either, but it is happy enough to criticise Fianna Fáil for facilitating the continuation of the Government in the context of a no-deal Brexit.

In a follow-up to the previous question and the first group of questions the Taoiseach will be aware that the programme for Government talks directly about "ending the housing shortage and homelessness". Does the Taoiseach believe this commitment will be delivered on?

On mental health services, it is widely acknowledged that the consistent failure of the Minister for Health to implement agreed plans and the use of mental health services funding to balance overspending elsewhere have led directly to a failure to deliver the level and quality of services that are so badly needed. The Government had the tools and the funding, but the Minister did not deliver services on the ground. In County Wexford, in particular, there is huge anger surrounding the issue of mental health services. As part of the confidence and supply arrangement we secured extra funding every year for mental health services. Each year much of it has not been spent and the teams in place throughout the country have been understaffed. That is particularly true in the case of Child and Adolescent Mental Health Services. Will the Taoiseach tell us the specific actions he has taken to ensure the allocated budget will be used for mental health services and that the posts unfilled will be filled as soon as possible?

**The Taoiseach:** The first question was about education. There are also challenges within that sector, but it is one in which the country is doing well. We know, for example, how well children are performing relative to their counterparts in maths and reading. The education budget this year is €11 billion and will go up again next year. It is the biggest ever education budget in the history of the State. No Government has invested more in education than this one which is made up of Fine Gael and the Independent Alliance. In practical terms, it means more teachers. We now have the lowest ever pupil-teacher ratio in primary schools. We have been able to increase capitation grants but not fully restore them. This has enabled pay restoration to take place for hard-working teachers and other staff in the education sector, while a huge school building programme is evident all over the country, as well as in universities and institutes of technology. There are now approximately 15,000 special needs assistants and more special classes than ever before, as well as a very substantial special educational needs budget of €1.7 billion. There are record numbers making it to third level, which is very encouraging and really

important for our future. There are more people than ever before from non-traditional backgrounds attending higher education. We have reformed the curriculum, of which people will be aware. We have, for example, reformed the junior cycle programme with the introduction of new subjects like physical education and computer science which are examination subjects for the first time.

On the general election date, no date has been discussed or agreed. My view is well known and was set out in writing in August 2018.

On the St. Joseph's dementia care facility, I am aware that discussions are ongoing. The objective absolutely is to ensure the centre will be sustainable into the future. The briefing material I have available tells me that rather than the funding being at a minimal level, the centre is receiving among the highest levels of funding for patients of any provider contracted by the National Treatment Purchase Fund, NTPF. There may well be very good reasons for this, namely, the very high quality of care provided, or perhaps the acuity and needs of the patients. Rather than the funding being at the minimal level, as the Deputy suggested, it is in the top five or six organisations funded by the NTPF. There is active engagement by the HSE and the NTPF with the provider to secure the future of the service.

On mental health services, the budget will be over €1 billion in 2020 for the very first time, up from approximately €750 million a couple of years ago. We all acknowledge that there is more to providing health services than providing funding. Health services here are well funded by international standards. We have a relatively young population, but perhaps do not achieve the outcomes people are entitled to expect. However, we are seeing some positive changes when it comes to mental health services. The new forensic mental health hospital in Portrane is almost finished and will open next year. It will come in on time and on budget and enable us to close the Victorian facilities in Dundrum. The waiting lists for Child and Adolescent Mental Health Services, CAMHS, are falling and have fallen by about 25% in the past couple of months, which is positive. The funding provided for the National Office of Suicide Prevention and implementation of the suicide strategy is showing some results, with a 30% fall in the number of suicides. It is not all down to the funding provided by any means, but it is at least moving in the right direction. We will launch very soon the first 24/7 helpline for people suffering mental health difficulties. There are a lot of mental health services in Ireland, but sometimes they are not joined up very well.

**Deputy Micheál Martin:** What about the situation in County Wexford?

**The Taoiseach:** This will create a pathway by which people will be able to contact a 24/7 helpline in two weeks, time to access the services they need.

**An Ceann Comhairle:** Gabhaim buíochas leis an Taoiseach. B'shin deireadh le ceisteanna chun an Taoisigh.

**Deputy Brendan Howlin:** That is a record. None of my three questions was answered during Taoiseach's questions today.

**An Ceann Comhairle:** I regret that that was the case.

## Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

**An Ceann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy John Brady - to discuss potential job losses at Rondo Foods in Arklow, County Wicklow; (2) Deputy Thomas P. Brougham - to discuss support with staffing levels and upgrade works at schools in Dublin 13 and Dublin 17; (3) Deputy Eamon Ó Cuív - to discuss implementation of the recommendations made in the MABS report which address energy poverty in the Traveller community; (4) Deputy Thomas Pringle - to discuss the dispute over CE supervisor-assistant supervisors pension claims; (5) Deputy Dessie Ellis - to discuss reports of increased cocaine use across all sections of society; (6) Deputy Jackie Cahill - to discuss UK-held procurement contracts here and the potential opportunities for Irish companies post Brexit; (7) Deputy Catherine Murphy - to discuss the precarious employment position of highly qualified medical professionals who meet a critical skills threshold that requires permission from the Minister for Justice and Equality to become self-employed in order to fill locum positions within the general practitioner sector, in view of the fact that these positions are generally granted to persons who can work on a self-employed basis; (8) Deputy Marc MacSharry - to discuss the difficulties for Irish Rail in securing additional rail capacity and service expansion; (9) Deputy Stephen Donnelly - the need for the Minister for Health to discuss the waiting list for a needs assessment for children with disabilities in County Wicklow; (10) Deputies Marcella Corcoran Kennedy, Carol Nolan, Barry Cowen, Eugene Murphy, Denis Naughten, Brian Stanley and Robert Troy - to discuss the closure of two power stations in the midlands and the impact on Bord na Móna workers and midlands communities; (11) Deputy Mattie McGrath - overcrowding at South Tipperary General Hospital emergency department - the INMO has today confirmed that South Tipperary General Hospital is among the top five hospitals – at No. 4 - most acutely affected by patients waiting without a bed and that the national number for those waiting without a bed now exceeds 100,000 for the second consecutive year; (12) Deputy Gino Kenny - to discuss the strike at Delfin English Language School; (13) Deputy Michael Healy-Rae - the future of forestry in Ireland as the subject of a Topical Issue debate, something that is very important as the sector is facing a crisis; (14) Deputies Louise O'Reilly and Brendan Ryan - to discuss additional school places in north County Dublin, including Skerries community college; (15) Deputy Donnchadh Ó Laoghaire - to discuss Garda resources in Cork city centre; (16) Deputy Richard Boyd Barrett - to discuss recent comments on funding for local government; (17) Deputy Catherine Connolly - the underspend of approximately €12 million by mental health services in 2019 and the proposal to return it to the general fund; (18) Deputy James Lawless - the lack of secondary school places and adequate accommodation in Kildare North; and (19) Deputy John Brassil - to ask the Minister for Housing, Planning and Local Government his view on the latest *daft.ie* report which shows that average rental prices increased across every county from 2018 to 2019, the plans he has to address this issue, with particular emphasis on those counties where year on year the increase was greater than 10% - Galway, Clare, Limerick, Kerry, and Waterford - and if will he make a statement on the matter.

The matters raised by Deputies Brougham; Corcoran Kennedy, Nolan, Cowen, Eugene Murphy, Naughten, Stanley and Troy; and MacSharry have been selected for discussion.

**Ceisteanna (Atógáil) - Questions (Resumed)**

**Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions**

**Migrant Integration**

40. **Deputy Seán Haughey** asked the Tánaiste and Minister for Foreign Affairs and Trade the status of efforts to address the global migration crisis; his position on same; and if he will make a statement on the matter. [46438/19]

**Deputy Seán Haughey:** Will the Minister for Foreign Affairs and Trade update me on efforts to address the global migration crisis, outline the Government's position on same and make a statement on the matter? Migration is one of the biggest challenges facing the world. As it has huge implications for global politics, I would welcome the Tánaiste's response.

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney):** I thank the Deputy whom I congratulate on being given this spokespersonship. I look forward to working with him for however long we have left in this Dáil which I imagine will be a few months.

*4 o'clock*

The number of international migrants has risen to 272 million in 2019. That is an extraordinary number and it represents an increase from 221 million in 2010. Clearly, migration is a significant and growing phenomenon. It is important to remember that the vast majority of people move legally and in an orderly fashion. All of the evidence demonstrates that safe, orderly, regular and freely chosen migration benefits countries of both origin and destination, as well as improving the lives of migrants. Migration can also take place in an unsafe and irregular way, often because of hardship and persecution, as illustrated by recent tragedies and the continuing loss of life in the Mediterranean. Conflict and persecution, as well as poverty, lack of opportunity and environmental degradation, continue to propel people to seek out opportunities for sanctuary and livelihoods elsewhere. There are almost 71 million forcibly displaced persons globally.

We support the European Council position that a comprehensive approach is essential. Progress has been made, with the number of irregular border crossings into the European Union at its lowest in five years. Challenges remain, however, and Ireland is working with its EU partners to resolve them and put in place sustainable solutions. In 2015 Ireland committed to accepting up to 4,000 people through the EU relocation programme and the UNHCR-led refugee resettlement programme. Some 2,600 people have so far arrived in Ireland under these programmes. Ireland has been active in search and rescue missions in the Mediterranean, with the Irish Naval Service having rescued more than 17,500 people there. This year Ireland has agreed to receive up to 100 people disembarked following search and rescue operations as part of the refugee protection programme. Ireland played a key role in the agreement at the United Nations last year of the Global Compact for Safe, Orderly and Regular Migration and the Global Compact on Refugees, both of which are important frameworks for international co-operation on migration and refugees.

My Department, through Ireland's international development programme, is also supporting efforts to address migration challenges. We are providing €15 million for the EU Trust Fund for Africa which is financing over 200 projects in 26 countries. Our funding for the EU Facility for Refugees in Turkey supports almost 1.7 million refugees with basic services. We are contributing over €15 million this year for the vital work of the UNHCR.

**Deputy Seán Haughey:** While the global migration crisis may have lessened somewhat since its height in 2015, the recent appalling discovery of 39 bodies in a lorry in Essex has put the issue back in focus. The shocking discovery was followed by MEPs voting against a non-legally binding resolution that called on European countries to step up search and rescue efforts in the Mediterranean. As the Tánaiste knows, Fine Gael's four MEPs voted against the resolution. According to the latest UNHCR statistics, as of 4 November, 96,649 refugees and migrants have entered Europe, while it is estimated that just over 1,000 people are missing or dead. Certain states have been affected by the migration crisis. While the European Union has put in place mechanisms to deal with the increase in the number seeking asylum in the Union, not all member states have committed to sharing responsibility for addressing the matter. While I realise it is a very sensitive issue, it is clear that the European Union can and must do better. I accept that Ireland has opted in to many of the measures proposed at EU level. I support the measures taken to address the root causes of migration, including the EU Trust Fund for Africa which aims to address the root causes of irregular migration and displaced persons in Africa, but my party and I are critical of some of the third country arrangements put in place by the European Union.

**Deputy Simon Coveney:** They are fair questions, but, first, let me clear up a couple of points. The recent vote in the European Parliament which some Fianna Fáil MEPs did not even attend was on a non-binding resolution, but it also had legitimate problems in the context of the sharing of information in the Mediterranean. Let me be very clear: Ireland would be willing to send a ship back to the Mediterranean to assist in search and rescue efforts, as we have done in the past. The Taoiseach has confirmed this, as have I. This week I met representatives of a number of the NGOs that have been working to provide search and rescue support in the Mediterranean, saving people's lives. The European Union needs to do more than it is doing. Its inability to achieve a collective agreement on migration and the humanitarian response needed for migrants trying to cross the Mediterranean is not its finest hour. There are many countries, including Ireland, that are trying to find a much more co-ordinated and cohesive way forward on the issue and we will continue to do so. Countries such as Germany, in particular, are trying to build consensus on how to put together a collective effort that will not only save lives but also deal with the root causes of migration from the continent of Africa.

**Deputy Seán Haughey:** I welcome the Tánaiste's response. The approach adopted by Ireland in the Mediterranean is a humanitarian one which is in keeping with our tradition generally as a nation state.

Fianna Fáil has been consistent in its criticism of returning migrants and refugees to Libya because of circumstances there. It cannot be considered to be a safe country. Conflict, economic collapse and a breakdown in law and order, coupled with smuggling networks and criminal gangs, make Libya a dangerous place for migrants. As a party, Fianna Fáil has consistently voiced its concern about the horrendous conditions in detention centres in Libya and the inhumane treatment of those detained in them. There are reports of human rights abuses, violence and rape. I would welcome the Minister's response on the matter.

**Deputy Simon Coveney:** In this House we share genuine concern about the humanitarian catastrophe in Libya in terms of the number of refugees who are staying in totally unsuitable conditions and very vulnerable circumstances. I speak to UN agencies and NGOs that have dealt with many of the people concerned. Many of their stories were shared with Irish Naval Service personnel on the decks of Irish naval vessels. I believe four Irish naval vessels went to the Mediterranean. Only yesterday at the Foreign Affairs Council, the German Foreign Minister, Mr. Heiko Maas, briefed us on a recent visit to Libya, Tunisia and Algeria, where a new Berlin process is trying to make progress on a ceasefire that it is hoped can form the basis of political stability that can be the start of the response needed politically in Libya.

On a humanitarian level, my views are known. I am very frustrated that the European Union has not been able to agree collectively on an approach. I hope that with the new Italian Government and new efforts by a number of EU member states, we will soon be able to have a collective approach that will be more effective than the current one.

### **Good Friday Agreement**

41. **Deputy Seán Crowe** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has met his UK counterpart since the ruling in the case of a person (details supplied); his views on whether the ruling shows that the UK Government is failing to honour the Good Friday Agreement; and the steps he will take to ensure the UK Government abides by and implements each of the provisions of the Good Friday Agreement and other agreements. [46440/19]

**Deputy Seán Crowe:** We have all been following the Emma DeSouza case very closely. It goes to the heart of the citizenship and identity provisions of the Good Friday Agreement. On Monday, 14 October judges in the Upper Tribunal in London ruled that people born in the North of Ireland were UK citizens according to UK law. Has the Minister met his British counterpart to discuss this latest ruling?

**Deputy Simon Coveney:** I thank the Deputy for raising this case, in which I am aware he has shown consistent interest for a while.

Citizenship and identity provisions are central to the Good Friday Agreement and it is vital that they be upheld. The Irish Government has consistently engaged with the British Government in support of this and will continue to do so. It is important to state Ms Emma DeSouza is an Irish citizen and that this is provided for and protected under the Good Friday Agreement. My Department is keeping in regular contact with Emma and Jake DeSouza.

In December 2018 I wrote to the then Secretary of State for Northern Ireland to raise the case of Ms DeSouza and the concerns about the citizenship and identity provisions of the Good Friday Agreement and ask for a review of the issues involved. In February the then Prime Minister, Mrs. Theresa May, acknowledged the serious concerns in this area and pledged to review the issues surrounding citizenship to deliver a long-term solution consistent with the letter and spirit of the Good Friday Agreement. To her credit, she agreed to do that. In this context, the decision of the tribunal in the DeSouza case on 14 October does not define the extent of the British Government's obligations under the Good Friday Agreement. I hope people are familiar with the Good Friday Agreement in which the Governments "recognise the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both" and "confirm that their right to hold both British and Irish citizenship is accepted by both Gov-

ernments". It is imperative that people in Northern Ireland have confidence in these provisions of the Agreement, in letter and in spirit. To provide for that, a positive outcome to the review mandated by the British Government is now needed. The Government is actively engaged to seek that outcome.

I again raised the case with the Secretary of State for Northern Ireland at our meeting on 15 October and I have since written to the Secretary of State to underline the pressing need for a positive outcome to the review by the British Government. The Government will continue to pursue strongly these issues with the British Government, as a co-guarantor of the Agreement itself.

**Deputy Seán Crowe:** This ruling represents a clear and deeply worrying development. The identity and citizenship provisions are critical to the integrity of the Agreement and must be protected and defended to the hilt. The Good Friday Agreement is crystal clear on the terms of citizenship. Emma DeSouza is an Irish citizen and it is disgraceful that she should have to go to court to prove it. Emma herself has said that the core of this issue is the fact that she is not a British citizen. She has not held a British passport, she has not accepted British citizenship and she understands that the Good Friday Agreement gave an explicit right to identify and be accepted as Irish or British or both. She said she is Irish, that it was not a choice or a decision; it is simply who she is.

I welcome that the Tánaiste and Minister for Foreign Affairs and Trade raised this case with his British counterpart and the Taoiseach raised it with the British Prime Minister. The Good Friday Agreement is an internationally binding treaty, overwhelmingly endorsed by the Irish people. Did the British Government clarify to the Tánaiste and Minister for Foreign Affairs and Trade its commitment to the Good Friday Agreement, say it will end this undermining of the citizenship and identity provisions and will it introduce new legislation to ensure it fully complies with the Good Friday Agreement and stop the discrimination of citizens like Emma DeSouza?

**Deputy Simon Coveney:** This is an issue that has concerned a lot of people who are watching to see how the British Government responds to it. Having spoken to the Secretary of State about this case on more than one occasion, my understanding is that there will be a comprehensive review of citizenship provisions and how they are provided for to ensure consistency with the Good Friday Agreement. We will have to wait for that review to conclude. I assure Deputy Crowe that we have raised and will continue to raise this case. The citizenship provisions are essentially at the core of the Good Friday Agreement, which is all about identity and people being Irish or British or both if they choose to be in the context of the Good Friday Agreement. We will continue to pursue this case. I believe the British Government wants to address this issue in a fair and proper manner and in a way that is consistent with the Good Friday Agreement, but until that is done we need to continue to call for that review to be completed and hopefully published.

**Deputy Seán Crowe:** I am conscious that an election is taking place, but does the Tánaiste not agree that this seems to be part of a pattern? The British Government is a co-guarantor of the Good Friday Agreement yet it constantly undermines elements of it. Just this week the British Prime Minister announced new plans to give British soldiers immunity from prosecution. The proposals would create a de facto amnesty from prosecution for British soldiers who committed offences in Ireland, including the murder of Irish citizens. That is completely unacceptable. Any attempt to create a scenario where current or former British soldiers are

given immunity from prosecution, in addition to the immunity they have enjoyed for decades, is totally unacceptable.

Mechanisms have been agreed by the two Governments and political parties as part of the Stormont House Agreement to deal with legacy issues of the conflict and they must be implemented. Has the Tánaiste raised the concerning proposals with his British counterpart? I accept that an election is taking place, but has the Tánaiste told the British Government that the proposals are unacceptable to the Irish people, the Irish Government and to all people that are fair minded on this island?

**Deputy Simon Coveney:** We need to be careful about the language we use during an election campaign. Politics is already very polarised in Northern Ireland and we need to work towards political reconciliation between parties as well as reconciliation between communities. That is why yesterday I tried to respond in an appropriate way to suggestions that there may be commitments to non-prosecution of certain state actors in the context of the legacy of the past in Northern Ireland. I do not think that would be helpful; in fact I think it would be very unhelpful in terms of efforts to move a legacy process and a reconciliation process forward in Northern Ireland.

We have an agreed approach. It is called the Stormont House Agreement. It is quite detailed and it took a lot of time to put together. There is a commitment to a historical investigations unit, which would investigate without fear or favour atrocities and crimes in Northern Ireland. The vast majority of them will concern non-state actors in acts of terrorism. We cannot have a situation where there is essentially an amnesty for any one element of Northern Ireland's past. That it not going to be the basis for lasting reconciliation. The Irish Government's position on that is very clear.

## **Brexit Issues**

42. **Deputy Lisa Chambers** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on whether there is sufficient time to negotiate an agreement on a future trading relationship by the end of 2020 if the withdrawal agreement agreed in October 2019 is ratified in the European Parliament and the UK House of Commons; and if he will make a statement on the matter. [46439/19]

**Deputy Lisa Chambers:** My question relates to the withdrawal agreement that has been negotiated and agreed by the UK Government with the European Union. If it is to be ratified in the European Parliament and then in the House of Commons, does the Tánaiste believe there is sufficient time after that to negotiate a future trading relationship by the end of 2020, which is when the transition period expires?

**Deputy Simon Coveney:** The first thing on which we need to concentrate is to try to get a withdrawal agreement concluded.

**Deputy Lisa Chambers:** I refer to after that fact.

**Deputy Simon Coveney:** I take that point. After a general election in the UK, if the Parliament ratifies the latest withdrawal agreement that has been agreed between the British Government and the EU then, in all likelihood, the UK will leave the European Union at the end of

January. As part of that withdrawal agreement the political declaration sets a course for what the future relationship might look like, but the timescale for the negotiation of that says the transition period would end at the end of 2020 unless both sides agree on the back of the UK applying for an extension to that period by either one or two years. That request would have to be made by 1 July next year, which essentially only leaves five months in advance of that request. The British Prime Minister has said he will not seek an extension of time.

Personally, I think it will be very difficult to negotiate a future relationship in all of its complexity before the end of 2020, but it is possible. That is a matter for the two negotiating teams. For some time now the EU side has been preparing for that negotiation. Michel Barnier will effectively lead a task force on the future relationship negotiation, even though individual Commissioners and the Commission will also be involved in the negotiations across various sectors.

The answer to Deputy Lisa Chambers's question is that I think the timeline will be very tight. The end of 2020 was originally envisaged as a timeline that would have been a lot longer, before the extensions were granted in an effort to get a withdrawal agreement ratified and agreed. We are going to have to respond to these issues as they develop and, as ever, Brexit will not be easy and the European Union will have to make difficult choices, depending on the approach of the UK side. The future relationship negotiations will be difficult because the target is tariff-free, barrier-free and quota-free trade. If that is to be the case, then level playing field issues will have to be negotiated across multiple sectors, which will take time.

**Deputy Lisa Chambers:** The transition period was initially due to be 21 months. It appears to have been an oversight that, during the renegotiation of the withdrawal agreement, it was not dealt with. I agree with the Minister that we hope and expect that the UK Government will apply for an extension of the transition period by 1 July 2020. Boris Johnson has pledged that if he is re-elected, which is looking quite possible, that he will not seek an extension to the transition period beyond 2020. In a recently posted video, he stated:

We can get a fantastic new free trade agreement with the EU by the end of 2020 and we will not extend the transition period beyond the end of 2020.

I disagree. I do not think it is possible to get a trade agreement concluded within five months or 12 months. In fact, even 21 months was ambitious. The Minister mentioned level playing field provisions with regard to where both sides are starting from. The new agreement that has been negotiated allows the UK to further diverge. It will not be in the customs union by the end of 2020. It wants to strike new trade deals. That means that the very close arrangement that we want is looking quite unlikely. Given that both sides are starting from wildly different and separate positions, I think we have a mammoth task ahead, with many years of negotiation. The Government appears to be relying on this extension just happening at the end of 2020. I do not think we can rely on that.

**Deputy Simon Coveney:** The Deputy has made a number of statements as if they are absolute facts. The truth is that there are still many unknowns with regard to how the future relationship negotiations will go. I share the Deputy's concern that the timelines are tight. Given the recent history of negotiating trade deals with other parts of the world, it generally takes years, not months, to negotiate trade deals. Even the ratification process often takes longer than a year. It is very ambitious for a British Prime Minister to expect that all of this can be done in ten or 11 months. Once we get into a transition process, the challenges and the timelines to resolve them will become clear. We will have some time in the build-up to the summer of 2020 before there

is a need to decide whether an extra one or two years are required. Regardless of what is being said now, I think the current focus should be on trying to get a withdrawal agreement across the line, which has not yet been done. Once that creates a legal framework related to a transition period, we can move through that process and deal with the issues as they arise.

**Deputy Lisa Chambers:** It is a fact that an extension must be applied for by 1 July. The UK Government says it does not want to do that. Most people tend to agree that it will take a considerable amount of time to negotiate this agreement. I am speaking about those because they are reasonable points to make. The Minister, Deputy Humphreys, appeared before the business and enterprise committee and spoke about the transition period being extended by two years as if that was a *fait accompli* and was guaranteed. I challenged her on this and she amended what she had told the committee. My point is that the Government is relying on this just happening because the alternative is so bad. We have to have learned at this point that the worst could happen. Professor Imelda Maher from the UCD school of law was before the Joint Committee on Health. She is professor of European law. Addressing the end of the transition period and negotiating a free trade agreement in that time, her written submission stated “The unravelling and redefining of 45 years of union membership is going to take more time than that and unless further extensions are sought, there will be a fall back to WTO rules which will greatly impede trade between UK and the EU (but for Northern Ireland).” Has the Government conducted an economic impact assessment of what the country is facing at the end of 2020 if there is a hard exit by Great Britain?

**Deputy Simon Coveney:** I do not disagree with the Deputy about the concern about attempting to get a future relationship on a whole range of things, not just a trade deal, including fishing, data, aviation-----

**Deputy Lisa Chambers:** Policing, security.

**Deputy Simon Coveney:** -----defence and security co-operation. I accept that it is very ambitious to expect that that can be done in 11 months. We should not, however, be making statements that we will be relying on two more years being applied for. First, we have to get into a transition period. We are already preparing, as a Government, for the negotiations that will take place to make sure that the Irish perspective is fully understood within the EU approach during that transition period to a future relationship. The focus over the next six weeks should be on a withdrawal agreement, getting it ratified and, if it is ratified by the end of January, then ensuring that we are well prepared for a withdrawal agreement. As with everything related to Brexit, the job of Government is to be ready for multiple potential outcomes. Depending on the result of the British general election, those outcomes could still be very different. To make decisions for the end of 2020 is probably premature.

### International Agreements

43. **Deputy Róisín Shortall** asked the Tánaiste and Minister for Foreign Affairs and Trade the position of Ireland on the draft legally binding instrument to regulate in international law the activities of transnational corporations and other business enterprises. [46682/19]

**Deputy Róisín Shortall:** My question relates to the need to progress the draft UN legally binding instrument to regulate international law and the activities of transnational corporations and other business enterprises in respect of human rights abuses. The figures that have been

documented in recent years are concerning. There have been 2,000 attacks on activists since 2015. Last year alone, 321 human rights defenders were murdered. There is an urgent need to progress this instrument.

**Deputy Simon Coveney:** The question of a legally binding treaty to regulate the activities of transnational corporations and other business enterprises has been under consideration by an open-ended inter-governmental working group on transnational corporations and other business enterprises, which was established on foot of a resolution adopted by the Human Rights Council in 2014. The working group has had five sessions to date, with the most recent having taken place in Geneva from 14 to 18 October 2019. It considered the revised draft text of a legally binding instrument which had earlier been circulated by Ecuador, the chair of the working group. Ireland was among those EU member states which advocated a greater engagement by the European Union in the process and I am pleased therefore that the EU participated and made statements at the opening and closing debates.

As the proposed treaty covers matters for which the EU is competent, it will be for the European Commission to negotiate on behalf of the EU and its member states. For my part, I am open to looking at options for progress on a legally binding treaty, which I believe should be firmly rooted in the UN guiding principles on business and human rights. I would like to see any new initiative build on, rather than duplicate, existing measures such as the Organisation for Economic Co-operation and Development, OECD, guidelines for multinational enterprises and the International Labour Organization, ILO, tripartite declaration of principles concerning multinational enterprises and social policy. Any new treaty would have to reaffirm the universality, indivisibility and interdependence of human rights and stress the primary responsibility of states under existing human rights obligations to protect against human rights violations. I also believe that it would have to treat all economic operators, whether transnational or purely domestic, in a non-discriminatory manner.

Ultimately, if it is to achieve its objectives, any legally binding instrument should enjoy broad support among UN member states to ensure its effectiveness, as well as international coherence in the framework of business and human rights. On this point, I note that of the 22 countries which to date have adopted national plans on business and human rights, 16, including Ireland, are EU member states.

**Deputy Róisín Shortall:** The Minister has repeated those lines a number of times in recent months. Does the Minister accept that there is a major gap in the regulation of corporate activities by states and in access to remedy for victims of human rights violations? The transnational or global nature of business has not been met with global regulation and binding measures. A number of the points the Tánaiste has been making in recent times were addressed in that fifth session. He said Ireland wants the scope to cover domestic enterprises as well as transnational corporations, and that is included in the latest draft. He said the treaty must be rooted in the UN guiding principles on business and human rights, and the latest draft does exactly that. He also said that to achieve its objectives, any legally binding instrument should enjoy broad support.

We need the EU to take the lead and Ireland should be leading the EU in that respect. Rather than everybody stepping back and expecting somebody else to give leadership, would the Tánaiste consider Ireland taking that step?

**Deputy Simon Coveney:** I would like to think we are already. No one is stepping back. As I said at the end of my response to the Deputy's previous question, of the 22 countries that have

national plans on business and human rights, 16 of them are in the EU. The EU is trying to give leadership in this area. We have made the case that the EU should do more, although I would not say that was the only contributing factor to the EU making statements at both the start and end of the session. Many of the issues that require regulation in how transnational companies operate within the EU and the functioning of the Single Market have to be done at EU level by the European Commission. We will continue to advocate that the EU can do more. This has to be a global response or, otherwise, we will see certain parts of the world taking this seriously and other parts of the world not doing anything. That is why, ultimately, this needs to be a UN-led process with EU leadership driving the change that is needed. I am certainly happy that Ireland would be one of the leaders within the EU to try to deliver that change.

**Deputy Róisín Shortall:** It is fair to say that Ireland has not led to date. Recently, in September, the Tánaiste said that officials in his Department were in the process of reviewing the draft to assess whether Ireland's wide-ranging concerns in respect of the earlier document had been addressed. When will this review by officials be available? He said Ireland will continue to work with other EU partners to look at how we might actively and constructively engage in the negotiation process. Can he outline how Ireland will take steps to actively and constructively engage in the negotiation process?

**Deputy Simon Coveney:** Ireland is trying to give leadership by example so that is why we have, at national level, a national action plan with a committee chaired by Breege O'Donoghue, formerly of Primark. That committee has met three times this year, in January, April and October, and the next meeting will take place in January. The key action of the implementation committee will be to develop a practical toolkit on business and human rights for private and public entities to assist them in their human rights due diligence. At international level, we will continue to engage when the meetings take place. We will raise issues when we need to and continue to try to move the process forward. That is how international platforms like this work.

**Deputy Róisín Shortall:** When will the review be available?

**Deputy Simon Coveney:** I will get that detail and send it to the Deputy.

## **Ceisteanna Eile - Other Questions**

### **Armenian Genocide**

44. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Foreign Affairs and Trade if a motion or resolution will be brought to Dáil Éireann to recognise the 1915 genocide of Armenians living in the Ottoman empire (details supplied); and if he will make a statement on the matter. [46129/19]

**Deputy Thomas P. Broughan:** On 29 October 2019, the US House of Representatives overwhelmingly passed a resolution to recognise the 1915-17 Armenian genocide. It has also been recognised by the United Nations Sub-Commission on the Promotion and Protection of Human Rights, the European Parliament, the Council of Europe, 16 EU member states and 32 countries worldwide. Is it not time for the Tánaiste and the Government to bring forward a motion or resolution to recognise the awful genocide in Armenia more than 100 years ago?

**Deputy Simon Coveney:** The Government expressed its deepest sympathy for the enormous suffering of the Armenian people during the terrible events of 1915, which resulted in the appalling deaths of large numbers of the Armenian population in the Ottoman empire.

No Government has taken a position on the recognition of the events of 1915 as genocide, believing that it is not in a position to adjudicate on this contentious matter involving the consideration of a number of legal issues and an assessment of the actions and intentions of many parties during that time. There is no international consensus on whether the events of 1915 can be considered a genocide. Ireland follows the practice of recognising genocide only where this has been established by a judgment of an international court, or where there is international consensus on the matter. Consequently, I do not propose to bring forward a motion or resolution on the matter at this time.

These terrible events continue to overshadow relations between Armenia and Turkey and the two sides maintain sharply different historical interpretations of these events. As the Irish experience demonstrates, the process of reconciliation and coming to terms with the past is never easy. Ireland urges Armenia and Turkey to take advantage of any opportunity to progress reconciliation on this matter for the good of their peoples and the wider region. I believe it is important that we do not permit current international developments in the region to influence our judgment on events that took place as far back as 1915.

I know that is not the response the Deputy was looking for. However, it is important that Ireland be consistent in its approach on such issues and I have outlined that consistency.

**Deputy Thomas P. Broughan:** Should we not have a particular interest in this, given what happened to our people between 1845 and 1852, which was effectively a genocide as well? According to the 1948 UN genocide convention, the crime is defined as acts “committed with intent to destroy, in whole or part, a national, ethnical, racial or religious group”. Between 1915 and 1917, after Turkey entered the First World War on the side of the central powers, the Armenians, a Christian people who played a valuable role in business and economics throughout the Ottoman empire, were targeted and identified as the enemy within. The leadership was rounded up in Constantinople in 1915 and this was followed by the deportation of hundreds of thousands of Armenians and the confiscation of their property, before they were driven into the deserts of northern Syria, which we are familiar with from recent events. There was mass shooting, burning and poisoning, and, at the end of it all, up to 1.5 million people were dead. The European Parliament has asked all member states to formally recognise this horrendous event as genocide.

**Deputy Simon Coveney:** Some of what the Deputy says is true but there is no international consensus on whether the events of 1915 can be considered a genocide. There has been no ruling in regard to this matter by an international court and neither the EU - that is, the European Council and the High Representative for Foreign Affairs and Security Policy - nor the UN has recognised these events as genocide. The European Parliament, it is true, adopted a resolution on 15 April 2015 on the centenary of the Armenian genocide, calling on Turkey to recognise the events of 1915 as genocide and calling on both Turkey and Armenia to work towards reconciliation and normalisation of their relations. The Parliamentary Assembly of the Council of Europe recognised the events as genocide in a 2001 resolution. The parliaments of 15 member states have passed resolutions recognising the events of 1915 as genocide. However, Governments of ten member states have said they do not recognise the events of 1915 as genocide or have refused to take a position on the matter. Remaining member states have avoided being drawn

into the issue.

The point I am making is that there is not a settled international position on this; far from it. I have outlined the basis by which Ireland would introduce a resolution on this matter and we do not have it.

**Deputy Thomas P. Broughan:** All we can rely on for the past are historians.

**Deputy Simon Coveney:** The courts, not historians.

**Deputy Thomas P. Broughan:** Historians have delved into the documentation on what happened. For example, in July 1915 the US ambassador to the Ottoman Empire, Henry Morgenthau Snr., said “a campaign of race extermination is in progress under a pretext of reprisal against rebellion.” He was referring to the horrible crimes being committed against the Armenian people. Also, in the year 2000, almost 20 years ago, 126 scholars worldwide, including renowned people such as Nobel Prize winner Elie Wiesel, historian Yehuda Bauer and sociologist Irving Horowitz, published a statement in *The New York Times* affirming that, from their studies, the “Armenian genocide is an incontestable historical fact”. As I said, surely we should be the most conscious of this, given the behaviour of Lord John Russell and his Government and the treatment of the ancestors of those of us in this House in those seven years during which more than 1 million people were starved to death and well over 1 million had to emigrate. We are so conscious of what happened in the former Yugoslavia, the awful events and attacks on the Jewish people, what happened in the Holocaust and what happened in Rwanda. Surely we, perhaps more than most nations, should be most acutely aware of this. The Minister should bring forward such a motion. If I, or colleagues and I, brought it forward, would the Minister support it?

**Deputy Simon Coveney:** I am not disputing the awfulness of what happened, the number of people who were killed or the suffering involved. What I am saying is that whether it is legally categorised as a genocide is in dispute. That is the only dispute here. In fact, in 2015 the issue was debated at a meeting of the Oireachtas Joint Committee on Foreign Affairs and Trade, when Senator Mark Daly put forward the proposal that the joint committee recognise the suffering and loss of the Armenian people in the 100th anniversary of the Armenian genocide. The motion was defeated by eight to five. It is not as if we have not debated this issue. Of course I am aware of an ongoing lobby on this issue, but I think I have stated repeatedly the basis on which we will make a decision on this, that is, the legal understanding and court rulings concerning the matter.

### **Female Genital Mutilation**

45. **Deputy Denis Naughten** asked the Tánaiste and Minister for Foreign Affairs and Trade the progress being made to ban female genital mutilation at both EU and UN level; and if he will make a statement on the matter. [46479/19]

**Deputy Denis Naughten:** Female genital mutilation, FGM, is a barbaric practice perpetrated on young girls. While the practice is concentrated in 30 countries in Africa and the Middle East, it is a universal problem which continues to persist among immigrant populations living here in Europe. I would like the Minister to update us on the progress on outlawing and prohibiting this practice.

**Deputy Simon Coveney:** I thank the Deputy for raising this question. Female genital mutilation is a fundamental violation of the human rights of women and girls. It is nearly always carried out on girls under the age of 18. Approximately 3.6 million girls are at risk of being subjected to FGM each year. According to the World Health Organization, there are 200 million girls and women in 30 countries affected by FGM. While there has been an overall decline in the prevalence of FGM in the past three decades, not all countries have made progress and the pace of decline is very uneven.

In 2018 Ireland co-sponsored resolutions in the Human Rights Council and the UN General Assembly calling for the intensification of efforts to eliminate FGM globally. The Government's new policy for international development, A Better World, launched last February, has gender equality at its core. A Better World commits to strengthening and intensifying Ireland's work to end all forms of gender-based violence, building on our previous work in this area.

Ireland also provides support to a number of UN agencies, including UNICEF and the United Nations Population Fund, UNFPA, that are working to address FGM. UNFPA and UNICEF jointly lead the largest global programme to accelerate the elimination of FGM, which currently focuses on 17 African countries with the highest prevalence of FGM. The Government supports the development of legislation outlawing FGM, funds community and media education initiatives on FGM and provides training to improve healthcare and protection services for those affected.

In addition, the European Union and the UN are collaborating on a new global initiative called the Spotlight Initiative. This focuses on the elimination of all forms of violence against women and girls, addressing the most prevalent forms of such violence in specific regions. In Africa, the Spotlight Initiative is concentrating on sexual and gender-based violence and harmful practices including FGM.

**Deputy Denis Naughten:** Based on UN estimates, two young girls have female genital mutilation performed on them every single minute. In a majority of countries the girls were cut before the age of five. This is happening here in Ireland, in that young girls have been taken out of Ireland to be cut. While FGM is prohibited here and it is also a criminal offence for someone in Ireland to take a girl to another country to undergo this procedure, it is important we raise awareness here; introduce right across Europe far more robust legislation along the lines of the legislation here; and ensure there is awareness among the authorities, the health professionals and the Garda and police authorities and that we enforce that legislation.

**Deputy Simon Coveney:** FGM is universally recognised as a form of gender-based violence and a fundamental violation of human rights and girls here in Ireland. The practice of FGM is estimated to affect more than 3,780 women and girls in Ireland between the ages of 15 and 45. The Criminal Justice (Female Genital Mutilation) Act 2012 provides for the creation of an offence of FGM and other offences relating to FGM. Under the Act it is a criminal offence for a person living in Ireland to perform FGM or to take a girl to another country to have FGM performed on her, as the Deputy has rightly outlined. In addition to prohibiting the use of FGM in law, it is important that appropriate responsive services at primary care level are in place to provide necessary care and support to women and girls who may have undergone FGM, whether illegally in Ireland or whether they have been taken out of the country for it to happen and then come back again.

The HSE is also working to raise awareness of the health implications of FGM among at-

risk communities through information and support. An FGM resource pack for health professionals and relevant staff in maternity and associated settings has also been disseminated. The HSE also provides funding for a national network of immigrant women to facilitate working with target communities around raising awareness of the illegality of FGM and sharing information about the risks of this practice and the supports available for people. We are doing a lot but we need to do more.

**Deputy Denis Naughten:** I thank the Minister again for his reply. He is right: we are doing a lot here. We have very robust legislation such that offences committed outside of this jurisdiction - sadly, they are being committed outside of this jurisdiction - can be prosecuted here. As the Minister knows, however, that is not the case right across the member states of the European Union. I ask the Minister not only to support the awareness and resources being provided here in Ireland but at European Union level to impress on his colleagues right across Europe that this practice not only needs to be outlawed in all the other 27 European Union member states but also can be prosecuted if a young girl is taken from a member state of the European Union and the practice is performed elsewhere. It is important we have a zero-tolerance approach right across Europe not only to this practice but to anyone resident within the European Union who facilitates its carrying out on any young girl anywhere across the globe.

**Deputy Simon Coveney:** If nearly 4,000 women and girls in Ireland are impacted by this, the figure for the European Union in total is obviously many multiples of that. We would certainly like to see a consistency of approach in the law and prosecutions in this area. Perhaps I could come back to the Deputy with country-by-country details of the state of legislation in this area. Perhaps we could do some more work to raise the profile of the issue in countries that have yet to put legislation in place that is similar to ours.

### **Overseas Development Aid**

46. **Deputy Seán Haughey** asked the Tánaiste and Minister for Foreign Affairs and Trade the steps he will take to ensure that the target ratio of 0.7% for official development assistance, ODA, to gross national income, GNI, is achieved by 2030; and if he will make a statement on the matter. [46435/19]

**Deputy Seán Haughey:** I ask the Tánaiste to outline the steps that the Government will take to ensure that the target ratio of 0.7% for official development assistance, ODA, to gross national income, GNI, is achieved by 2030. This has been an objective for many years. While there is competition for scarce resources every year when the budget is determined, I think most Irish people would subscribe to the view that we should reach that target sooner rather than later.

**Deputy Simon Coveney:** The Government is fully committed to delivering on the 0.7% ODA:GNI target by 2030. Achieving this commitment would mean a tripling of current allocations and sustained, substantial increases beyond the lifetime of the current Dáil. The Department of Foreign Affairs and Trade will engage in careful planning and consultation with other Departments and stakeholders as we seek to grow Ireland's development co-operation programme.

It is important to note that budget choices are always made against a backdrop of competing domestic priorities and changing economic conditions. Budget 2020 was prepared in exceptional circumstances and on the basis of Government assessments of the implications of a

possible no-deal Brexit. In that context, the allocation of €838 million to ODA is a significant budgetary commitment by the Government to international development. This represents the sixth consecutive year the total allocations to ODA has increased and funding levels are now approaching pre-financial crisis levels. It comes on the back of budget 2019, which saw the highest increase in funding available in over a decade. Funding for ODA was increased by €114 million last year.

These additional resources provide the basis to begin to grow the development co-operation programme and make progress towards delivering on the initiatives and commitments outlined in A Better World, Ireland's policy for international development which was published earlier this year. We will also work to ensure that we have the necessary capacity, systems and structures in place across Government to enable Ireland to grow the ODA budget into the future, while maintaining our reputation for quality development co-operation.

In simple terms, we are now spending over €800 million per year and, by 2030, that figure needs to be close to €2.5 billion per year. That is where we need to get to and that will mean substantial and sustained increases, year after year, and regardless of who is in budget-----

**An Leas-Cheann Comhairle:** The Tánaiste is out of time. Deputy Haughey should ask his first supplemental question.

**Deputy Simon Coveney:** I had time left.

**An Leas-Cheann Comhairle:** I will play by the rules if the Tánaiste will play by the rules. The Tánaiste had completed his answer.

**Deputy Simon Coveney:** I was finishing in the time I had left.

**An Leas-Cheann Comhairle:** The Tánaiste had completed his answer. We will stick to the one-minute limit from now on. Everybody observes the rules when they are under time but nobody observes the rules when they are 30 or 40 seconds over time. Let us play by the rules.

**Deputy Seán Haughey:** Fianna Fáil is conscious that the recent budget was framed in the context of Brexit, as the Tánaiste has said. We welcomed that, for 2020, the Government has allocated almost €838 million for official development assistance, an increase of just under €21 million on the 2019 budget allocation. While an upward trend in ODA in recent years is a move in the right direction, I support calls from organisations such as Trócaire and Dóchas for the Government to develop a strategy in order to ensure that the target is reached in full and on time.

The reality is that Ireland has fallen considerably behind in reaching the ODA:GNI target. Based on current estimates, the current level of allocation of ODA amounts to approximately to 0.31% of GNI. This is considerably behind a high of 0.59% reached in 2008 when Fianna Fáil was in government. While we acknowledge increases in ODA since 2014, it is clear that sustained financial resources will be required if we are to reach the target by 2030.

**Deputy Simon Coveney:** An agreed, cross-party approach is required to make this happen. We need to add somewhere between €100 million and €150 million a year, on average, between now and 2030 to the ODA budget. Some 65% or 70% of that funding will come through the Department of Foreign Affairs and Trade, the rest through other Departments. We are committed to doing that.

This year was an exception. I insisted on an increase this year of just under €21 million to make sure we did not go backwards from the 0.31% contribution. Because of the extraordinary nature of the budget this year, due to no-deal Brexit contingency planning, we are going to have to do even more in the years ahead to make up for that and we know that. I am glad we have the support of the main Opposition party so that we will be able to hold each other to account, whoever is in government in the future, to ensure that we meet the targets to which we are committed.

**Deputy Seán Haughey:** Sweden, Luxembourg, Norway, Denmark and the United Kingdom have achieved the 0.7% target. It has to be said that our aid programme has helped to address extreme poverty in some of the world's poorest nations and we can be proud of the contribution and difference we have made in that regard. However, it is evident that considerable and significant work remains to be done if we are to address poverty, gender equality, climate change and the promotion of peace and democracy in the developing world.

I ask the Government and all political parties to work with relevant stakeholders to develop a realistic and workable roadmap that will set out steps as to how this objective will be achieved. I am a firm believer in Ireland's traditional policy of military neutrality but our neutrality goes beyond that and involves the promotion of peace, justice and basic human rights throughout the world. ODA is one of the major mechanisms through which we can do that as a nation state. We need a roadmap and strategy to achieve that target in the shortest possible timeframe.

**Deputy Simon Coveney:** We have such a roadmap. That is why we launched the new development strategy earlier this year. It outlines four key priorities: gender equality, reducing humanitarian need, climate action and strengthening governance around the world. Ireland's aid programme is ranked No. 1 for reaching the most marginalised people on the planet so we have a good foundation to build on.

We must build on the programmes that are there and need the funding to follow through on the commitments we made many years ago. It is going to require choices in good and bad years for economic growth to add, on average, somewhere between €100 million and €150 million extra each year in the next decade to get to where we need to be. The Government and my Department are committed to doing that and I hope that consecutive Governments will be able to maintain that momentum.

## **Presidential Elections**

47. **Deputy Maureen O'Sullivan** asked the Tánaiste and Minister for Foreign Affairs and Trade if Ireland recognises the recent election of Mr. Evo Morales as President of Bolivia; if calls for similar recognition at EU level will be supported; if he with his EU colleagues will condemn the US position on the election which infringes Bolivian sovereignty; and if he will make a statement on the matter. [46257/19]

**Deputy Maureen O'Sullivan:** My question relates to the election of Mr. Evo Morales as President of Bolivia and where Ireland and the EU stand on recognising that election. Events have overtaken me on this particular matter. What is Ireland's position on what has been happening in Bolivia in recent weeks?

**Deputy Simon Coveney:** As the Deputy will be aware, the elections that took place in

Bolivia on 20 October 2019 were followed by reports of violence and excessive force by the authorities and the situation there remains very fluid and uncertain, as the Deputy referenced. Ireland supports the EU statement released on 24 October on the electoral process, which underlined the expectation that the Bolivian Government and electoral authorities would resolve the situation in a manner that respects the people's will, upholds the credibility of the electoral process and preserves social stability.

On 10 November, the Organization of American States released its preliminary report indicating that it had found clear irregularities and could not verify the result of the 20 October elections. That organisation had been asked to look at the process by President Morales. It concluded that it was unlikely that Mr. Morales had won by the required 10% margin and recommended that a new electoral commission be set up before convening fresh elections.

On 10 November, EU High Representative Federica Mogherini issued a further statement, which Ireland supports. The statement said that a new electoral court should be appointed that could offer guarantees of transparent elections. It also called on all parties, particularly the authorities, to assume their democratic responsibilities and take the appropriate decisions to allow quick reconciliation and avoid further violence.

The Deputy will be aware of the latest reports from Bolivia that President Morales has now resigned his post in an effort to help restore stability.

*5 o'clock*

I understand he has accepted Mexico's offer of political asylum. Developments in Bolivia are still unfolding and the situation remains unpredictable. Following the announcement of the President's resignation on 10 November, there were reports of further demonstrations and looting across Bolivia. A number of high-ranking officials, including the Vice President, the President of the Chamber of Deputies and the President of the Senate, have resigned. According to the Bolivian Constitution, the next in line of authority is the Vice President of the Senate. The Bolivian Constitution further provides that in the case of the President and Vice President both resigning, new elections must be held within 90 days. The Department of Foreign Affairs and Trade will continue to monitor developments closely. We will continue to consult our EU partners in responding to events as they develop.

**Deputy Maureen O'Sullivan:** As the Tánaiste has acknowledged, this is a very difficult situation. Mr. Morales was the first indigenous leader of a South American country. The Bolivian courts paved the way for him to run for a fourth term. Initial reports showed that he was leading the election. Mr. Morales called for a new supreme electoral tribunal and for new elections. He was prepared to go along with that. The escalation in the efforts of leaders of the opposition to overthrow him made it obvious that they were not interested in a second round of elections, or even in new elections. Of course they have been aided by the military and the police. This has led to suggestions that a military coup might have happened in Bolivia. The Organization of American States, OAS, which found irregularities, has a chequered history. It is dominated by the US and follows US policies. It is based in Washington. Previously, it facilitated and sanctioned the Cuban embargo. There is no doubt that there is an anti-left wing bias in the organisation. We know that Mr. Morales's departure has been welcomed by President Trump and President Bolsonaro. The situation in Bolivia is very serious. It is a question of where Bolivia goes now. I know that Mr. Morales has left for Mexico. I think there is a need for more clarity from the EU on where it stands.

**Deputy Simon Coveney:** The ongoing electoral integrity analysis and audit of the official results of last month's presidential election in Bolivia is being carried out by the OAS, to which the Deputy referred. The team consists of 30 international specialists and auditors, including electoral lawyers, statisticians, computer experts, document authentication specialists and experts in chain of custody and electoral organisation. The team will focus on the verification of the vote count, including tally sheets, ballots and votes. The verification process includes matters relating to computing, the statistical projection component and the chain of custody of the ballot boxes. As indicated in the agreement signed with the OAS, the Bolivian Government will provide the auditors with all the necessary information. Representatives of political parties, academia and civil society have been invited to submit any information and complaints they believe should be analysed by the auditors. My understanding is that everybody, including Mr. Morales and his Government, is co-operating with this process. We have got to believe in some process here. We should not write it off before it is complete because of perceived bias. I think that is the process that is under way. Most importantly, we need to try to support a process that maintains stability in Bolivia and allows for a new electoral process within the next 90 days.

**Deputy Maureen O'Sullivan:** There are concerns about the OAS as an organisation. It is based in Washington and is dominated by the US and its policies. There is a long history of US-backed right-wing military coups in Latin America. The list includes Guatemala, Haiti, Honduras, El Salvador, Nicaragua, Panama, Bolivia previously in 1964, Chile and Argentina. It is very difficult to take this organisation. I hope that the Tánaiste is right and that everyone is buying into it. There are concerns around it. Over 1,300 delegates attended a conference in Havana in early November. They represented 750 organisations and came from 86 countries in the area. All of them expressed concern about the clear intentions of the US in Latin America, particularly with regard to Latin America's natural resources. I would like to mention some of the achievements of President. Morales. During his time in office, the GDP of Bolivia grew and the number of Bolivians living on less than \$3.20 a day decreased. Poorer people were benefiting when he was in power. We know there are elements in society who do not like to see poor people benefiting. We have to wonder about the other agendas that are appearing.

**Deputy Simon Coveney:** I am not in a position to make a judgment on whether Evo Morales did a good job as President of Bolivia. The question is whether he was re-elected. He has to win an election by a clear margin to be re-elected. We are going through a process at the moment to ascertain whether the election was free and fair. Clearly, the suggestion is that it was not free and fair. That is why there have been multiple resignations. To be fair, people have resigned in an effort to maintain some form of stability. The EU and Ireland need to encourage a new process that is put in place by a new electoral court to ensure Bolivia can elect a President who has majority support. I hope that can happen in the next 90 days.

### **Safety of Irish Citizens Abroad**

48. **Deputy Seán Haughey** asked the Tánaiste and Minister for Foreign Affairs and Trade the reason for making public the efforts to assist the return of persons (details supplied) prior to them being safely returned here; and if he will make a statement on the matter. [46433/19]

**Deputy Seán Haughey:** The situation with regard to the case of Lisa Smith has continued to evolve since I submitted this question last week. I ask the Tánaiste to explain the rationale

for making public the efforts to assist the return of Lisa Smith prior to the individuals in question being safely returned to Ireland. I think the House would welcome an update on this case. Obviously, it is in all the news bulletins at the moment. Anything the Tánaiste might have to say to update the House on this matter would be appreciated.

**Deputy Simon Coveney:** The Deputy is referring to a very complex and sensitive consular case, which is taking place in a highly unstable and dangerous region. Given the circumstances, it would not be helpful to comment on recent media speculation regarding plans that may or may not be under consideration. Any such comment would be inappropriate and would not be in the best interests of individuals involved. The Taoiseach and I have always been clear that the adult in question, as an Irish citizen, is entitled to consular assistance and has the right to return to Ireland. We have a particular concern for the safety and welfare of her child, who is also an Irish citizen. As the Deputy is aware, we have been working for some time with a range of partners with a view to exploring and assessing options for returning both citizens to Ireland. In light of developments in the region, it was agreed to send a small assistance team for a short period to reinforce the consular capabilities of our embassy in Ankara. The deployment of military personnel in such circumstances as part of a civilian assistance team is not unusual. This has been done before. We will continue to work with partners at home and overseas with a view to making progress with this case, which involves an Irish citizen and, more importantly, a vulnerable child. I will not go into further detail about this ongoing work and I will not comment on media speculation. I do not think it would be appropriate to do so in the circumstances. The Taoiseach and I have been quite careful in our responses to questions on this case. There has been a great deal of ongoing speculation. As the case develops, I hope we will be in a position to provide more details.

**Deputy Seán Haughey:** Last Sunday week, it was revealed in television news bulletins that the Army Ranger Wing has been deployed to assist in the operation to repatriate Lisa Smith and her child. It was reported in the public domain that this operation is being led by the Department of Foreign Affairs and Trade. Given that this is a very sensitive case, how did that get into the public domain? We are where we are. Details have been made public. It is important for the House to be updated on the situation. I presume we can confirm that a small team of Irish officials, supported by members of the Army Ranger Wing, have been in Turkey for several weeks. There was some criticism on the public airwaves today. It was suggested that the Government should have introduced new legislation to make it a specific crime to join Islamic State, particularly in a foreign country. I know the Criminal Justice (Terrorist Offences) Act 2005 is in place. I acknowledge it is not within the remit of his Department but, as Minister he may wish to comment on what will happen to Lisa Smith when she returns to Ireland. Will she be questioned by the Garda? Is she a person of interest? Will she be under 24-hour surveillance? All these issues have been raised in the media today. Any information the Tánaiste could provide would be welcome. It has been suggested that she will be given travel documents and identity papers. The House would appreciate more information on the case. Although it is sensitive, details have been leaked for one reason or another and, as such, the position should be clarified.

**Deputy Simon Coveney:** I urge the Deputy not to take everything he reads or hears about the case as fact. Much of the commentary is speculative, although some has a basis in fact. We sent Defence Forces personnel to Turkey to support our embassy team there mainly because of an ongoing conversation between our embassy in Ankara and the Turkish military. It makes sense to have military personnel speaking to military personnel. Although some people suggested we were sending Defence Forces personnel to extract Lisa Smith from north-east Syria,

that was not the case. They are providing an important support security and communication role to the ambassador and her team in Ankara. That is not unusual. Defence Forces personnel have previously supplemented our embassy teams in other parts of the world and that is what they are doing in Turkey. Like all sensitive consular cases, the focus must be on the individuals and their family, rather than making it a public story. Of course, there will be a time to answer all questions on the case but, first and foremost, we need to continue to talk to the Turkish authorities to get the job done.

**Deputy Seán Haughey:** I agree that Ireland should abide by its obligations to its citizens as determined by national and international law. People need to be better informed about our obligations and this case may inform debate. It raises certain questions. Is the Minister aware of any other Irish citizens who travelled to an area controlled by Islamic State and are seeking repatriation? What steps or general efforts has the Government undertaken to prevent or circumvent Irish citizens becoming radicalised? It is beyond doubt that in this case an Irish citizen was radicalised. This is an issue of concern for many people.

**Deputy Simon Coveney:** Those are fair questions. The Turkish Government has made clear that when it finds and picks up people who have been radicalised or are supportive of ISIS in northeastern Turkey, it intends to deport or repatriate them and it expects their home countries to accept them back. From our perspective, only two people are the subject of our current conversations with the Turkish authorities. One of them is a young and vulnerable child who is my primary concern in this situation. We have obligations in that regard. There are all sorts of questions relating to radicalisation, questioning and the role of An Garda Síochána if or when Lisa Smith comes home. We must deal with those questions comprehensively across multiple Departments, particularly my Department and the Department of Justice and Equality. We are working closely together to make sure we do what is appropriate in this situation. My primary concern is the two-year-old girl. We have an obligation to protect her as an Irish citizen and that is what is driving all of this. As events unfold, we will be able to offer more detailed analysis of the thinking behind the decisions we have made.

## **Visa Agreements**

49. **Deputy Denis Naughten** asked the Tánaiste and Minister for Foreign Affairs and Trade if progress has been made on establishing an E3 visa agreement between Ireland and the United States; and if he will make a statement on the matter. [46480/19]

**Deputy Denis Naughten:** It is estimated that up to 50,000 Irish people are living in the shadows, in fear of deportation from the US. The E3 visa legislation was reintroduced to the US Congress during the summer. I seek an update on progress in that regard and the good work done to date by Deputy Deasy.

**Deputy Simon Coveney:** The House will be aware that the Taoiseach and I have prioritised the issue of Irish immigration in the US since taking office. I have continuously raised immigration issues, particularly the E3 visa, in all my interactions with the US Administration and US political leaders. I discussed these matters with the Speaker of the US House of Representatives, Nancy Pelosi, and her congressional delegation when they visited Ireland in April. The Taoiseach raised the issue of the E3 visa during his high-level engagements with the US, including during the visit of President Trump this summer. The US President commented positively, indicating his support. I recognise the very strong support we have received from the White

House and the US President on this issue. The issue was also raised with Vice President Pence during his visit to Ireland in September.

Our embassy in Washington DC continues its extensive outreach in support of the E3 Bill, working with a range of members from both sides of the aisles of the US House of Representatives and Senate. The special envoy to the US Congress on the undocumented, Deputy Deasy, has worked closely on this issue with my Department, engaging key US stakeholders. He has met senior officials of the US Administration and representatives of the US Congress regarding the Bill, most recently during a visit to Washington DC in September. He is supported in his work by the Americas unit of my Department and our embassy in Washington DC. I understand he will travel there again soon to continue his work.

The proposed E3 visa Bill, which would offer new opportunities for Irish citizens to live and work in the US, was introduced into the US Congress in May by Congressman Richard Neal, who many Deputies will know well. It remains before the House of Representatives. It is my hope that a vote of approval will be passed in this term of Congress and that the Bill will go to the Senate for approval and final implementation. Much work needs to be done for the Bill to become a reality and we are under no illusions as to the challenging path ahead. However, as the Deputy will be aware, we were very close to getting it passed previously. In fact, we were one vote short in the Senate of doing so. I hope this time we will be one step ahead of where we were then. We have many friends on Capitol Hill who have been very helpful in these efforts.

**Deputy Denis Naughten:** As the Minister will be aware, many Irish citizens have made the US their home. They have family, children and good jobs there and, as good citizens, are contributing to the US. As he will also be aware, during the summer raids were carried out throughout the US which have terrified Irish communities across the Atlantic ocean. A legal pathway should be put in place and the E3 visa is a mechanism to so do. I thank him for his positive comments on the progress of the legislation through Congress. I urge him to redouble efforts to ensure it passes through the House of Representatives and has an easier ride through the Senate than was the case on the previous occasion.

**Deputy Simon Coveney:** It is important to state what the E3 visa is and would do. Essentially, Ireland is seeking to avail of unused visas that would have been allocated to Australian citizens. The US and Australia have a unique arrangement whereby a certain number of visas are provided each year. We are proposing that the unused visas in the allocation for a year be used by Irish people in the following year. We have given an absolute assurance to the Australian Government and its embassy in Washington that we are not looking to take Australian visas. We are simply looking to use unused visas in the following year. That is essentially the approach taken in the E3 Bill which potentially would provide for the allocation of 2,000 to 3,000 visas each year to allow Irish people to travel and work in the United States. The E3 Bill approach is very limited in what it can do for the undocumented Irish in the United States who are very concerned. We are trying to find a pathway for them, but that will take a little longer.

**Deputy Denis Naughten:** We need a clear legal pathway to regularise the status of Irish citizens living in the United States without documentation who are contributing to its economy. Is there an opportunity to have some bilateral arrangement whereby we could reciprocate in regularising the position of undocumented persons living here, particularly US citizens? As the Minister knows, there are many people from outside the European Union who are resident in Ireland who are contributing to the economy, whose children are sitting beside our own in school, learning Irish, playing hurling and football and yet remain undocumented. Can we look

at a reciprocal arrangement between the United States and Ireland?

**Deputy Simon Coveney:** The E3 Bill would require reciprocal arrangements on our side. In return for receiving visas for Irish citizens to enable them to travel, work and live fully documented in the United States we are proposing a package of measures for US citizens who are either resident here or who would like to come here to retire or work. It is proposed to have a reciprocal arrangement. The E3 process would benefit predominantly young people who want to work in the United States, but it might also benefit some who are not so young. In return we would make Ireland an easier place for US citizens to come and work or potentially retire. That is completely different from the issue the Deputy raised at the end of how to deal with undocumented persons resident in Ireland. That is a matter for debate on another day.

### **International Agreements**

50. **Deputy Maureen O’Sullivan** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on the need for binding legislation here to secure due diligence for business and human rights to ensure mandatory guidelines; and if he will make a statement on the matter. [46258/19]

69. **Deputy Fiona O’Loughlin** asked the Tánaiste and Minister for Foreign Affairs and Trade when Ireland will sign an international treaty on business and human rights; and if he will make a statement on the matter. [46382/19]

**Deputy Maureen O’Sullivan:** My question relates to the need for binding legislation to secure due diligence for business and human rights to ensure mandatory guidelines.

**Deputy Simon Coveney:** I propose to take Questions Nos. 50 and 69 together.

We partly answered this question earlier, but what I am about to read contains a slightly different answer. As the Deputy is aware, the question of a legally binding treaty to regulate the activities of transnational corporations and other business enterprises has been under consideration in Geneva by an open-ended intergovernmental working group for five years. For further information on the general state of play on the prospects for such an instrument, I refer the Deputy to the response I gave to Deputy Shortall a few minutes ago. As the proposed treaty covers matters for which the European Union is competent, it will be for the European Commission to negotiate on behalf of the Union and its member states. I understand the matter will be on the agenda for the incoming Commission.

I am aware that some civil society actors in Ireland have been very active in calling for Ireland to support the legally binding treaty and, in this context, have made specific recommendations for the adoption by both Ireland and the European Union of legislation on mandatory due diligence. The need for due diligence mechanisms was considered in the development of Ireland’s national plan on business and human rights which was launched at the end of 2017. It identified existing provision in this area, for example, EU directives on environmental liability and non-financial reporting, and set out a number of action points to be taken forward by the business and human rights implementation group.

Further research on the matter was undertaken in the context of the baseline assessment of the current legislative and regulatory framework for business and human rights in Ireland which

was commissioned by my Department on foot of a key commitment given in the plan. Both the national plan and the baseline assessment are available on my Department's website. Among the recommendations made in the baseline study, to be considered by the business and human rights implementation group, is the suggestion that consideration be given to the adoption of mandatory human rights due diligence, in line with similar legislation already made in other countries. I will await the outcome of the implementation group's deliberations on this issue before moving forward with specific policy proposals.

**Deputy Maureen O'Sullivan:** It took some time for Ireland to establish a national plan and an implementation group. On Thursday the Joint Committee on Foreign Affairs and Trade will discuss the matter. There were positives: the Minister's answer to me the last time he attended the committee; the increased engagement by Ireland in the UN treaty process; and the fact that the staff of our permanent mission to the United Nations attended the full week of sessions on transnational corporations. However, it was Spain and France that made positive interventions, during which Ireland stayed silent. There are interesting statistics for the attendance of the various groups and who participated. The European Union approved the conclusions and recommendations. We know the realities of human rights abuses by corporations, multinationals and transnationals, whether it be in working conditions, land grabs, intimidation or violence, particularly against women, in some areas by corporations. It has even led to deaths. We are very well respected when it comes to the protection of human rights. The question is whether Ireland will take the extra step. Will there be increased engagement on the UN treaty in Brussels? Will we push for EU engagement in the process and an EU-negotiated mandate?

**Deputy Simon Coveney:** We are pushing for increased EU involvement. In response to Deputy Shortall earlier I stated we had pushed the European Union to increase its engagement. It made a statement both at the start and at the end of the process in Geneva. We need to continue to do this. We also need to ensure our national plan is credible and that the implementation group will continue to meet. It has met three times this year and will meet again in January. The chairperson is an extremely credible individual with considerable business experience. While we are trying to move the agenda forward, it needs to happen at a global level through the United Nations. I believe 16 EU countries have national plans, of about only 22 globally. The European Union is engaged in this area, but it is really important that it be brought forward in the context of UN structures. Otherwise the European Union will be doing things internally based on how it operates the Single Market and the regulatory environment. Potentially the companies we are trying to target will leave the European Union and locate elsewhere because of the lack of regulation there. This needs to happen in a way that will be benchmarked across the globe, as opposed to focusing on the European Union, but that does not mean that we cannot lead by example.

**Deputy Maureen O'Sullivan:** The implementation group has been rather quiet and I am not sure if some of the subgroups have even met. At a conference in Trinity College Dublin last Friday a report on benchmarking compliance with the UN guiding principles was presented. It indicated that progress had been very slow in meeting the guiding principles on business and human rights. Berta Cáceres was murdered for her work with indigenous people. Seven men and one woman were convicted of her murder last year, but the court found that they had been hired by a construction company's executives in the territory where she had been working and lawsuits are being taken against some multinationals. The report showed a lack of awareness among many Irish companies of the guiding principles. There is no embedding of respect for them and human rights due diligence in their policies. If we are serious about our national plan,

much more work needs to be done to ensure mandatory human rights due diligence mechanisms. Some of the NGOs have suggested there be a national consultation process on the UN treaty. I take heart from what the Minister has said about Ireland's position and that we will be positive, but we need to maintain that push.

**Deputy Simon Coveney:** My Department has undertaken to convene a forum on business and human rights within two years of adoption of the plan. In addition, the interdepartmental committee on human rights, chaired by the Minister of State at the Department of Foreign Affairs and Trade, Deputy Cannon, will also monitor implementation of the plan. There is oversight to ensure that this agenda moves forward but in terms of making an impact on global policy, the EU and the incoming Commission need to give leadership. Ireland will certainly support them in doing that.

*Written Answers are published on the Oireachtas website.*

## **Saincheisteanna Tráthúla - Topical Issue Debate**

### **Schools Building Projects**

**Deputy Thomas P. Broughan:** The schools in question are two important primary schools in Dublin Bay North, Our Lady Immaculate senior national school, SNS, Darndale, Dublin 17 and St. Laurence's national school, Brookstone Road in Baldoyle Dublin 13. The principal of St. Laurence's, Ms Clare Finnerty, told me that she met the Minister's predecessor, Deputy Bruton, in March 2017 and that she sent in a letter of application for a single school campus because the school is unusual in that it has two separate campuses. The dual campus is unsatisfactory. Infants are in Grange Road and 3rd to 6th classes are on Brookstone Road. Her application was turned down, but she was encouraged to apply for upgrade works to both buildings. She applied again for a single campus in 2018 and did not even receive an acknowledgement.

In October 2018, the secretary of the senior school retired and the application for a replacement secretary was turned down. There is no secretary now at one of the campuses. In February 2018, the school made an emergency works application to replace doors that are necessary to create an internal corridor. It is one of the old style schools from the 1960s or 1970s. At present the children must leave the building to move into other classrooms. The covered shelter area outside the building is also in serious need of repair and could be very dangerous if it collapsed. This application was refused. St. Laurence's representatives were then told by the Department that they should apply for emergency works but, again, this was refused in September. They were then told that they should apply for a summer works grant to get fire alarms and electrics upgraded. The principal was also told the school could apply for a minor works grant but the amount, €13,600, is too small for the upgrading needed. Why has the school not received approval for the single campus or for the urgent works that are necessary?

With regard to the second issue, other Members and I were in touch with the principal and deputy principal of Our Lady Immaculate SNS Darndale, Dublin 17. They were in contact with us first around the time of a shocking murder in broad daylight beside the junior national school in Darndale, which had a devastating effect on the community. In fact, during the past school year there were two gun-related murders in close proximity to the school and as deputy

principal, Shane Loftus, tells me, this had a serious impact on the children and on school life and teachers had to work closely with the children and parents to try to alleviate the impact of this utter mayhem happening outside their building.

School staffing is based on figures from the previous school year and, in effect, staffing runs a year behind the number of children in the school. I am told that in 2018-19, Our Lady Immaculate SNS had 180 children but had staffing for 193 based on numbers from 2017-18. This year, however, the school will have 197 children but will only have staffing for 180 students. The case made by Shane Loftus and his colleagues on the school team is that the school will have one teacher fewer but will have more children to provide for. The circumstances in that environment in the vicinity of the school are not remotely normal. I was told that the smaller classes in the school meant teachers were able to provide a critical support to the children. The school, the principal and deputy principal made the case that in these exceptional circumstances Our Lady Immaculate school should be allowed to maintain its current staffing level. The numbers coming from the infants school in 2020-21 will increase. We have had many discussions in this Chamber and I know the Minister and his colleague, the Minister for Justice and Equality, Deputy Flanagan, have visited the community. The north Coolock community is facing an exceptionally difficult time on those grounds we want the Minister to grant the additional teacher that is needed.

**Minister for Education and Skills (Deputy Joe McHugh):** I thank the Deputy for giving the opportunity to outline to the House the position regarding these schools. He covered a broad range of issues. I acknowledge the recent difficulties faced by Our Lady Immaculate SNS in Darndale and the supports provided by the National Educational Psychological Service, NEPS, which launched a critical incident response, that included advice to the school in supporting the staff and students affected by the very unfortunate incident.

Budget 2020 marks the fourth year of a major investment in education. It provided for an allocation of more than €11 billion for my Departments in 2020. This is the highest ever allocation to the sector and an increase of almost €2 billion since 2016. The numbers employed in our schools have reached the highest ever level. More than 580 additional teaching posts will be funded to cater for children with special needs, the growth in our student population and supports to secure the future of small schools. This builds on the budget 2018 measure, which provided a one point improvement in the staffing schedule in primary schools to bring the position to the most favourable ever seen at primary level, and budget 2019, which provided for more than 1,300 additional posts in schools. Teacher numbers at primary level have increased by almost 3,500 when comparing the 2015-16 school year with the current school year and this has led to a steady improvement in the pupil-teacher ratio and average class size statistics during this period. It was also announced in budget 2020 that an additional 1,064 special needs assistant, SNA, posts will be allocated to schools by December 2020, bringing the total number of SNAs available for allocation to more than 17,000.

The key factor in determining the level of staffing resources provided at individual school level is the staffing schedule for the relevant school year and pupil enrolments on the previous 30 September. The staffing schedule operates in a clear and transparent manner and treats all similar types of schools equally, irrespective of location. The staffing process includes an appeals mechanism for schools to submit a staffing appeal under certain criteria to an independent appeals board. These criteria are available on my Department's website as part of the primary teacher allocation section. Our Lady Immaculate SNS submitted an appeal to the primary staffing appeals board but the appeal was unsuccessful. The school will be entitled to an additional

mainstream class teacher in the 2020-21 school year based on its latest enrolment returns. The primary staffing appeals board operates independently of the Department and its decision is final. There is no change to the staffing of St. Laurence's national school in the current year and the school has not submitted an application for additional teaching staff to my Department.

An Taoiseach recently met local stakeholders in the area, including the principal of Darn-dale senior school. The meeting was attended by the Minister for Communications, Climate Action and Environment, Deputy Bruton, the Minister of State at the Department of Health, Deputy Finian McGrath, Deputy Sean Haughey and Senator Catherine Noone, and provided an opportunity to discuss a range of issues of importance locally. Under Project Ireland 2040, the Department will invest €8.4 billion in primary and post-primary school buildings. This will include the provision of 50 large-scale school building projects and 20,000 additional school places in new buildings and extensions being delivered annually.

The summer works scheme is designed to allow schools to carry out small and medium scale building works that will improve and upgrade existing school buildings. The works are carried out by the schools themselves on a devolved basis mainly over the summer months. There are no applications from the schools in question under this scheme. In addition, the Department also provides an emergency works scheme, solely for unforeseen emergencies or to provide funding to facilitate inclusion and access for special needs pupils. An emergency is deemed to be a situation that poses an immediate risk to health, life, property or the environment, which is sudden, unforeseen and requires immediate action and, in the case of a school, if not corrected would prevent the school or part thereof from opening. Grant approval for mechanical repairs to Our Lady Immaculate SNSI was issued in September 2019 under this scheme.

**Deputy Thomas P. Broughan:** The Minister has not given us any assistance on either issue. St. Laurence's national school in Baldoyle has had a distinguished history but it is unusual in having two separate campuses, 600 m or 700 m apart, along a main road. It has always been a popular choice for families in the Baldoyle area. There is no waiting list for families since every parent who applies on behalf of his or her child is given a place. The school never used religion as a criterion for pupils' entry. Accordingly, St. Laurence's did not have to alter its enrolment policies when the Minister's predecessor, Deputy Bruton, made some legislative changes in this regard.

A new Educate Together school is opening for the coast, the nearby district of the north fringe with thousands of new families due to be living there in the future. This new school is a welcome addition to the current poor services in the north fringe. Constituents ask, however, why the necessary improvements are not also being funded and supported for our existing primary school at St. Laurence's, given the large size of the existing Baldoyle parish.

Will the Minister look at making the necessary funding available for the emergency works application made by the principal, Ms Clare Finnerty, in February and April 2018? In particular, will he examine the creation of an internal corridor and restructuring of the shelter area in the yard at the Brookstone Road campus? These are essential because the buildings in question are old style where pupils have to go into the yard to go from room to room.

On 18 October, Our Lady Immaculate senior school received notice from the Department that its staffing appeal had failed. The deputy principal, Mr. Shane Loftus, told me that he and his colleagues believe that the terrible events in the past year in the Darndale-Belcamp parish and its environs mean that an extraordinary intervention was needed and an extra teacher

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should have been provided. All the community organisations in Darndale, including Darndale Belcamp village, the Belcamp estate steering committee, the Northside Partnership, Coolock Development Council, of which I am a director, and An Garda Síochána, DMR north, strongly support this request. Will the Minister review this and provide the necessary funding for Baldoyle?

**Deputy Joe McHugh:** The Deputy is talking about two separate schools and two separate issues.

With respect to St. Laurence's, I am not familiar with the two separate campuses idea. I can only suggest that if the application under the emergency works scheme was turned down, the summer works scheme will be open early in the new year. That could provide an opportunity for another application.

I am also interested in the two campus idea and more synergy between schools. I will need more details and will ask my officials to give me a run down on that.

On the staffing schedules, it is determined by an independent body which works on enrolments from the previous 30 September. I appreciate the Deputy's point about the impact of the particular incident on pupils, staff, parents and the local community. I acknowledge the work of the NEPS, National Educational Psychological Service, team which worked with the school on this. Unfortunately, I am not in a position to make any changes with respect to teacher allocations in that regard. If the numbers are there for the following year, an extra teacher will be provided in September 2020. That will be coming up in the near future.

### **Power Plant Closures**

**Deputy Marcella Corcoran Kennedy:** The ESB's announcement last Friday marked the end of an era of electricity generation in the midlands. This decision by the ESB not to reapply for planning permission to co-fire the West Offaly and Lough Ree power plants will have far-reaching repercussions, first, for its own workers and, second, for Bord na Móna workers who will no longer be needed to harvest peat to supply the ESB after 2020. The impacts on them, local businesses, communities and the local authority mean we will all have significant challenges to manage.

This day was flagged for at least two decades, resulting 15 years ago in the closures of Ferbane and Rhode power stations. Then the ESB provided €3 million to each community. While I welcome the €5 million commitment to be added to the just transition fund, it should be possible for the ESB at least to match the sum provided 15 years ago, if doubling it is not possible.

The Ferbane business park benefited from this fund which, in the past, was a cow park and a dump. It now houses a good business park, a well-known child care facility, Bright Beginnings, and the expanding local business, Brosna Press.

**Deputy Carol Nolan:** People in the midlands are still reeling from the shock news last week of these power plant closures. The Government has not handled the matter well or planned for the workers. The solid fuel carbon tax came into effect in 2013. From 2013 to 2018, it generated just under €100 million. Will that money be ring-fenced for the benefit of the communities and the workers affected by these closures? What they have been offered is a drop in the ocean.

The Minister is repackaging previous announcements but nobody is buying it. We need a firm commitment that the workers will be looked after in the communities in question in Offaly, Longford and other affected counties in the midlands.

I have been contacted by several seasonal workers who stand to lose much money. They have not been given a fair redundancy package. Neither have other workers. As I said to the Minister earlier, it is not comparable with the packages received by their EU counterparts. Spanish workers in the same position are being offered a fairer package. It is not on. I will be raising this issue again.

**Deputy Barry Coven:** Notwithstanding my disappointment with An Bord Pleanála's decision, as well as the Government's and the ESB's response to it, which culminated in last week's announcement, I want to reiterate questions I raised at yesterday's meetings.

The plants at Shannonbridge and Lanesboro were put there 15 years ago at a cost of €415 million. We have been told that they will now be taken down over a two-year period. I want to ensure that is not the case. Will the Minister commit that they will be retained and have a use beyond their present usage? I want to ensure that the chief executive officer of Bord na Móna comes out front with the implications for the Edenderry power plant, its Derrinlough briquette factory and the horticultural sector. What funds has the company for rehabilitation? It claims it has €20 million and the Minister claims the PSO, public service obligation, will re-purposed to add to that. We want confirmation that the pension fund has the capacity to meet the demands that will be placed upon it. What application has Bord na Móna made to the EU for transition funds?

I want a detailed debate on the terms and conditions of the just transition package, as well as the potential to increase the transition fund commitment to an annual commitment to the counties concerned, particularly as €40 million in rates will be lost to Offaly. What are the statutory instruments relating to the horticulture sector beyond Bord na Móna? A recent High Court decision could impact on a further 4,000 jobs. We need clarification on this.

**Deputy Eugene Murphy:** As said yesterday at our meeting in Ballymahon, I thank the Minister and his colleagues for meeting the people affected by these closures. That was important as the economic lifeline is gone. It is important that the urgent message coming from all Members, irrespective of the county from which they come, is listened to and adhered to. The reality is that with this economic lifeline gone, we need assistance and extra economic activity. That can only be brought around by the county councils and the local enterprise offices working together. There must be an absolute commitment that we put balanced regional development into practice.

Will the Minister address the issue of the dismantling of the power stations? I am totally opposed to it. It may be a planning issue but somehow we should be able get around it. It would be absolutely outrageous to dismantle those power stations, whether it is from a tourism perspective or otherwise. Maybe we could get gas into a plant like Lanesboro. They should not be dismantled. Will the Minister put a stay on that if he can?

**Deputy Denis Naughten:** One of the key objectives behind the co-firing of West Offaly and Lough Ree power stations was to build up demand rapidly for indigenously sourced biomass. The principal reason for the lack of biomass was the absence of any proven demand for energy crops that would attract farmers. This led to the rejection of the planning application for the

West Offaly power station by An Bord Pleanála.

Before any decision is made on the future of the power plants in question, we must fully evaluate the possibility and potential for operating our current peat-powered plants with 100% locally sourced biomass. This could reduce agricultural emissions on local farms by 600,000 tonnes of carbon each year. This would be the equivalent of the removal of 130,000 cars off our roads, generating €372 per hectare with a price of carbon at €80 per tonne. It would also create 4,000 seasonal jobs in harvesting while guaranteeing income to farmers in the midlands.

**Deputy Brian Stanley:** The closure of the two power stations is devastating news for the midlands. It comes on the back of redundancies over the past 20 years in Bord na Móna. There has been much talk about a just transition for the midlands. The midlands includes Laois. The former workers of Bord na Móna and the communities they come from have had no just transition. I want the Minister, Deputy Bruton, to take note that County Laois must be included in the just transition framework.

The €6 million provided by Government and the €5 million provided by the ESB while welcome, is inadequate. It is a drop in the ocean. It will not even create a ripple in terms of what needs to be done. Jobs are promised but the promises are vague. Yesterday morning, 100 jobs were proposed in re-wetting. By yesterday evening, 300 jobs were being reported. These are one-off jobs, not long-term jobs. As mentioned, Shannonbridge and Lough Ree stations need to be converted to biomass. I have been saying for some time that we need to be growing biomass in this country to ensure we have a supply chain.

A further 400 jobs are proposed in retrofitting. While this is welcome, the workers are not skilled in that work and so they will need to be trained up quickly. I reiterate that we need to expand Mount Lucas training centre for this purpose. The centre is located in the midlands, in the heart of Bord na Móna country, and counties Laois, Offaly and Westmeath are close to it. Hundreds of jobs have been lost over the past 20 years. I have already mentioned Bord na Móna. The Coolnamona plant, of which the Minister, Deputy Bruton, is the shareholder representative of the taxpayer, is at the crossroads of the country, less than 1 km from the N7-N8 junction and the N80 junction. This fantastic facility needs to be utilised.

**Deputy Robert Troy:** Last week's confirmation was a devastating blow to the workers, their families and the wider communities. I acknowledge that the Minister, Deputy Bruton, spent Monday listening to public and trade union representatives but this needs to be followed through with concrete delivery and substance. We are now faced with a ten-year just transition condensed into just over ten months. We need the Minister to intervene and to examine the possibility of a full move to biomass at one of the plants and the extension of natural gas from Ballymahon to Lanesborough.

There needs to be full disclosure from Bord na Móna in regard its plans for the future. Has the Minister considered changing the constitution of Bord na Móna, with a view to expanding its remit such that it will be possible to guarantee its workers that they can be re-employed in bog reclamation and home retrofit? As matters stand, public procurement prevents the Minister being able to guarantee those jobs will remain available to the employees of Bord na Móna. Can the Minister confirm the protection of the pensions of Bord na Móna employees and can he ensure that the expanded just transition committee will take into account people from a wider area than that which it currently serves?

**Minister for Communications, Climate Action and Environment (Deputy Richard Bruton):** I appreciate how intensely people feel about this matter. It was for this reason I spent time yesterday meeting unions, workers and public representatives and some community representatives. There is no doubt that this is a really difficult time. The anger and frustration was very evident.

The Government is determined to deliver a just transition. For me, a just transition is providing alternative employment opportunities that can be sustainable. As we know, peat was on an exit but it was expected to last for longer. We need to create job opportunities that will be permanent and can grow rather than be in a decline. Since this possibility first emerged from An Bord Pleanála, I have been working to put together the measures provided for in the budget, which point to a clear commitment to a just transition. As Deputies are aware, €31 million has been allocated: €20 million of which is for the retrofit scheme; €5 million for non-Bord na Móna activities on restoring bogs to a very high standard and €6 million of a just transition fund. In addition, as discussed yesterday, we have been working with the European Union to repurpose the PSO in order that we can use money to make sure that Bord na Móna can restore bogs to a very high standard. It is in this regard that 200 jobs will be provided, with 100 jobs on the non-Bord na Móna side. These are the 300 jobs referenced by Deputy Stanley.

There are many points that have been made here and yesterday concerning the future of the plant and the structure of tendering for business opportunities by Bord na Móna. I have taken on board those points and I will examine them, and many other proposals, with my officials. We took the step of putting in place a just transition commissioner in order that we could fully explore the many issues that are being raised. There are many opportunities coming from the communities. There are assets available from the two companies. I am determined that we will use this opportunity. I recognise, as others have done, that just transition is not just for 2020. It is a permanent part of our approach to carbon pricing. We have committed as an Oireachtas to move to a carbon price of €80 per tonne. We have been very upfront and honest that all of this money will be ploughed back into helping people make this adjustment. This involves a just transition for people uniquely exposed, as are the Bord na Móna workers and those working in the peat generation plants and, equally, people who are suffering from fuel poverty and people who need to make changes in their lifestyles. We want to harness this opportunity and make the midlands a leading exemplar of how we can move to a low carbon economy. This is, in part, what Bord na Móna is seeking to do in moving from brown to green. It has a diversification plan.

We need to work through the issues. Several Ministers felt the same sense of commitment that I do to make this work for the people of the midlands. I appreciate the frustration and the questions that need answers. We will work through and deliver those answers over the coming weeks and months and into the longer term. We do recognise that it is a central part of the climate action plan to manage this transition in a fair way to people directly affected. We will be committing to develop these ideas to the maximum extent possible.

**Deputy Marcella Corcoran Kennedy:** I thank the Minister for his reply. I want to take this opportunity to raise the issue of the local property tax in Offaly in respect of which an increase is vital, as there has been no increase since 2014.

On the just transition commissioner, I am hoping that he will spend a considerable amount of time in Offaly or perhaps be based there for some time. I extend an invitation to the Minister to visit Shannonbridge. I think it would be timely if he could do so as soon as possible.

**Deputy Carol Nolan:** On the retrofitting, as pointed out by one of the union representatives these jobs are not guaranteed. What we are hearing here is airy-fairy stuff. We need solid commitments, including in respect of funding. I reiterate my call to the Minister to ensure that the carbon tax revenue is ring-fenced for the midlands region and that, as proposed, the commissioner will be on the ground in Offaly, which is particularly badly affected. I acknowledge that parts of Laois and Longford will also be affected.

I would like an update on the application to the EU coal regions in transition platform. This application which was only commenced in 2017 should have been made years ago. We are trying to do our best here but the Minister needs to take responsibility for what in my view is the most unjust transition ever. It is an insult to call it a just transition.

**Deputy Barry Cowen:** I ask the Minister to confirm that he will allow the Dáil to debate the terms of reference and, maybe, take recommendations in that regard before agreeing them in their entirety. Is the repurposing of the PSO agreed? If not, the Minister cannot say with any definitive value that the 300 jobs he mentioned are associated with it can be committed to. Does the Minister accept that if he does not bring in new legislation to allow the licensing of the harvesting of horticultural peat by the EPA, there is a huge threat to many more jobs outside Bord na Móna and will he confirm that the rehabilitation programme that is envisaged does not contravene the legislation which the High Court ruled in favour of, which was taken against the statutory instruments brought in by the Minister earlier this year?

*6 o'clock*

**Deputy Eugene Murphy:** It is like Larry Gogan's Just a Minute Quiz. It is very quick this evening and we are now down to half a minute. I came from a horticultural background before I went into the media business. There is a great amount of work that could be done, despite some of the cynics saying we could not do work in the horticulture business. I intend to submit a paper on the issue. We also need to look at IDA Ireland's focus on places like Ballinasloe and surrounding areas, Roscommon town and Longford which will be badly hit. We must up the ante for IDA Ireland to get it to take a special interest in the locality.

**Deputy Denis Naughten:** The two plants are clear of debt and have a ten-year life span without any major refit being required. No decision should be made on decommissioning either plant until all potential future options for their use are considered. The last thing we need is replication of the short-sighted decision to decommission the sugar beet processing facilities in Carlow and Mallow which has led to the appalling situation where the vast majority of biofuels used in transport in Ireland are now being imported. I urge the Minister to provide an assurance for the House in that regard.

**Deputy Brian Stanley:** The issue is having quality jobs to replace those being lost and that have already been lost in Bord na Móna in counties Laois and Offaly and the other midlands counties. Does Cúil na Móna figure in this just transition or is County Laois being written out of it altogether? County Offaly is being very badly affected by what is happening. County Laois has been very badly affected and there will be further job losses. I asked the Minister about the use of biomass in the two power plants at Lanesborough and Shannonbridge. It is very important that they not be demolished. We must look at converting them to 100% biomass and put in place biomass supply chains. We must also provide for training for retrofitting. There was a sum of €430 million collected last year in carbon taxes without any increase in it. There is €30 million in total going into the just transition fund for the midlands, which seems

to be a small amount.

**Deputy Robert Troy:** I asked about changing the constitution of Bord na Móna. Without doing so, we cannot guarantee that the jobs in bog reclamation and housing retrofits will be given to Bord na Móna staff. Yesterday the Minister, Deputy Madigan, said in Ballymahon that she was getting ready to put out to tender the bog reclamation work. How can she guarantee it will be given to existing staff of Bord na Móna? Will she confirm the impact the two statutory instruments on which the High Court ruled against earlier this year might have on future proposals for bog reclamation?

**Deputy Richard Bruton:** I will not be able to answer everything, but I will answer to the best of my ability. I recognise that one of the issues is the pressure on the rates base of local authorities. That issue was discussed yesterday and it is something at which we are going to have to look.

On retrofitting, we have committed hard cash to it. There is a sum of €20 million available and we will be mobilising the local authorities to be at the core in 2020. Clearly it is something we want to build in in the coming period. We have been admitted to the platform for coal regions in transition. I know that the new Commission is interested in putting funding through it; therefore, it will be an opportunity for us. I am open to suggestions on the terms of reference. If the Deputies want to make suggestions, I will be happy to consider them. We have tried to draw the terms in a broad fashion. We are very confident that we will get permission for the repurposing of the PSO, but obviously we will have to have it signed. We have done a lot of work in that regard and I am confident that we will deliver on it. The peat regulations do require the companies to apply for substitute planning permission. That is a requirement and it will have to be done. Again, I believe the work we are doing in restoring bogs strengthens the case.

On the other opportunities that are available, the ESB is the owner of the plant and has to evaluate its future. Clearly, there are alternatives, as we move to a renewables base, to have alternative sources of fuel at the times the wind does not blow and the sun does not shine. That is something the ESB will have to evaluate for the plant, as well as in its overall set. I recognise that we need to create opportunities in the midlands. Following the two particular announcements, there will be a concentration on working in the short term with those who have been impacted on most directly, certainly in providing for retraining and opportunities to switch to the new employment opportunities we are developing. To build that bridge, we will have to concentrate, in particular, on the areas where workers who have been directly affected are located. Of course, a just transition is something we will continue to pursue. I recognise the wider impact in the midlands.

### **Rail Network Expansion**

**Deputy Marc MacSharry:** I thank the Ceann Comhairle for including this item and the Minister, Deputy Ross, for taking the time to come to respond.

Like so many commuting families, particularly in the greater Dublin area but also in the larger urban centres, I despair. We all are aware of the lady who tweeted about standing and watching eight trams pass by and the fact that when one did stop, she would have required assistance to push her in to a tram to allow her to get on and make her journey. We do not need to remind anybody because he or she is suffering twice daily for five days a week the commute

misery.

Over the weekend, to my amazement, when I was looking at the eTenders website, I read the following: “Irish Rail has a requirement for a transport and economic consultancy to prepare a robust and comparable detailed business case for DART expansion for submission to Government for securing capital expenditure approval”. Hello. Do we need a business case to prove and underpin the fact that there is a need for additional rail capacity? We are throwing good money after bad in going to eTenders to have some third party bill us for a couple of hundred grand or more to do this job. What is more, when this was first mooted on 18 July 2013, the then CEO of Irish Rail announced and sought the committee’s support for this wonderful proposal for DART expansion. Later, on 9 December 2014, in responding to a parliamentary question from my colleague, Deputy O’Dowd, the Minister for Finance gave further assurances about this great plan. On 18 May 2016 he Minister, Deputy Ross, our newly appointed saviour from the public transportation nightmare, gave detailed information to Deputy Lawless on the great expansion. In that debate he made reference to July 2015 and something being based on the outcome of the updated business case, presumably the second one. The call on eTenders for the making a third business case was made last Friday and it will be received in one month. When it comes in at whatever cost, however long it will take, will we have a fourth updated business case?

The stones on the road know. Is there a total absence of common sense that we have to throw good money after bad? Is the Minister honestly telling me that, given the competence and capacity of its expert team, Iarnród Éireann is not capable of putting a business case together? If it is not, what about the National Transport Authority or Transport Infrastructure Ireland? If they are not capable of doing so, what about the Department of Transport, Tourism and Sport?

While the Minister is between photo calls with sport stars at Dublin Airport and given that the festive season is fast approaching - no doubt the Santa hat will be donned once again for photo calls outside Stepside Garda station - people are suffering commute misery on a daily basis and we continue to have promises about great ideas in respect of what we are doing. At his press briefing to announce the construction of the Adare bypass, a project which has yet to proceed to planning, the Minister was also telling people once again about the greater Dublin area and DART expansion. It is great to know that following the making of a business case, the great idea the NTA described, and the making of an updated business case in July 2015, tenders are being sought for a further business case. Who is driving the bus?

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** I thank Deputy MacSharry for raising what is a serious issue. I can assure him that Iarnród Éireann and the National Transport Authority, NTA, have my full support as they seek to improve capacity and increase services on the rail network. That support is evidenced by the increased funding made available in recent years and the increased investment planned in the coming years. Equally, I assume I have the Deputy’s full support and that of everyone in the House in ensuring that proposals to spend massive amounts of money are properly considered. Nobody should consider it to be a burden, as the Deputy has alleged. It is instead a duty on all of us, as public representatives, to ensure the taxpayer is protected. I agree that scrutiny and oversight must be proportionate. However, it must occur.

In recent months, as the Deputy probably knows, I have secured Government approval for the development a new national train control centre and the purchase of 41 additional rail carriages for the greater Dublin area. Together, that represents an investment of approximately

€285 million in the rail network and is no doubt welcomed by everyone in this House who is worried about commuters, as I know the Deputy genuinely is, as coming from where he is he has reason to be so worried.

Individually, each of those projects costs over €100 million and therefore each was, of course, subject to scrutiny in line with the requirements of the public spending code. Let me assure the Deputy that there was no undue delay or administrative burden associated with either project. Nor will I apologise for ensuring appropriate oversight of hundreds of millions of euro, or indeed apologise for complying with Government guidelines. In the coming years Project Ireland 2040 commits billions of euro towards sustainable mobility. I can assure the taxpayer that my Department takes its responsibilities with regard to the oversight of expenditure very seriously.

Given the sums of money involved, I would expect all of us in the House to take those responsibilities seriously too. I will shortly seek Government approval for a €1 billion investment in our heavy rail network over the next five years. This investment programme will deliver better journey times, improved reliability and continued safety across the network. It represents an approximate 40% increase in funding as compared to the last five year programme over 2014 to 2018 and is hugely significant.

Next year I expect to receive a business case in relation to what the Deputy refers to as the DART expansion programme, which is a multi-billion euro programme, to increase massively the rail network and services across the greater Dublin area.

Each of these investment programmes will be properly assessed. That is required under the public spending code, but importantly it is also the right thing to do.

On the most recent decision to expand the commuter rail fleet in the greater Dublin area, the Deputy may wish to be aware that the business case was originally submitted at the end of August, with a final version submitted on 24 September and Government approval secured on 30 October. There no undue delay nor was there any unnecessary administrative burden. I welcome the fact these new carriages are on their way and I look forward to their entry into service.

The Deputy refers to the commuter misery crisis, which continues to deteriorate. I have listed some of the things that the Government is doing in the short, medium and long term to relieve a critical situation, which we all agree is not entirely satisfactory. It is being seriously tackled and I do not want to trivialise it in anyway in this House this evening.

**Deputy Marc MacSharry:** I do not want to trivialise this matter either. None of this debate is personal. I learned this from the master in the Seanad. He would not tolerate this kind of response in those days and I certainly cannot tolerate it today. The Minister's new-found interest in value-for-money is admirable, but how many business cases does one need? Who is prepared to take a decision and back the facts and say, look, the issue is clear, a blind man can see and experience the compute misery of all of us. We are kicking it around the administrative merry-go-round time and again. What it boils down to is that Ministers have become non-executive directors. They turn up at the ceremonial occasions to say a few words, to cut the tape and be in the photograph but when it comes to running the country, it is on e-tenders. The Minister was referring to a business case on such a date. Which one is he referring to? Was that the one three years ago, the updated one, or is it the one that has not been replied to yet because the closing date is not until 9 December at 12 o'clock?

We have had this with the ordering of carriages too, with these 41 mythical characters. The Minister must be expecting the polar express to pull into town over Christmas because the reality is that I do not even know if the 41 have been ordered yet. There are 60 to 80 used ones to be leased and are supposedly to be arriving next February and I have not heard much about that lately. It must have run aground too.

We are back to value-for-money and the business case. We need a third business case. Is it third time lucky? Do we need three business cases before we take a decision to do what any five-eight person knows needs to be done? We need to expand this. Have we not got the money? Who is taking the decision? Why is he putting this out to tender? How much will that cost? That is more money wasted that could be much-better spent elsewhere.

Returning to value-for-money, I apologise and I know this will annoy the Minister, but I have to give him the kick on this. I do not remember the business case on Stepside Garda station when I was down at the Committee of Public Accounts, as the assistant commissioner responsible for Dublin said, no, that was not a priority for them. Other matters are. We know that we are coming into the season when the Santa hat will be donned and the Minister will be waving to the traffic with the lights turned on in Stepside.

Meanwhile, those people getting the bus, if they manage to get stuffed on and have enough assistance to get pushed into it, will now leave it to the Minister. We are going to get value-for-money and in 100 years time we may have a public transportation system that we deserve, when we have people who are prepared to take decisions, based on the facts rather than being put around the administrative merry-go-round with no solutions.

**An Ceann Comhairle:** The train needs to leave the station. I call on the Minister, Deputy Ross, to reply.

**Deputy Shane Ross:** I do not want to trivialise this issue, which is insulting to commuters. I am very keen that the commuters of the entire country, including the commuters in Deputy MacSharry's constituency, are listened to and catered for. One of the things that has happened here, and I am sure Deputy will admit this as well, is that the rail network is a victim of its own success. The numbers pouring onto the rail network are absolutely phenomenal and the increases are likely to continue. I have to attempt to meet current and to anticipate future demands. The idea that anybody has sat on his or her hands or has been ignoring this problem is completely and utterly untrue. The NTA and Iarnród Éireann have been working on options to increase capacity, both in terms of service improvements introduced and in exploring the best way to increase fleet size.

One option was to refurbish the older fleet and bring them back into service. That option was actively explored until the costs come back. Deputy MacSharry is very genuinely and sincerely concerned about costs. These costs came back at about three times the estimate. People advocating this option as the panacea need to reflect on whether they think that spending two thirds of the cost of a new fleet on carriages with around one third of their lifespan is good use of taxpayers' money. It obviously is not.

Another option was to consider whether to buy or lease second-hand fleet. That option was similarly explored but it was ultimately not the best option, either due to things like uncertainty around availability, costs, age etc.

At the very end of the summer, a business case was presented to the Department of Trans-

port, Tourism and Sport on what is the preferred option, to which Deputy MacSharry also referred, which was buying 41 additional carriages. Those who urge quick decisions and multi-billion euro projects are often the first people to criticise when things go wrong.

The Government is doing a great deal in the short, medium and long term on rail and I am pleased to say there is progress underway on each time horizon. On the fleet, I have brought a memorandum to Government on the business case for the purchase of 41 additional intercity railcars. It is expected that this new fleet will be delivered by 2021.

### **Finance (Tax Appeals and Prospectus Regulation) Bill 2019: Order for Report Stage**

**Minister of State at the Department of Finance (Deputy Michael D'Arcy):** I move: "That Report Stage be taken now."

Question put and agreed to.

### **Finance (Tax Appeals and Prospectus Regulation) Bill 2019: Report and Final Stages**

Bill reported without amendment, received for final consideration and passed.

**An Ceann Comhairle:** We will proceed to the Social Welfare (No. 2) Bill 2019. We need a Minister. Has the Government got a Whip's office anymore to ensure Ministers are here?

### **Social Welfare (No. 2) Bill 2019: Order for Second Stage**

Bill entitled an Act to amend and extend the Social Welfare Acts; to amend the National Minimum Wage Act 2000 and the National Training Fund Act 2000; and to provide for related matters.

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** I move: "That Second Stage be taken now."

Question put and agreed to.

### **Social Welfare (No. 2) Bill 2019: Second Stage**

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** I move: "That the Bill be now read a Second Time."

I apologise for being late. The Ceann Comhairle is like Speedy Gonzales this evening.

The main purpose of the Bill is to provide the legislative framework for the implementation of the social protection measures contained in budget 2020. The House will be aware that the budget was necessarily an exercise in prudent management of the public finances given the risks that Brexit poses to our economy. I hope Deputies will appreciate that, as a consequence, the scope for increasing welfare rates was limited. That does not mean, however, that we can

fail to be innovative in ensuring available resources are used to effect the best possible changes for society. I am pleased we have provided for measures that will offer support to those who are reliant entirely on the support of the State, and that these measures will improve the lot of as many families and vulnerable people as possible.

The social welfare budget package for 2020, of €212 billion, includes €171.2 million in additional social welfare expenditure that specifically targets those most in need. More than 200,000 older people and people with a disability living alone will receive increased payments, with an increase of €5 per week to their living alone allowance payment. An important change in this budget is that increases to the weekly payments will take effect during the week beginning 6 January 2020 rather than the end of March, as had been the case in recent years. The increases to the living alone allowance, for example, will take effect from the week beginning 6 January 2020, benefiting more than 160,000 pensioners and 40,000 people with disabilities who are living alone. From the week beginning 6 January 2020, those receiving weekly social welfare payments with dependent children will get an increase. Families with children aged 12 and over will receive a weekly increase of €3 for each child, and those with children under 12 will get a weekly increase of €2 for each child. This builds on the increases introduced in last year's budget and the change I introduced in last year's budget legislation to provide higher rates of support for older children.

Working lone parents will see the earnings disregard increase by €15 to €165 per week from January, allowing them to earn more without affecting their one-parent family payment or jobseeker's transition payment. There will be an increase in the income thresholds for the working family payment of €10 per week for families with up to three children, ensuring that more low-income families qualify for the payment. It ensures that the families availing of this employment support will benefit from an additional €6 per week.

Jobseekers aged 25 will receive an increase of €45.20 in their weekly payment from January, bringing them up to the maximum rate payable, thereby discontinuing the reduced payment currently in place for 25 year old jobseekers. The jobseeker's allowance payment made to jobseekers who are under 25 will be increased to the maximum rate where they are living independently and in receipt of State housing support, for example, rent supplement or any of our housing assistance payments.

Some of the measures contained in the budget do not require primary legislation and, therefore, are not reflected in the Bill. These include an increase in the fuel allowance by €2 per week to €24.50 from January; extending the household benefits package, that is, the gas and electricity allowance and free TV licence, to people under 70 who have another adult living with them; €2.5 million that is being provided specifically to target job activation and training supports for groups who are most distant from the labour market or have challenges entering the workforce; the extension of the hot school meals programme; an increase in the number of hours for which a carer can work per week from 15 to 18.5; funding for important research into a question that has exercised most Deputies, namely, how best to address difficult issues around maintenance payments; and an increase in the earnings disregard for those in receipt of the jobseeker's transition payment.

I am pleased to have received Government approval for the payment of the social welfare Christmas bonus at a rate of 100% again this year. It will be paid in early December. It will benefit all recipients of long-term payments, including carers, those with disabilities, pensioners and lone parents.

I will outline the contents of the Bill. Section 1 provides for the Short Title, its construction and citations, and its commencement provisions.

Section 2 provides for definitions of terms used in Part 2, which relates to amendments to the Social Welfare Acts.

Section 3 is a technical amendment that brings the definition of “confinement” for maternity benefit purposes into line with the definition used in the Civil Registration Acts. Up to this point, a mother can qualify for maternity benefit once the child has attained a gestational age of 24 weeks. By bringing the definitions into line with each other, we will ensure that where a child is unfortunately stillborn and has a birth weight of 500 g, the mother will qualify for maternity benefit irrespective of the child’s gestational age. While this is a very small change, it is a very important one for the mothers who are already dealing with a very difficult situation.

Section 4 provides that the reduced rate of jobseeker’s allowance for claimants aged 18 to 24 will no longer apply where the claimant lives independently and is in receipt of housing supports. The full rate of jobseeker’s allowance will be paid to these persons with effect from 1 January 2020. Section 5 provides that, from 1 January 2020, the age-related reduced rate of jobseeker’s allowance will no longer apply to younger claimants once they have attained the age of 25.

Section 6 is a technical amendment and updates the legislative provisions governing entitlement to carer’s allowance. The amendment confirms that the definition of a “relevant person”, that is, a person who requires full-time care and attention, means, in the case of a person aged under 16, a person in respect of whom a domiciliary care allowance is in payment.

Sections 7 and 8 mirror the amendments in sections 4 and 5 by providing that the age-related rates of supplementary welfare allowance will no longer apply where the claimant lives independently and is in receipt of housing supports and that age-related rates generally will no longer apply to those who attain the age of 25.

Section 9 provides for an increase of €10 in the weekly income thresholds which determine the level of working family payment for families with up to three children. This change will take effect from 9 January 2020. Section 10 is a technical amendment to make it absolutely clear in the legislation that the payment of guardian’s payment to a guardian in respect of an orphan does not affect the right of the guardian to claim welfare payments in his or her own right.

Section 11 is a technical amendment which updates section 247 of the Act to set out the payments which may not be paid concurrently with the working family payment. Section 12 is another technical amendment which brings the legislative provisions relating to social welfare payments after the death of a claimant fully into line with long-standing policy and practice. In particular, it makes it clear that such payments are made to the surviving spouse, civil partner or cohabitant of the deceased.

Section 13 provides for the repeal of section 282 of the Social Welfare Consolidation Act 2005 which currently provides for reduced cost life event, namely, birth, marriage or death certificates. This is a matter which is more appropriately dealt with under civil registration law and equivalent provisions in the Civil Registration (Amendment) Act 2014 will be commenced in parallel with this repeal. The provisions will allow regulations to be made by the Minister for Employment Affairs and Social Protection for the purpose of setting the fees, if any, for the provision of life event certificates.

Section 14 provides for amendments to the provisions in the Social Welfare Consolidation Act relating to the recovery of certain benefits where a compensator, typically an insurance company, is also paying compensation in respect of the same injury, accident or disease that gave rise to the claim for a social welfare payment in the first instance. First, it adds supplementary welfare allowance to the list of specified benefits which may be recovered and second, it adjusts the period within which a request for a statement of recoverable benefits must be issued to a compensator from four weeks to 25 working days.

Sections 15 and 19 are perhaps the most important sections of the Bill, since they provide for a €2 increase in the rate of the qualified child increase for children aged under 12, from €34 to €36 per week, and an increase of €3, from €37 to €40 per week for children aged 12 and over. These sections also provide for an increase of €5 per week in the rate of the living alone allowance. Depending on the scheme involved, these measures come into effect on dates between 1 and 10 January 2020.

Section 16 provides that the blind welfare allowance, a payment that is currently made by the HSE, will be disregarded in the means test for certain social assistance payments, and in particular for disability allowance payment. This measure comes into effect from 10 January 2020. Section 17 provides for an increase in the earnings disregard for one-parent family payment from €150 to €165 per week, with effect from 9 January 2020.

Section 18 is another technical amendment which updates references set out in the means-testing provisions contained in table 2 of Schedule 3 to reflect both changes in structures, for instance with the establishment of Tusla, the Child and Family Agency, and changes in practices, by recognising that certain payments may be made by agencies contracted by the HSE, as well as being made directly by the HSE itself.

Part 3 provides for amendments to the National Minimum Wage Act 2000 and the National Training Fund Act 2000. First, section 20 amends section 10D of the National Minimum Wage Act to provide that, where the recommendation of the Low Pay Commission has not been implemented, the Minister of the day may nonetheless subsequently issue an order. This amendment is designed to cater for situations such as the current uncertainty surrounding the timing and effects of Brexit. Second, the final section of the Bill, section 21, provides for a 0.1% increase from 0.9% to 1% in the National Training Fund levy payable by employers in respect of reckonable earnings of employees in class A and class H employments with effect from 1 January 2020.

Finally, I wish to advise the House that I intend to bring forward amendments to address issues raised in a Supreme Court judgment which found that provisions of the Social Welfare Consolidation Act relating to the entitlements of prisoners were unconstitutional. To put it simply, the court has found that the automatic disallowance of entitlement to benefits for prisoners is unconstitutional since it represents a secondary or extrajudicial punishment. Again, the issues involved are quite complex but need to be addressed. Work is under way at present on drafting the necessary changes to the Act and, if they are ready, I hope to introduce them as amendments to the Bill.

I wish to re-emphasise that the Bill before us today demonstrates our commitment to providing a better deal for families, as reflected in particular in the increased rates of payment for qualified children and the enhancement of the working family payment and the one-parent family payment. We have also paid particular attention to older people living alone. Even in the

context of a budget which had to be constrained due to the potential consequences of Brexit, I hope we have built on the significant increases of recent years and maintained the focus on the groups in society who are at most risk and are most vulnerable. I commend the Bill to the House.

**Deputy Willie O’Dea:** I wish to share time with Deputy Curran.

**An Ceann Comhairle:** Is that agreed? Agreed.

**Deputy Willie O’Dea:** I thank the Minister for her presentation but I must confess that I am no great fan of the Social Welfare (No. 2) Bill. We will not vote it down and plunge the country into a pre-Christmas election, which I am sure nobody would want, but neither am I a great fan of the deal negotiated under the confidence and supply agreement. However, even since the budget was negotiated, the parameters in regard to Brexit have shifted. I will come back to that in a moment.

According to Social Justice Ireland, the budget and the Social Welfare (No. 2) Bill, which is an integral part of the budget, “betrays the vulnerable”. That is a pretty damning indictment but, as I understand the budget and the Bill, it is impossible to resist the conclusion that Social Justice Ireland is in fact correct because the budget both increases poverty and increases inequality. I read an analysis recently from a Mr. Michael Taft of SIPTU, who said that taking the headline figure of inflation into account, in order to just stand still pensioners would need to get €168 per annum on a projected 1.3% rate of inflation.

That is bad enough if it told the full story but of course it does not. I made the point time and again that for people who are just living from week to week and existing on the basic necessities of life, inflation runs at two or three times the headline rate of inflation. I will give an example. Across all social strata in this country, the average household spends approximately 14.5% of its budget on food but the lowest 40% of the population, the four lower deciles, in income terms, the figure shoots up to 20%, which means that increases in food prices bear down hardest on those least able to afford them. The same can be said of other basic necessities such as the cost of heating, public transport and other such expenditure.

I did make a statement in advance of the budget that I did not know how certain people occupying certain positions could accept a €1,700 increase, while at the same time we were providing nothing for social welfare recipients. That did not make me particularly popular among my colleagues. I should probably not have singled out Deputies because they are part of a group subject to the national wage negotiations within the Civil Service, but they are not the highest paid group. Many said to me that when tax, PRSI etc. are taken into account, the actual net rise only compensates them for inflation, but at least they are being compensated. If one looks at the trajectory of wage rises in the private sector, it is different, though not in the entirety of the private sector since it is a very diverse sector. Some of the wage rises in the private sector more than adequately compensate people for inflation. The reality is that if somebody is on €100,000 a year and one gives that person a pay increase of €2,000 per annum, while somebody else is on €203 per week and receives a pay increase of €5 per week, one is increasing inequality. If one gives the guy on a €100,000 salary an extra €2,000, with nothing for the guy on €203 per week, one increases inequality even further. The net result of that is that vulnerable people will see their standard of living drop and they will fall even further behind the rest of society. Speaking for myself, I see no justification for this. It is not only unfair, but it fatally undermines social cohesion in the country.

One in every six people, some 760,000 people in the country, live below the poverty line. The majority of those who are welfare recipients will now live in even greater poverty because welfare increases have failed to keep pace with increases elsewhere in the economy. An analysis of the budgetary figures has shown that the least was given to welfare-dependent households and those on the lowest earnings. That is hardly something to be proud of. The Minister has included a section in this Bill to enable her to increase the minimum wage by order when she deems the circumstances justify that. Will she clarify whether she intends to do that from 1 January 2020, when the Brexit situation will be much clearer? The parameters of Brexit have shifted and it is almost certain that we have managed to avoid the nightmare scenario of a no-deal Brexit, as the Minister will be aware. If it is the Minister's intention to do that, will she take the opportunity at the same time to compensate other people who have lost out as a result of the fear of a no-deal Brexit, such as pensioners who do not live alone, people forced to live on disability income, single parents among whom poverty is rampant, and carers?

Another example of something that I fundamentally disagree with is the Minister's usage of an increase in the fuel allowance as the exclusive method by which increases in the carbon tax will be offset for the most vulnerable. The Minister knows as well as I do that there are many vulnerable sections of society which do not get fuel allowance, including jobseekers, carers, people on illness benefit and single parents. In a response here in this House to a parliamentary question, the Minister told me that the Government had carefully worked out that €28 multiplied by two, which is €56, was the appropriate sum to compensate for the budgetary increase in the carbon tax. If that is the case, why was the €56 not extended to people who do not qualify for the carer's allowance. The stated reason for all of this is the danger of a no-deal Brexit. It is ironic that the country that is going to leave the European Union is now having a general election and the two parties competing for power in it are offering to spend money that would put an alcoholic sailor on shore leave for a day to shame. Trillions are being mentioned in the country that is exiting the European Union, and we cannot afford €5 for people on social welfare.

The latest CSO statistics indicate that approximately one child in five in this country, that is, 230,000 children, lives in a household below the poverty line. The figure has remained virtually static for some time now. The budget contains some alleviation measures but they only scratch the surface. The National Policy Framework for Children and Young People, 2014-2020, sets out a target of taking children out of poverty by 2020. That now looks like an impossible dream.

With regard to disability, the Minister will recall that in last year's budget, work was commissioned on a cost of disability allowance. The question was how much it would cost to enable a person who could not work because of disability to live like a person who did not have a disability. What has happened to that? Have conclusions been reached? Has a report been sent to Cabinet? Why commission work on something such as this if there is no intention to follow through? The motorised transport grant, an essential aid to people with disabilities, has now been suspended for six years. I have asked on numerous occasions here when it is going to return. I was told that it was all so complicated that the whole Civil Service seemed to be working on it at one stage. What is so complicated about it? When it was suspended in 2013, people who already qualified were left *in situ* but tens of thousands of people must have qualified in the meantime under the previous criteria. Now they are trying to exist side by side with people who are actually getting the mobility grant. That is most unfair. It also is unfair that the Citizens Information Act 2007 provided for the establishment of a personal advocacy service for people with disabilities which has not yet been brought into force.

The Minister recently told us that we would need a conversation about carers and I agree

with that. One in 20 people in the country are now carers. It will be one in five within the next ten to 15 years, a startling escalation. The Minister will also be aware that three quarters of people who spend their lives caring for a loved one do not qualify for any carer's allowance. That is a reality. The Minister got a request from representatives of the Carers Association to increase the number of hours that they can work from 15 to 18.5. A natural assumption was attached to that that if one increases the number of hours somebody can work, one thereby proportionately increases the amount a person can earn. It makes no sense otherwise. The Minister responded by saying that if she increased the means test for the amount that people could earn by the requested amount, this would cost a phenomenal sum of money. We are talking about two different things here. When one increases the number of hours that a person can work, surely it logically follows that the amount that person could earn increases.

The Minister will also be aware of a submission from Carers Ireland relating to tackling the postcode lottery for caring around the country. It made a detailed submission that involved some rebalancing of existing resources and approximately €3 million in extra expenditure. That would have put an end to the situation where the amount of access one has to the services provided by the State and these caring associations would not depend on where one lived. That is right and proper. Yet we are told that the expenditure of an extra €3 million would compromise the country's ability to deal with a no-deal Brexit.

I welcome the slight increase in the earnings disregard for single parents, but if one looks at the poverty levels among single parents, how many single parents will this take out of poverty between now and next year? We recently passed a motion in the House, tabled by Deputy Brady, to the effect that there should be an agency to pursue the putative parent rather than have people traipsing through the District Court, with all that it entails. We have been talking about this for quite a long time and there is no sign of any action.

We congratulated ourselves after the last change of Government, saying that we had moved from regressive budgets to progressive budgets. I think we are back to regressive budgets again. I heard a Government spokesman and others telling people on social welfare that, in view of the danger of a no-deal Brexit, the Government would have to be pragmatic. "Pragmatic", of course, is a Merrion Street code word for "Go to the back of the queue". Only a short time ago we had the then Minister for Social Protection, now Taoiseach, launching his social welfare cheats campaign, which lumped all welfare recipients together and labelled them as potential cheats and scroungers. The image that some commentators want people to conjure up every time we mention welfare increases is that of a slovenly, workshy man or woman sitting on a couch, watching horse racing or the soaps on a big plasma television and milking the system for all it is worth. I can assure the Minister the reality is very different. The people we are talking about are those who just get by from week to week, dreading the next bill or the next family occasion, which more often than not they will have to avoid because they cannot afford to go. Their benefits are spent on the basic necessities of life, even before they are received.

If we are to grow and develop as a cohesive and compassionate society, rather than a collection of competing economic interests, surely we must put those in need by virtue of their health, age, disability or other circumstances at the top of the queue when it comes to sharing out the fruits of economic growth. To do otherwise is not just reckless and irresponsible, it is unjust and unfair.

**Deputy John Curran:** I welcome the opportunity to contribute to the debate on the Bill, which gives legislative effect to the budget changes. As the Minister rightly said, some of the

changes that were made and announced in budget 2020 do not require legislation. I would like to acknowledge a change the Minister has made that I have been asking to be made for a long time, namely, bringing the date of social welfare changes back to January. While this may be limited, it is important. I have always felt that the people of this nation should be treated equally and if we are making taxation changes and social welfare changes they should happen at the same time. While it might only appear a small thing, the policy direction and the change is to be welcomed and acknowledged. I have long been of the view it is unfair to treat people differently.

That said, I am disappointed that, across a range of social welfare payments for pensioner couples, carers and people with disabilities, we are not seeing an annual increase. In a time of inflation, they will be worse off and, as Deputy O’Dea said, that cost of living inflation will affect people differently. It is worth noting the Minister has held open the option of increasing the national minimum wage sometime next year without reference to this legislation as it is a piece of work she can do outside the legislation.

It has constantly been stated that the reason the annual increase was not affordable this year was the context of Brexit, in particular a no-deal Brexit or a hard Brexit, and the impact it would have on the economy. While the budget was framed in such a way, and this Bill is giving effect to the budget, I cannot understand why the door was not left open to review the social welfare budget early in the new year following the Brexit deal. If there is a Brexit that is not a hard Brexit or a no-deal Brexit, why can we not revisit the core social welfare payments? That would have been the prudent thing to do. Most workers next year will receive some sort of increase. Whether through the minimum wage, through existing agreements or through existing public service agreements, most workers are going to receive some type of pay increase next year but many people who are totally or partially dependent on social welfare, unfortunately, will not. As I said at the outset, the people of this nation should be treated fairly and equally and that does not seem to be happening in this regard.

I want to refer to particular increases. I have spoken before on the issue of the carer’s allowance, in particular means testing. I want to refer briefly to a note I received from a lady. Her family moved into the Palmerstown area four years ago and they adapted their house without grants. Their daughter, who is eight, has a rare neurological condition which is life-limiting. Her daily struggles are that she is blind, she has very poor muscle tone, she is tube-fed and she has uncontrolled epilepsy. The mother is her full-time carer but is not able to receive carer’s allowance because the husband is working. I have made this point before. Despite the fact he is working, they are not well-off because they are paying a mortgage and they are struggling to make ends meet. We need to review urgently the carer’s allowance scheme in regard to people who find themselves in real need of financial support in very serious cases. The system is not adequate and does not take into account housing costs, whether mortgage or rent, which is a big deficiency of the scheme. The Minister may argue the whole scheme needs to be reviewed but if it is not taking account of cost of living in terms of rent or mortgage, it is missing the point. We are all seeing such people but I wanted to refer to that particular case. I ask the Minister that this be done urgently.

The Minister referred to the fuel allowance. One of the issues that has arisen and was brought to my attention is that, for many people who qualify and have the correct social welfare payment, they can only have excess income of €100 a year. How long has it been €100? The point people are making to me is that the savings they would have had a number of years ago have now grown and the €100 excess over the social welfare payment threshold means they are

missing out on fuel allowance because they are a few euro over the €100. When was the €100 last index-linked and measured against inflation in order to treat people fairly, whether it is in terms of the capital or earned income they can have? There is no use saying that one side of the equation is going up. I have come across individuals who have crossed that threshold of €100 - they actually exist and it is not fiction or a myth.

I compliment the Minister on one issue which came before the Committee on Employment Affairs and Social Protection, namely, young people on jobseeker's allowance, in particular young people who are not living in the home. If young persons aged 18, 19 or 20 are not living in the home, it is generally for a very good reason and they need those supports. I am glad that, in this budget, jobseeker's allowance has been amended to treat them fairly. They have come from challenging backgrounds and find themselves not capable of living in the family home. Most 19 or 20 year olds would not just opt to leave and there are generally circumstances that make that happen. I am glad to see that change made in this budget.

**Deputy John Brady:** I welcome the opportunity to speak on the Bill and acknowledge the importance of its speedy passage through the Houses due to the increases contained in it. For that reason, we will not be objecting to it today but we fully intend to submit numerous amendments on Committee Stage.

It is important to say that social welfare increases are only welcomed by recipients and by stakeholders because the payment is so inadequate in the first place. By increasing certain payments by €2, €3 or €5, the Minister is not making social welfare payments adequate, nor are the increases based on evidence of any kind. To quote Social Justice Ireland, this budget betrays the vulnerable as many are left further behind. We should be working towards making all social welfare supports adequate for those who rely on them and we should be moving to an evidence-based approach. Instead, every single year, we have a political football around social welfare rates. Prior to this budget, Fianna Fáil was demanding a €5 increase for old-age pensioners but it quietly moved away from that when it failed to achieve it. Every year we see the furore about whether people in receipt of social welfare will get a fiver. Fine Gael announces it and Fianna Fáil likes to take credit when it is given but remains silent when it is not. This is no way to treat pensioners, lone parents, low income households and persons with disabilities.

Sinn Féin has put forward a fully costed and workable solution, a social welfare commission.

*7 o'clock*

This would use evidence, including the minimum essential standard of living as set out by the Vincentian Partnership for Social Justice, to make recommendations to Government on social welfare rates annually ahead of the budget. This work would be done on the basis that different households have different needs and that social welfare rates must, therefore, be adequate to meet various household needs. This would protect the most vulnerable households from poverty and ensure that social welfare rates are adequate, putting an end to people being left hoping for a fiver every year when the budget comes around. I also appeal to the Minister to consider that linking social welfare rates to the consumer price index, CPI, or to average industrial earnings will not ensure adequacy, but adequacy is what is needed. Stakeholders made this clear to her at the annual pre-budget forum. She needs to listen to all the stakeholders supporting this important work.

Section 4 relates to young jobseekers and the changes to their payment rates. For years, the Minister and her Government have ignored the impact reduced rates of payment have had on our young jobseekers aged between 18 and 25. This was started by Fianna Fáil, which of late has seemingly seen the error of its ways and is now calling for a change to that. It is glaringly obvious that living on €100 per week will lead to major difficulties for someone with no job. This was a dangerous cut made by Fianna Fáil and followed by Fine Gael in government. This Bill does not fix it; instead it replaces an age condition with a living condition. Those aged between 18 and 24 will have their payments increased to the full rate if they live independently and are in receipt of State housing support. How many people living on €112.70 per week could afford to live independently? The number is 300 people, leaving more than 14,000 young jobseekers on €112.70 per week. The increase provided for in the Bill will, therefore, benefit the smallest number of jobseekers possible. Perhaps the findings of the report into the impact of reduced jobseeker rates, overdue since mid-2016, is what opened the Minister's eyes to the reality for young jobseekers. We cannot say that for sure, however, because over three years later we have not seen that report. It has been hidden away and has not seen the light of day. I again call on the Minister to publish the report immediately. All jobseekers, regardless of age or living arrangements, should receive the same rate. The discrimination based on age needs to come to an end.

A number of changes in the Bill will be of some small benefit to lone parents, but that is simply not enough. According to the Vincentian Partnership for Social Justice, lone parents are in deep income inadequacy. Lone parent families are five times more likely to live in consistent poverty than households headed by two adults. The changes the Minister's party, along with the Labour Party, made to the one-parent family payment made life harder for lone parent families. That was the conclusion of Indecon in its examination of the changes. In this State both parents are legally obliged to maintain their children yet there are no consequences for those who do not, nor are lone parents assisted in seeking child maintenance. Over and over again, lone parent families are failed by the State. Why do we put it on lone parents to seek maintenance from the other parent? Why do we force lone parents into courtrooms to seek maintenance from a judge? Why does the State fail to act when maintenance is granted and court ordered but not paid? When it comes to child maintenance, which is proven in every country in which it is paid to play a massive role in reducing poverty, why does the Government choose to chase the non-custodial parent to cover its own costs in paying the one-parent family payment but have no involvement in seeking or guaranteeing the payment of maintenance? I seek clarity on the Minister's intentions in respect of the judge-led group she is establishing. Is it being established with the aim of setting guidelines or setting up a statutory child maintenance service, which is what lone parents are looking for? Will the stakeholders be heard on this? It is critical that they are. We have, again, brought forward the solution to this twice - in our published proposals and in a recent motion passed by the House.

I refer to the omission of provisions to address a lacuna in statute that excludes married same-sex male adopters from accessing 24 weeks' adoptive leave, which the Government has consistently stated it will address since 2016. The lack of adoptive leave for men is a major obstacle to their being able to adopt. We should not limit adoption for parents who are fit and capable of providing care. Given that this is the only family type omitted from the Bill, we should address it purely based on the discriminatory element the current law upholds. Given its recent omission from the Parent's Leave and Benefits Act 2019, the Minister of State, Deputy Stanton, stated he would address it in this Bill, yet it seems to be missing from the legislation again. While I am aware that the Minister of State has been in contact with parents stating that

amendments are still being drafted by the Office of the Parliamentary Counsel, can the Minister indicate when she believes she will be able to include this in the Bill? Given her previous dealings with the Children and Family Relationships Act 2015 and the difficulties the delays caused and are still causing, and given how proactive she was in addressing her remit in that regard, I hope she will continue that proactivity in dealing with this issue. The Irish Council for Civil Liberties described the exclusion of male same-sex adoptive couples from the Parent's Leave and Benefit Act as an unacceptable and unjustifiable form of discrimination against them. This discrimination is happening on the Minister's watch. Will she commit to include the necessary amendment to this legislation on Committee Stage to right once and for all this wrong?

The €2 increase in the fuel allowance fails to deal even with the rate of inflation, let alone the carbon tax hike that will be imposed on citizens throughout the State. I tabled an amendment in this regard to last year's Social Welfare Bill because I firmly believe that the fuel allowance could, and should, be used as a means to help people out of fuel poverty, which is gripping too many of our citizens. Year after year I stand up here to cite examples of some of our most vulnerable citizens having to sit in State premises and buildings and on trains, using their free bus passes, simply and purely to keep warm. This €2 increase is a slap in the face to those citizens, given the massive hike in the carbon tax. The Minister needs to commit to work on the issue of fuel poverty, which I have raised consistently, with a view to using the fuel allowance as a means of lifting our citizens out of fuel poverty.

Regarding the National Training Fund, a 0.1% increase in employer levy is included in the legislation, yet money is still sitting in that fund unspent. If the Minister is to keep increasing the amount being paid in, at the very least the money should be spent on what the fund was set up to do.

We know from the reply to a parliamentary question asked by my colleague, Deputy Quinlivan, that between 2015 and 2018, €299 million had been collected but not spent, while the projected underspend in 2019 alone is a further €199 million. This is absolute madness. Why is this money not being spent? Why are we not targeting it at those on the live register?

In addition, more money from the national training fund, NTF, should be invested in the apprenticeship scheme. The scheme is in dire need of reform and expansion to ensure we will not only give young people more tertiary education options but also equip Ireland with the skilled workers needed for growing and emerging industries. Sinn Féin has pledged to abolish apprenticeship fees to help to encourage more people into apprenticeships. It would cost just €4.8 million this year, a tiny 1% of what has been collected but not spent under the NTF in the past few years. The Minister must clarify why this money is going unspent and outline how he intends to invest the hundreds of millions of euro that has built up.

Sinn Féin is not going to oppose this legislation, but we will be tabling amendments once it moves to Committee Stage. There are some positive things included in the Bill, but the substantive issues I have outlined in my contribution need to be addressed. I look forward to the Minister's response because I have been asking some of these questions consistently for many months and years. I particularly hope I will receive answers to the questions I have asked about the reports that have been hidden away from people, some of the most vulnerable citizens, who need to see them. This House is also entitled to see them.

**Deputy Willie Penrose:** I am glad to have the opportunity to contribute to the debate on the Social Welfare (No. 2) Bill on behalf of the Labour Party. The principal objective of any

budget is to, as far as possible, reallocate resources to ensure the most vulnerable people living in our society are protected. There are important provisions in this Bill for which I want to compliment the Minister on achieving. It would be churlish of me, as Labour Party spokesperson in this area, not to acknowledge this. There will be approximately €21.2 billion available for spending on social welfare benefits next year, but, of course, how it is spent is critical.

In the most recent budget we found that the largest cohort of social welfare payments would remain as they were in 2019, which means that there will be no increase for the recipients of those social welfare payments in 2020. This will automatically lead to a real reduction in spending power when the rate of inflation that will apply in 2020, approximately 1.3% or 1.5%, is factored in. The result of Brexit is still to be finalised, but one thing we know for sure is that there will be an increase in the price of food. We all support the planned carbon tax increases to try to deal with carbon reduction and climate change issues, but they are likely to mean increased charges for public and private transport. The only thing we can say with absolute certainty is that in 2020 recipients of the main or core social welfare payments will experience their standard of living falling significantly. If over time social welfare rates fall significantly behind average earnings, poverty is inevitable. It is in that context that I stated, immediately after the Budget Statement made by the Minister, that if Brexit was solved, or softer than originally anticipated, the approximately €339 million the Minister prudently provided in her budget allocation to deal with a significant anticipated increase in unemployment as a result of a hard Brexit should be reallocated in 2020 by way of a supplementary budget to ensure appropriate increases in the basic rates of social welfare payments denied in the most recent budget would be forthcoming.

The changes in maternity benefit in respect of stillborn babies are extremely welcome. They are structured and critical.

The changes in the jobseeker's allowance for 18 to 24 year olds living independently and the ending of the reduced rate for those aged 25 are also welcome. The increased living alone allowance is certainly something I salute, as well as the increased fuel allowance. They are the increases that assist low income and vulnerable people and groups in society, particularly in rural areas. The ultimate aim is to restore a proportional relationship between welfare rates and average earnings.

I welcome the provision of an additional €4 million in funding to extend the hot school meal scheme nationwide next year. That will mean that another 35,000 children or thereabouts in disadvantaged areas will receive a payment. I know that the Minister focused on schools under the delivering equality of opportunity in schools, DEIS, scheme and this is probably my last opportunity to make the case for a school in my area where I went to school, St. Brigid's national school in Ballynacarrigy, to be considered favourably for inclusion in the hot school meal scheme. I hope the Minister will write it down because it is one of the long-standing DEIS schools having been designated as such in 1994. There are socioeconomic indicators in the area that are important. The school has a modern new principal. They are doing their best and there are good achievements and outcomes at that school.

I hope the Minister will commit to a timeline for abolishing the remainder of the reduced rates. It is difficult to conceive why there has been no increase in core social welfare rates because, as I have said, those on fixed incomes will face increased living costs in 2020 with nothing to offset them. In recent years some costs have gone down, while others have gone up, but we are now experiencing net inflation to a greater extent. As I said, an inflation rate of ap-

proximately 1.5% next year would mean that the real income of carers, pensioner couples and people with disabilities would effectively be less than this year. In the real world the lack of an increase is a cut in all but name. It represents a slap in the face for vulnerable persons in society. It must also be a setback for Fianna Fáil and the confidence and supply agreement. Fianna Fáil claimed it would gain concessions from Fine Gael in exchange for supporting the budget.

The kind of Brexit being pursued by Prime Minister Johnson is also likely to result in the various issues to which I have referred. Budget 2020 was meant to prepare the country for a potential Brexit, but it failed to protect those whose living standards would be most affected.

I have already raised with the Minister the fact that the income disregard for carer's allowance is too restrictive and has not changed in years. I am disappointed that she did not use the opportunity provided by the Bill to address the matter. In the budget the number of hours a carer could work outside the home was raised from 15 to 18.5 per week. I agree with this change. It was long overdue and a significant piece of the review carried out by the Minister's Department in July or August. It is a change that had not been given effect since 2006; let us be clear, therefore, that we have all been remiss, but let us not start pointing fingers. When the finger points backwards, it means that I am also a part of the problem. What is wrong is that there is no increase in the income disregard for carer's allowance to match the changes in the working allowance. The Government has created a potential poverty trap. Carers who work the extra hours might see their carer's allowance reduced. We know that only one in four carers actually receives an allowance owing to stringent means testing. The income disregard for carer's allowance has not been increased since 2008. The Minister has said it is a very generous threshold, especially for a single person, for whom €332.50 of gross weekly income is not taken into account. The Labour Party and groups that advocate for carers were looking for the threshold to be increased to €450 and for the threshold for couples to be increased from €665 to €900. I hope the matter will be reconsidered because the Department's figures should show how many carers will have their allowance reduced because of the increase in the number of hours that can be worked.

This issue will ultimately have to be tackled. I am strongly of the view that complete abolition of the means test for carer's allowance could be ground breaking and game changing. The Minister might ask how that would happen. There are so many people who could be cared for within the home environment. There are approximately 350,000 carers in Ireland, approximately 87,000 of whom are receipt of carer's allowance, while 35,000 who do not qualify for carer's allowance are in receipt of the respite care grant. They are persons who have clearly been adjudicated to be just above the income eligibility threshold. The individuals for whom they are caring have clearly been deemed to be in need of care under social welfare legislation. It would be a positive signal to relax the income assessment procedure for this cohort of people. Even if it costs €1.2 billion, ultimately, it will be money well spent. I have always advocated the abolition of means tests. I would have loved to have been in a Government that had money. This would have been a core project of mine in such circumstances. People might argue that rich people would gain if such a measure were introduced, but rich people are already able to benefit in this way. I refuted this argument in 1995 when the then Minister for Education was abolishing tuition fees at third level. People were saying it was an awful measure because it would benefit rich people, but it benefited ESB workers and OPW workers who were doing a little overtime to get an extra £20. As an accountant, the Ceann Comhairle will recall that people got nothing if they exceeded the thresholds by 20p. Very wealthy people like Mr. Desmond and Mr. Smurfit could avail of a covenant scheme at the time. As I recall, that was costing us

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approximately £35 million a year. One can always make an argument to stop something, but it is how one facilitates something that is the important thing. It is time we looked at carer's allowance. I hope that someone in a future Government - I will be watching from afar - will take action in this regard and thereby become the equivalent of Deputy O'Dea's colleague, the late Donogh O'Malley. There is no doubt that this will be something for the Deputy to think about in the future, when he may be somewhere else.

I was surprised on budget day that there was no mention in the Minister for Finance's speech of the date on which the increase in the minimum wage will come into force. I strongly support the Low Pay Commission, which was a Labour Party initiative. We fought for its establishment when we were in government. A former Deputy, Senator Ged Nash, was to the fore in that campaign. The commission recommended that the minimum wage should be increased by 30 cent an hour from €9.80 to €10.10. The Minister for Finance failed to announce when this recommendation will be implemented. It is unacceptable that people on the lowest rate of pay must wait for a modest inflation-proofed increase in their earnings. It was leaked the day before the budget. Every budget is leaked nowadays. I suppose Phil Hogan must be looking on in amusement from afar. He resigned after he leaked a few lousy bits and pieces from the Department of Finance. We all knew what was coming because it was leaked. I suppose Mr. Hogan was fed up of everyone knowing, so he decided to get out ahead of everyone else. He was not sacked; he had to resign.

We knew in advance of last month's budget that the increase in the minimum wage would be delayed until March, even if this is not permitted under existing legislation. Under the minimum wage legislation, the Low Pay Commission must make an annual report to the Minister for Employment Affairs and Social Protection. Within three months of the date of receipt of that report, the Minister must by order declare a new minimum wage on the terms recommended by the commission or on other terms, or must announce that he or she intends to decline to make an order. If the Minister declines to make an order, he or she must publish a statement setting out his or her reasons for doing so. On 9 October last, the Minister, Deputy Regina Doherty, made a short statement setting out her reasons for declining to make an order declaring a national minimum hourly rate of pay. The dates are important because I was proved right in my argument from a legal perspective. That is why the Minister is here tonight. According to her statement, she is declining to make an order declaring a national minimum hourly rate of pay until the situation with regard to Brexit becomes clearer.

The reality is that she has not just postponed a decision on the date of implementation; she has invoked her statutory power to decline to make any order. To be clear, the legislation as it stands gives the Minister a three-month window in which to respond, but it does not permit her to postpone a decision beyond that period. Her failure to decide within three months means that no decision can be made for another year. Under the current legal framework, she has effectively cancelled the increase in the national minimum wage. I knew she was going to come with this. I raised it with her in October and two or three weeks ago. Now she is seeking to amend the Social Welfare Acts to allow her to reverse her earlier decision if Brexit does not happen in early 2020. That is what this is about. The Labour Party has serious concerns about her proposed amendment to the Social Welfare Acts, as outlined in Part 3. There is a danger that this amendment will undermine the functions of the independent Low Pay Commission. A Minister might be able to come in at any time and utilise this section to say, "Stall the horse there". That is why I am concerned.

I want to make it clear that if the amendment to the Social Welfare Acts being proposed by

the Minister is passed, the amended section 10D of National Minimum Wage Act 2000 will provide that within three months of the receipt of a July report from the Low Pay Commission, the Minister of the day must by order declare a new national minimum wage as recommended by the Low Pay Commission or in other terms, or decline to make an order. If the Minister declines to make an order declaring a new national minimum wage, he or she will have to lay before both Houses a statement of his or her reasons for doing so. This has been done for this year. In fairness to the Minister, she has complied with the law. The new section that she proposes to introduce provides that even though the Minister of the day has received a report and has declined to make an order, and has laid before the Houses a statement of reasons for declining to make an order, he or she “may by order declare a national minimum hourly rate of pay in the terms recommended by the Commission or in other terms”. The power to reverse position and implement a recommendation, having initially declined to do so, will be exhausted when a new report comes from the commission the following July.

According to the explanatory memorandum, the amendment the Minister proposes provides that “where the recommendation of the Low Pay Commission has not been implemented, the Minister may nonetheless subsequently issue an Order”. The explanatory memorandum clarifies that “the amendment is designed to cater for situations such as the current uncertainty surrounding the timing and effects of Brexit”. This means that the Minister of the day must, as at present, decide whether to implement a recommendation within the statutory two-month period but can then, without any change of circumstances, ignore his or her own previous decision and do the opposite. The way it is drafted means that it is not so much a delaying power as a change-of-mind power. It is easy to see how this power could be abused over time. It could totally undermine the independent role of the Low Pay Commission. The setting of the minimum wage is too important to allow it to be a matter of political goodwill. I have concerns in this regard.

When the House debated a motion proposed by one of my Sinn Féin colleagues on 15 October last, the Minister told the Dáil “that the Government has accepted the recommendations of the Low Pay Commission in their entirety and that the minimum wage will be increased by 30 cent to €10.10, as announced in budget 2020”. I put it to her that all the Government had decided to do was to defer the date of the implementation of the commission’s recommendation. She made no reference to the legal effect of what she had done and failed to do. She made no reference to the need for an amendment to the law to help her out of the dead end she had reversed herself into. In my contribution to that debate, I pointed out precisely what she had done. I made it clear that the suggestion that the Government could hold off on making a decision while it awaited a decision on Brexit was not provided for by law. The law is clear. I reiterate that the Minister had three months from the receipt of the recommendations to make a decision. The recommendations of the Low Pay Commission were sent in July 2019. Within three months, she had to declare a new minimum wage in the terms recommended by the commission or in other terms, or decline to make an order. If she declined to make an order, she had to publish a statement of her reasons for doing so.

On 9 October last, she made a short statement on her reasons for declining to make an order declaring the new minimum wage. It is clear that the decision which was made was not a decision to postpone the increase; in law, it was a decision to cancel the increase. As the law does not permit her to postpone a decision beyond three months, her failure to make an order within that period means that, as the law stands, the statutory function of the Minister in respect of this report is now spent. She did not respond to the argument I made during the 15 October debate.

This is part of the problem with debates in the House. Ten minutes should be provided at the end to enable Ministers to respond to the arguments that have been made. If a Minister believes that an argument is poppycock or is no good, he or she can say that.

The Minister has refused to come clean and admit what she has done. Instead, this legislation is being used to make a belated amendment to the National Minimum Wage Acts. This proposal is a once-off measure to cover her predicament. It is being brought forward as a proposed permanent amendment to the law.

I want to signal clearly that I intend to table an amendment to ensure the power being conferred here can be used once and only once. I will accept its use in the current circumstances to allow the Minister to reposition herself. No self-respecting Administration could maintain such an absurd provision as a permanent part of its law. I have said on the record for a long time that the minimum wage should not be a political football. When a recommendation is made in respect of the minimum wage, it should not lead to argy-bargy in the Chamber. We should accept it and move on. As a matter of fact, we have gone beyond the concept of a minimum wage. We are now in living wage territory. That is where we are at. I know the living wage is critical in urban areas, but it has now reached out as far as country areas as well. Workers in urban areas have some access to transport, but workers in rural areas are stuck. They might have cars, but if the Minister for Transport, Tourism and Sport, Deputy Ross, keeps going, we will have no cars. He does not want people in rural areas to have anything. If one is to get from A to B to work in a job that pays €10 or €11 an hour, one must have some transport. If I want to travel from my own area of Sonna to Mullingar to get a job, I have to travel six miles. There are not too many hopping around on bicycles, as was the case some years ago. I do not want this issue to become a political football. The State is directed by the Constitution to ensure that citizens - men and women equally - can meet their reasonable needs through paid work. Most Deputies will agree that a good job is the best route out of poverty. We want to achieve that, but there are people who need support, and social protection moneys are a vital crutch for those in dire need. If we wish to build a fair and equal society, we must ensure that work remains an attractive option because jobs are the best way out of poverty. We cannot have people living to work. We must reverse that and ensure people are working to live and get a decent payment such that they can look after their family. That is why the Labour Party sought to ensure that minimum wage was based on evidence and introduced the National Minimum Wage (Low Pay Commission) Act 2015, which established the Low Pay Commission. Its role is to consider evidence and make a recommendation on the level of the minimum wage. The essential aim behind the creation of that body was to remove the discretion of the Minister of the day to ignore evidence when setting the minimum wage. The Bill will have the effect of putting a flip-flop Minister centre stage again in respect of the minimum wage and that is why that section cannot be allowed to become a permanent part of law. As I signalled to the Minister, my party intends to draft an appropriate amendment that would limit the change to being utilised on a once-off basis. If such an amendment is not agreed to, it would open an appalling vista for low-wage workers and facilitate political interference to undermine the Low Pay Commission which the Labour Party strongly fought to have established while we were in government. Our job is to ensure the independence of the commission is sacrosanct.

I acknowledge that some of the changes the Bill will make in other areas are significant. Some are technical changes, which tidy up other legislation, such as the provision regarding payments after death. That measure will be brought into being, as will others in similar areas. I also acknowledge the measures in section 15 in respect of social insurance benefits and the

increase in the earnings disregard for those in receipt of the one-parent family payment. That is the one area of which the Labour Party made a mess and I put my hands up in that regard. One-parent families and carers are the two main areas of social protection that need to be addressed and focused on.

**Deputy Bríd Smith:** One of my Solidarity colleagues may come to the Chamber to contribute to the debate and, if so, I will share my time with him or her. I thank the Minister for her presentation. To begin on a positive note, provisions in the Bill that should be welcomed are the extension of the hot meals scheme to an additional 35,000 schoolchildren, the increase in the working lone parents income disregard, although it is not enough, and the increase in the hours carers are allowed to work from 15 to 18.5. I also welcome that the blind welfare allowance will be disregarded in social welfare means assessments. Most people would be astonished to learn that was not the case hitherto.

Some of the commentary on budget 2020 is worth mentioning. It has been described by Social Justice Ireland, SJI, as betraying the vulnerable. The poorest 30% will be hit the hardest, particularly in light of increasing food costs due to Brexit. Although the poorest will experience little increase in their income as a result of the budget, it is estimated that Brexit will increase the cost of living by between €892 and €1,360 per household per year. That is no mean feat. According to Fr. Seán Healy of SJI, the choices made by the Government in budget 2020 mean that the standard of living of vulnerable people will fall and they will slip even further behind the rest of society. Michelle Murphy, research and policy analyst for SJI, stated that those on lower incomes will be the most exposed to the increase in the cost of living as a result of Brexit.

I refer to the privilege the Minister seems to have to withhold the increase in the minimum wage. She stated that the increase has been withheld to see what happens with Brexit. However, the Government did not hesitate to extend schemes such as the special assignee relief programme, SARP. The Minister for Finance extended the programme for 1,000 executives who can cut their tax bill by 30% as a result. These are high flyers who travel between various countries to attend business meetings. Eight of them earn between €3 million and €10 million per year. The tax break will cost the State €28 million. It is only fair for the public and Deputies to put the announcements made by the Minister on the Bill in the context of the overall budget announced by the Minister for Finance. Top civil servants will have their pay reviewed and the Minister's adviser probably stands to receive a large pay increase, but there is no chance of a similar increase for the lowest paid, 137,000 of whom exist on the minimum wage. It is worth noting that the vast majority of them are migrant workers, women or vulnerable people who work in the hospitality sector, the profits of which have exceeded pre-2008 levels. Profits in the tourism and hospitality industries have soared but the low paid in those sectors are being held hostage because of the threat of Brexit. We will seek a report from the Government on when and how the increase in the minimum wage will be paid.

I refer to the increases in jobseeker's allowance rates for young people. This is an effort for the Government to pretend it is in the business of reversing older and discriminatory austerity measures. The Minister stated that the outrageous attack on younger people in the form of the lower rate for those aged 25, which was brought in as an austerity measure, will go, while the even lower rate for those under 24 will go if the claimant lives independently. How is anyone expected to live independently on €112 per week? The answer is beyond me; perhaps the Minister can provide it. I recently tabled a parliamentary question asking her how many people will be affected by this change. As well as eulogising the Government announcement that the age-related payment for those aged 25 will be abolished, her reply stated that the increase in the

personal rate from €157.80 to €203 will benefit 1,800 of those younger jobseekers. It also eulogised the announcement that the Government increased the rate available to jobseekers aged 18 to 24 who are living independently and in receipt of State housing supports, including rent supplement and HAP. The reply indicated that her Department has estimated that increase will affect approximately 300 young jobseekers. That is not worth making a headline announcement as though it is some great achievement. How many of the approximately 29,000 15 to 24 year olds who were unemployed in June of this year will benefit from the measure? When one calculates the figures, it becomes evident that some of the measures, particularly that which is supposed to help people under the age of 25 if they live independently, are grossly overstated to make the Department look good.

I am a member of the Joint Committee on Climate Action and worked hard to demand a report on the fuel allowance. We secured a priority resolution that the Government would report on it, but that did not happen. Figures compiled by the Money Advice and Budgeting Service, the Society of St. Vincent de Paul and other organisations clearly show that 28% of the population lives in fuel poverty. The fuel allowance will be increased by €2 per week for 28 weeks, or €56 per year, to compensate for an increase in carbon tax which amounts to approximately €60 per year of an increase in the average gas bill. How does the Government square the circle on this issue? There are significant problems with it. Fuel and energy poverty are not just issues for the 370,000 who manage to qualify for fuel allowance. Every Member knows this is an issue for many hundreds of thousands of people - those on low income, the minimum wage or small private pensions - who get no help in dealing with increased carbon tax. It will not even cover the total cost of that increase for the most vulnerable because most of them live in poorly insulated homes in rural areas. They have to use coal, oil or gas for their heating. They cannot change their behaviour and cannot go green tomorrow because they are not being given access to retrofitting or to SEAI grants because they do not qualify for fuel allowance or do not have wads of money that they can use to pay upfront and then have it returned by the State. This goes nowhere near addressing that for the many ill and old people in that situation. They are facing punishment for the sins of the fossil fuel corporations with no effort by the Government to tackle it. I will again seek a report on the levels of fuel poverty and how this increase will impact on those for whom the Minister claims it is intended.

Those are the only three issues on which I will seek reports.

**Deputy Joan Collins:** Life on low income is the norm for a large proportion of our society. One in every six people in Ireland lives with an income below the poverty line. That is 15.7% of the population. As highlighted in a number of studies, this corresponds to approximately 760,000 people. Poverty levels reached their lowest point in Ireland in 2009 when 14.1% of the population was classified as poor. Since then the rate has increased, although in recent years budgetary policies increasing core payments have helped to bring it back down again.

However, the budget lacked any serious initiative to significantly reduce poverty. At rates of near full employment, the simple policy solution to creating more jobs no longer stands, especially with approximately 110,000 people experiencing poverty despite being in employment. The Labour Party often comes out with the mantra that people with a job have a better standard of living. We know that is not the case. Many of the jobs available are low paid, minimum wage and low hours. The Minister has met many of the employees of the Ivy Restaurant who were being abused by their employer. Workers are getting the minimum wage with the contracted wage they signed up to when they started the job being made up by the tips that were being handed to the company, which it was stealing from the workers and still is.

It was a failure not to increase social welfare payments across the board. I agree with SJI that those increases should have been €9 to €10 a week. The Government is very protective of industry over the possible impact of Brexit with a hard border or an agreement covering customs only. However, for those on the lowest incomes, who are most vulnerable to increases in food prices that could happen as a result, the Government has done very little to respond to that. None of the speeches by the Minister and her colleagues since the budget has indicated that the Government is watching this very closely. If there is a hard border with World Trade Organization, WTO, tariffs kicking in, resulting in food price increases, there has been no mention of intervening to protect our pensioners, carers and social welfare recipients.

The only thing the Minister has done is to say that she will not implement the minimum wage increase proposed by the Low Pay Commission. To put that into perspective, the proposed increase is 30 cent an hour. Someone unlucky enough to work 40 hours a week on the minimum wage would get an additional €12 per week or €624 per year. That is what we are talking about and yet we were able to give €28 million to SARP. While I did not take it, the Government was able to grant an increase of €1,600 annually to Deputies, Senators and higher public servants. That is all no problem at all. Everybody at the top benefits and is protected. However, those on the minimum wage, who most need it, are told they can wait until the Government decides whether Brexit will affect businesses. I agree we need to protect businesses, especially small and medium-sized businesses, which are the backbone of the country.

The feedback I got from old-age pensioners, carers and people with disabilities was that they were absolutely disgusted with the budget. They were particularly angry over the lack of protections for them when they are probably the most vulnerable to food price increases. The CSO household budget survey illustrates the exposure of households across the income distribution to changes in food prices. It shows that the proportion of total household expenditure on food. On average, households spend 14.7% of their total expenditure on food. However, food represents a much larger proportion of all spending among the households in the bottom 40% of the income distribution, standing between 17% and 19% of total expenditure. A sudden increase in food prices, which will be unavoidable following a hard Brexit, will hit these households hardest. They are also the households with the lowest capacity to absorb such impacts on their living costs.

Even with a negotiated departure of the UK from the EU, the absence of a customs agreement may push food prices higher and have a less severe but similarly distributed effect. The households that are worst positioned, again, to absorb the impact of these potential price increases will be impacted most. The Government has not even thought about how it might intervene particularly through the Department of Employment Affairs and Social Protection to help protect this cohort of people.

Other speakers raised the issue relating to 18 to 24 year olds. It is welcome that if they are independent and receive household supports they will receive the full rate of jobseeker's payment. However, only 300 such young people are affected. The Minister is saying that cohort of young people should be given the full jobseeker's payment. However, when they buy a pair of shoes, pay their bus, Luas or DART fare, buy a shirt and a nice jacket to attend an interview, they do not get a discount because they are under 25. They are not told they will get a 25% discount because they are only receiving so much on social welfare. They are living in the real world that everybody else lives in. They pay the same prices for clothes, transport, etc. I agree with my colleagues that this is age discrimination and should end. Everyone in receipt of jobseeker's payment should earn the same amount so that they can live.

I made the point about the minimum wage. We should increase it to the recommended €12.30 an hour living wage. It would even be hard to live on that. That would be €492 a week for someone on a 40-hour week.

There are some positive provisions in the Bill. I welcome the extension of the school hot meals scheme, in which I have a particular interest. My final point is on the fuel allowance increase. I agree with other Deputies that a €2 increase compared with the €6 increase in the carbon tax does not deal with how the people concerned will pay their bills. The cohort of industries that created the CO<sub>2</sub> and climate crisis should be paying the carbon tax, not ordinary people. When the Government states it wants to move away from fossil fuels and offer people an alternative that they can install in their homes within a year and pay a grant to do it, it can start by charging those who do not move to an energy source that is carbon neutral a carbon tax. Increasing it now is an absolute disgrace. It will be hard for the people who depend on the fuel allowance and those on low incomes to deal with it.

**Deputy Mattie McGrath:** I am happy to speak to this important Bill, which has been designed to give legislative effect to a range of social welfare measures announced in the budget. I thank the Minister for doing her level best to help to deal with a protracted problem in County Tipperary. The Bill provides for several technical changes to the Social Welfare (Consolidation) Act 2005 to ensure the application of income disregards for persons engaged in fostering. The Bill also provides for an amendment to the National Minimum Wage Act 2000 to provide that where the Minister of the day is not in a position to implement the recommendations of the Low Pay Commission, as is the case as a consequence of the uncertainty associated with Brexit, he or she may subsequently issue an order for the year or part of the year to which the commission's recommendations relate. That is very good and I wish the Minister well with it because we are in uncharted waters with Brexit and an election coming up across the water. It is nice that the Minister will have that latitude and be able to make recommendations in that area. The Bill provides for an amendment to the National Training Fund Act 2000 to provide for a 0.1% increase, from 0.9% to 1%, in the National Training Fund levy payable by employers. That, of course, is a broad outline of the Bill as provided in the explanatory memorandum.

It cannot, however, capture the huge sense of disappointment the announcement created on budget day. Groups such as the Society of St. Vincent de Paul and family carers were bitterly let down in the poverty-proofing measures not addressed on the day. I wear the badge of carers here because they do so much good work and have felt saddened that they have been left behind in the past ten years. They provide so many hours of care. In my county there are many child carers, young people who should be in school or at college but who are caring for their siblings or parents, which is very sad. These groups, with a recovery taking place in the economy, expected to receive some little bit.

I acknowledge that, in terms of the rates of jobseeker's allowance, section 4 provides that "the reduced rate of Jobseeker's Allowance for claimants aged 18 to 24 will no longer apply where the claimant lives independently and is in receipt of housing supports". I agree wholeheartedly with this change. The position was very hard for young people in that cohort. I know the reasons the provision was brought forward, but still it was very hard on them and their families not to receive the full rate. It was discriminatory and I compliment the Minister on changing the provision. The Bill states: "The full rate of Jobseeker's Allowance will be paid to these persons with effect from 1 January 2020". That is an *á fáilte ar fad* and very much to be welcomed. As Social Justice Ireland has pointed out, adequate social welfare payments are required to prevent poverty. That is very true, as the Minister knows. She works in her con-

stituency and hears it all the time in her clinics when dealing with families. SJI states: “Without the social welfare system 43.8 per cent of the Irish population would have been living in poverty in 2017. Such an underlying poverty rate suggests a deeply unequal distribution of direct income”. That continues to be the position to this day. In 2017 there were just over 760,000 people in Ireland living below the poverty line, of whom approximately 230,000 were children. Some progress has been made which has to be welcomed, but it is not happening at the pace we would like.

From data I have received from the Minister’s Department, I know that more than 5,000 people in County Tipperary have received exceptional and urgent needs payments, totalling €1.8 million, this year alone. That is a huge sum, for which I thank community welfare officers as we used to call them. I do not know what they are called now, but years ago they were called relieving officers. They have had some awful names during the years, but nonetheless they are a great bunch of people who do work very hard. Sometimes they hear tall tales and have to make an assessment and sometimes they are mistreated and abused when they should not be as they have a hard job to do and do a good job, for which I thank them and in which I support them. This highlights the fact that people cannot live on what they have or in most cases meet their basic needs. There can be exceptional needs, as the Minister knows, being a family person, because of climatic occurrences or run of the mill accidents in a household, with damage being caused to equipment, which is unavoidable. Community welfare officers need to have flexibility in that regard.

We learn today from *daft.ie* that rents across the country have risen by 5.2% in the past year and that the average monthly rent is now €1,403. The average month rent in my county of Tipperary is almost €900 which, relatively speaking, represents a year on year change of 8.7%. The cost of rent is driving families into poverty. They will not be able to cope with a further increase. I am not one to stand up here, unlike others, and demonise and attack all landlords as there are many good landlords. Many have only one house which they might have inherited or bought and they have an exceptional relationship with their tenants. There is a policy, on the left especially, of haranguing and barracking landlords, but if we hunt them out of the industry altogether, there will be no one to provide accommodation. We have to strike a balance. We have to have respect and it is both ways between the tenant and the landlord. There are some bad tenants and also some bad landlords. Therefore, we need to get our priorities right. We cannot keep demonising landlords because they do their best to provide accommodation where the State is unable to do so.

In March I asked the Minister to investigate the reason the number of social welfare recipients who had had their payments cut was reduced on foot of recommendations made by Turas Nua where the figure exceeded €10,500. I have had many a battle with the Minister over Turas Nua which I have described as Turas Uafásach and tá fhios ar an Aire cad é sin. It is an awful journey and I know of some horrific cases, as does Deputy Michael Healy-Rae and many more rural Deputies. I was pleased early in the year when we found that it would not accept any new referral and would be stood down in December. Now, however, I find that it will not. The Minister has given it a reprieve for another year. It probably has some good points, but during the years I have certainly met people who have had some very bad experiences. They were terrified and horrified and literally had not been treated with the respect and dignity they should have been as adults and young people in attending for interviews. Many of the staff in Turas Nua are also quite young and inexperienced and are only doing what they have been told, but it has led to many difficulties and affected some people’s mental health, as the Minister knows. People

were not able to cope. I would, therefore, like the Minister to look at this issue again in view of what I have said about Turas Nua. Many rural Deputies have many stories about people who do not have access to transport and are unable to make their way to the offices. It is a more of a case of Turas Uafásach.

Debate adjourned.

### **Inquiry into the death of Shane O’Farrell: Motion [Private Members]**

**Deputy Jim O’Callaghan:** I move:

That Dáil Éireann:

notes that:

— on 5th February, 2019, the Minister for Justice and Equality announced the appointment of District Court Judge, Gerard Haughton, to conduct a scoping exercise into certain matters surrounding the circumstances leading to the death of Shane O’Farrell;

— the purpose of the initial scoping exercise was to determine what further steps could be taken, and the Minister for Justice and Equality stated that Judge Gerard Haughton was ‘free to recommend any course of action’ which he considered appropriate;

— Judge Gerard Haughton was provided with terms of reference but the Minister for Justice and Equality stated in the Dáil and in correspondence to the O’Farrell family that they would have an opportunity to consult with the Judge on those terms;

— on 24th April, 2019, Judge Gerard Haughton submitted final terms of reference to the Minister for Justice and Equality; and

— on 29th July, 2019, the Department of Justice and Equality rejected the terms of reference submitted by Judge Gerard Haughton and provided terms of reference significantly narrower than both the Judge’s terms of reference and those provided by the Minister for Justice and Equality on 5th February, 2019;

recognises that:

— on 14th June, 2018, a majority of Dáil Éireann members voted in favour of a motion calling on the Government to immediately establish a public inquiry into the death of Shane O’Farrell; and

— on 13th February, 2019, a motion was passed by the members of Seanad Éireann calling for the immediate establishment of a public inquiry into the death of Shane O’Farrell; and

calls on the Government to:

— acknowledge that the Department of Justice and Equality’s terms of reference do not address the needs of either the O’Farrell family or the Resolution of the Dáil of 14th June, 2018; and

— adopt the following terms of reference immediately for the scoping exercise as draft-

ed by Judge Gerard Haughton who consulted with the O'Farrell family, and which terms reflect the spirit of the Resolution of the House:

'In light of the public controversy surrounding the circumstances of the death of Mr. Shane O'Farrell on 2 August 2011, and having regard to the motion passed by Dáil Éireann on 14 June 2018 and Seanad Éireann on 13 February 2019, calling for the establishment of a public inquiry in the matter and having regard to the State's obligations pursuant to Article 40.3 of the Constitution and the European Convention of Human Rights and in particular Articles 1, 2, 5, 6, 8 and 13 thereof as set out in the schedule below:

1. To review the investigations that have already taken place into the circumstances of the death of Mr. O'Farrell, namely:

(a) The criminal prosecution of Mr. Zigimantas Gridziuska in respect of the fatality on the 2 August 2011 and the subsequent trial in the Circuit Criminal Court in February 2013;

(b) The previous prosecutions of Mr. Zigimantas Gridzuska and the interactions of members of An Garda Síochána with Mr. Zigimantas Gridziuska in so far as same are relevant to the fact that the said Mr. Gridziuska was on bail at the time of the death of Mr. Shane O'Farrell on 2 August 2011;

(c) The review by the Independent Review Mechanism (IRM);

(d) The criminal investigation by the Garda Síochána Ombudsman Commission (GSOC);

(e) The subsequent disciplinary investigation by GSOC; and

(f) To have regard to the documentation gathered for the Statutory Inquest into the death of Mr. Shane O'Farrell.

2. To review changes that have been made to the law and practice in relation to the administration of bail and bench warrants and the extent to which they have or have not addressed gaps in those systems since the death of Mr. O'Farrell;

3. Based on the reviews at 1. and 2. above to advise the Minister for Justice and Equality:

(a) If there are any remaining unanswered questions in relation to the circumstances of Mr. O'Farrell's death that should be the subject of further inquiry or investigation; and

(b) If there are, the most appropriate manner in which they should be investigated, having regard to the statutory independence of bodies such as the courts, the Director of Public Prosecutions and the Garda Síochána Ombudsman Commission.

4. If an investigation or inquiry is recommended to draft terms of reference for said investigation/inquiry, and the suggested composition of the said investigation/inquiry;

5. To make enquiries with persons or bodies that he/she considers appropriate in relation to the review; and

6. To report to the Minister for Justice and Equality within 8 weeks of commence-

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ment with an interim report indicating, *inter alia*, the expected timeframe for completion of the scoping exercise.’.

I am sharing time with Deputy Niall Collins.

It is now over eight years since Shane O’Farrell was killed when he was cycling his bicycle in the vicinity of his house in Carrickmacross on 2 August 2011. His death was a tragedy. He was a young man who had his whole life ahead of him. He had just completed his master’s degree which he had handed in that day for assessment. It was a terrible trauma for his family, his loving parents, Lucia and James, and his four sisters.

As I have said before, the fact that Shane’s death is a tragedy and has caused great trauma for his family does not mean that there should always be a State inquiry or investigation into how his death and killing occurred. There are reasons, however, that I, as well as this House, believe give rise to the State establishing an inquiry and investigation into the circumstances surrounding the death of Shane O’Farrell.

Shane was killed in a hit-and-run accident on 2 August 2011. The individual, a Lithuanian man, who was driving the car involved, was subsequently convicted for leaving the scene of the accident. The reason Shane O’Farrell’s death merits investigation is that there were significant failings by the State of which we do not yet know the full details.

I will outline to the House the circumstances which, on the face of it, give rise to a reason for there to be an investigation. In January 2011, the Lithuanian man in question was convicted in Monaghan Circuit Court of theft. The judge who sentenced him said he would adjourn sentencing for a year but that, if the Lithuanian man was convicted of any other fraud or theft offences, his sentence of one year’s imprisonment would immediately be triggered. Later that year, in May, this Lithuanian man was convicted of another theft offence in Ardee District Court. That earlier conviction should have been brought to the attention of the Circuit Court judge immediately to ensure the Lithuanian man’s sentence could be activated because of the breach of the terms set in January 2011.

It was not just that offence in May 2011 that gave rise for concern. Later in May, in Dundalk District Court, the same man was convicted of speeding. Subsequently, in June, in Carrickmacross, he was convicted for the possession of heroin. In July 2011, in Newry, a different jurisdiction, he was again convicted of theft. There were many further convictions. What this indicates is that this man should not have been out on our streets at the time Shane O’Farrell was cycling his bicycle in the vicinity of Carrickmacross. That is an issue which merits investigation.

I, like the Minister, have met the O’Farrell family. Nothing that this House can do, or nothing that a judge appointed to inquire into the circumstances of Shane’s death will do, will result in the O’Farrell family being able to deal adequately with the trauma imposed on them. Unfortunately, I do not believe the O’Farrell family will be able to get justice in the way families are entitled to justice when their loved ones are killed. The House, however, has a responsibility to assist them in getting answers to questions that are still hanging out there. Notwithstanding the fact there has been a lengthy Garda Síochána Ombudsman Commission, GSOC, inquiry into this matter, which is not yet fully completed, there are still questions that remain unanswered.

As a result of these unanswered questions, Fianna Fáil put forward a motion in June 2018 seeking the establishment of an investigation into the circumstances surrounding the death of

Shane O'Farrell. The House voted on 14 June 2018 for the establishment of such an inquiry. Subsequently, the Upper House voted in February 2019 in favour of such an inquiry. In fairness to the Government, it recognised that if Dáil Éireann and Seanad Éireann are in favour of such an inquiry, there is an obligation on the Executive to give effect to the resolution of both Houses. As a result of that, the Minister for Justice and Equality, Deputy Flanagan, appointed District Court Judge, Gerard Haughton, to conduct a scoping inquiry into the terms of an investigation, whether an investigation should be needed and the extent of such an investigation.

At the time the Minister came forward with this proposal, many people were critical of it. We could have been critical but we said the process should be allowed to play out to see whether there was a benefit in the scoping exercise and to allow Judge Haughton to conduct his preliminary review. There is a benefit when it comes to investigations for a judge to conduct a scoping inquiry to ensure that the circumstances and parameters of such an inquiry can be properly defined for whoever is going to continue to conduct it. We know that when the Minister appointed Judge Haughton, he was provided with terms of reference in February 2019. The Minister indicated at the time, both in oral parliamentary questions and in replies to written parliamentary questions, that the family could engage with the judge about the terms of reference and that the judge could propose changes to the terms of reference to the Minister. We welcomed this and thought it was helpful that there could be some preliminary engagement between Judge Haughton and the O'Farrell family in advance of the conclusion of the terms of reference for the scoping inquiry.

We know then that as a result of what the Minister said, Judge Haughton came back with the terms of reference in April 2019 which he submitted to the family and the Department. In fairness to the O'Farrell family, they believed those terms of reference would be accepted, in light of what had previously been indicated by the Department. In July 2019, however, the Department provided Judge Haughton with amended terms of reference which were significantly narrower than those submitted by him to the Department in April 2019.

We need to recognise that there has been considerable delay in getting this process up and running. When one looks at what we are trying to investigate, it is an issue of limited duration. It is an issue which relates to what happened with this Lithuanian man prior to the accident with Shane on 2 August 2011. It is an investigation into the inquiry's investigations and prosecutions that took place thereafter. This should not be a matter that has dragged on for as long as it has. I note the Taoiseach said today that this has gone on for too long. Everyone in the House agrees it has gone on for too long. It is unfair on the O'Farrell family that they have been dragged through this for such a lengthy period.

The motion's purpose is to get the Government to accept the terms of reference that were provided by Judge Haughton in April 2019. From what the Taoiseach said today - and probably what the Minister will say in due course this evening - Judge Haughton may be coming near the conclusion of his scoping inquiry. I still appeal to the Minister to permit Judge Haughton to conduct his scoping inquiry in terms of the amended terms of reference provided in April 2019. A scoping inquiry is a limited exercise. In a reply to a parliamentary question, the Minister said his concern and the reason for changing the terms of reference were the decision in the case of Shatter against Guerin by the Supreme Court. We need to recognise that the scoping inquiry being conducted by Judge Haughton is a different type of exercise. It is limited in what it seeks to do and it will set out the extent of an inquiry that should take place. The differences between the terms of reference as provided by Judge Haughton in April and as suggested by the Department of Justice and Equality in July are significant. Our concern is that the terms of reference

to which Judge Haughton is now operating water down the extent to which he can provide a detailed suggestion to Government that issues should be investigated. For instance, we know that the February 2019 terms of reference permitted the judge to review the investigation that had already taken place. This term was also contained in the terms submitted by the judge to the Department in April 2019. However, in the terms of reference provided by the Department to the judge in July 2019, we are told that the judge is limited to taking into account the outcome or reports of investigations or inquiries that have already taken place. This is a limitation in terms of what the judge can examine.

Another area where there has been limitation is that the terms of reference submitted by Judge Haughton stated that in its deliberations the scoping inquiry should have regard to the provisions of the Constitution and the European Convention on Human Rights. This was not included in the terms of reference provided by the Department in July 2019. I do not know why that has been removed or omitted. Also, the terms of reference drafted by Judge Haughton specifically provides that the scoping exercise should have regard to the documentation gathered for the statutory inquest into Shane's death. This is not included in the terms provided by the Department in July 2019.

As I said earlier, I note that the Minister has concerns about the case of *Shatter v. Guerin* but the problem that arose in that case was that a report, whether it was a scoping report or not, was produced by the investigator and it contained findings in respect of the former Minister, Alan Shatter, when he had had no opportunity to put forward his side of the story to the investigator. The investigator, as we know, had an opportunity to speak to another affected party who gave an account that would have differed from that of former Minister, Alan Shatter. There is no similar type of issue operating in the circumstances of this case. Judge Haughton will not produce a scoping report that will contain findings against any individual in the same way as the *Guerin* report contained findings against the former Minister, Alan Shatter.

I recognise, however, that when we are establishing terms of reference for inquiries it is important that we contain precision within them. I know that Judge Haughton, if preparing terms of reference for a future requiring, will, if he thinks it appropriate, be very precise in setting out what those terms of reference should be. I agree, as I am sure the Minister does as well, with the judgment of Mr. Justice O'Donnell in the Supreme Court, where he spoke about how the lack of clarity about the legal nature of an *ad hoc* inquiry as a preliminary exercise can give rise to undesirable uncertainty both as to the steps required and the legal principles to be applied to such an exercise. However, in the instance of this scoping exercise we do not see any such issues arising.

In the circumstances, I would ask that the Minister and the Government re-engage with Judge Haughton, who presumably has done a huge amount of work in respect of a scoping inquiry, and tell him that they are prepared to allow him to consider a scoping inquiry under the broader terms of reference suggested by him in April 2019. Judge Haughton is a former member of the Judiciary. He put forward these terms of reference in the knowledge of what was contained in the case of *Shatter v. Guerin*. They were reasonable terms of reference. They were not terms of reference that were drafted by some *ad hoc* committee of this House. They were precise and reasonable and they will be of benefit to whoever is the subsequent investigator, if one is appointed, in determining the extent of the issues that should be examined in respect of the death of Shane O'Farrell.

As Fianna Fáil spokesperson on justice people come to me seeking inquiries into matters of

public concern. We have many inquiries operating in this State. I suspect we have too many. On many occasions when people come to me seeking inquiries I tell them that I do not think their issue of concern merits an inquiry or a public inquiry. This meets with opposition and concern, particularly because it is an opposition party that will not support an investigation into a matter. However, when I review the circumstances of the death of Shane O'Farrell and I examine them objectively and carefully, I believe an inquiry is merited. I do not say that because of the trauma that the O'Farrell family have endured or because of the tragedy that is at the heart of this issue - the loss of life of young Shane O'Farrell - I say it because I think there are issues that the O'Farrell family deserve answers to and there are issues that if answered would benefit this State. It is for this reason I think the scoping exercise being conducted by Judge Haughton should be enlarged.

**Deputy Niall Collins:** I thank my colleague, Deputy Jim O'Callaghan, for tabling this motion for discussion tonight. We will all agree that we should not be here discussing this in the sense that this matter should have been dealt with properly and conclusively in the first instance. It is regrettable that we find ourselves in this situation.

My colleague, Deputy O'Callaghan, alluded to the concept of justice. We all know the famous maxim that justice delayed is justice denied. Unfortunately, the O'Farrell family will probably never achieve justice to their satisfaction but we are all agreed that there is a huge onus and obligation on us to assist them in getting to the truth in terms of how a man with such a history and litany of convictions behind him was in a position to carry out the act which deprived Shane O'Farrell of his life. I want to pay tribute to the O'Farrell family, whom I met on many occasions in my role as Fianna Fáil spokesperson on justice. Their campaign and dedication to getting to the truth of what happened to their loved one, Shane O'Farrell, has been remarkable. I heard Lucia O'Farrell on radio last week again laying out all the facts of the case.

During the timeline over which we have been discussing these events there has been Garda reform, reform of the Garda Síochána Ombudsman Commission reform, the establishment of a new policing authority, various reports by the Garda Inspectorate, the Commission on the Future of Policing in Ireland and a new Garda Commissioner. There have been many new dawns and many new reports. The case of Shane O'Farrell is a blight on An Garda Síochána. It does not give me any pleasure to say that. I do not think it gives any of us any pleasure to say it. We need to get to the truth of the matter.

Reference was made to the Independent Review Mechanism, which examined a submission made by the O'Farrell's in regard to Shane's death. We will all recall that there were many cases sent to the Independent Review Mechanism, which was an effort by Members of this House and the Minister of the day to try to deal with some cases which people felt were badly handled or where people felt they were denied proper process or justice. This mechanism was far from satisfactory because people could only make written submissions to it and they did not get an opportunity to meet with people face-to-face. This case has been through that process and GSOC. We now need a public inquiry, the terms of reference of which we are now discussing.

I will sum up by setting out the manner in which this case has evolved. The State failed the O'Farrell family in the manner in which the death of Shane was investigated. The State failed the O'Farrell family in the manner in which the death of Shane was prosecuted. The State failed the O'Farrell family in the manner in which the complaints around the investigation and the prosecution were handled by the Garda Síochána Ombudsman Commission, GSOC, and the State is continuing to fail them through the attempt to limit the terms of reference which we are

discussing here today. It is incumbent on us all to give the opportunity to go with the terms of reference that Judge Haughton provided in April 2019 and allow the inquiry to work to get to the truth. If we narrow the terms of reference, that will narrow the scope within which the work can take place and it will also narrow the findings and recommendations that can be made. It does not serve us at all well to any end. I urge the Minister to accept the motion proposed by my colleague, Deputy O’Callaghan.

**Minister for Justice and Equality (Deputy Charles Flanagan):** I move amendment No. 2:

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

“affirms that:

— the death of the late Shane O’Farrell was a dreadful tragedy for his family and loved ones, and the circumstances surrounding his death raise a number of questions; and

— the State has endeavoured to answer these questions through an extensive investigation by the Garda Síochána Ombudsman Commission (GSOC) and a review by the Independent Review Mechanism;

notes that:

— following the completion of both criminal and disciplinary investigations by GSOC, and in an effort to progress motions passed by both Houses of the Oireachtas calling for a public inquiry into the circumstances of the death of the late Shane O’Farrell, the Minister for Justice and Equality, in February 2019, appointed a retired District Court Judge, Gerard Haughton, to conduct a scoping exercise with a view to advising the Minister if there were matters concerning the death of Shane O’Farrell that required further inquiry/investigation and, if there were, to provide draft terms of reference for said inquiry/investigation;

— the Minister for Justice and Equality invited the O’Farrell family to engage with Judge Haughton;

— throughout the process, the Department of Justice and Equality consulted with the Office of the Attorney General;

— the terms of reference of the scoping exercise must be compliant with the line of jurisprudence established by the Supreme Court in the case of *Shatter v. Guerin*;

— the case of *Shatter v. Guerin* addressed *inter alia* the scope of preliminary inquiries established by Government, the precision required of terms of reference and the constitutional procedures that must be observed in such exercises;

— the *Shatter v. Guerin* judgment was delivered subsequent to the transmission of the draft terms of reference to Judge Haughton;

— the Minister for Justice and Equality’s only concern in relation to the scoping exercise is that it be conducted in accordance with the law and that any recommendations made by Judge Haughton at the conclusion of the exercise are legally robust;

— the terms of reference of the scoping exercise were finalised, in consultation with the Office of the Attorney General, on 23rd September, 2019, and, in accordance with those

terms of reference, Judge Haughton is required to provide an interim report within eight weeks of commencement;

— Judge Haughton has advised the Department of Justice and Equality that he expects to be in a position to provide the Minister for Justice and Equality with his interim report by Friday, 15th November, 2019, though he is willing to delay this to accommodate further engagement with the O’Farrell family; and

— Judge Haughton’s interim report will set out, *inter alia*, the timeframe for the completion of the scoping exercise; and

acknowledges that:

— while the terms of reference of the scoping exercise are focused, as required by the law, they allow for review of all of the issues intended;

— Judge Haughton is free, in his final report, to make any recommendation he sees fit, including the establishment of any form of statutory or non-statutory inquiry;

— the O’Farrell family are free to make any representations to Judge Haughton in relation to any matter that they would wish to see inquired into in any future inquiry; and

— the terms of reference of the scoping exercise being conducted by Judge Haughton should remain as follows in order to ensure compliance with the law as set down by the Supreme Court in *Shatter v. Guerin*:

‘In light of the public controversy surrounding the circumstances of the death of Mr. Shane O’Farrell on the 2nd August 2011 and having regard to the motion passed by Dáil Éireann on 14th June 2018 and Seanad Éireann on 13th February 2019, calling for the establishment of a public inquiry into the matter;

Taking into account:

— The outcome or reports of investigations or inquiries that have already taken place related to the death of Mr. O’Farrell, including the reports of the investigations carried out by the Garda Síochána Ombudsman Commission and the outcome of the Independent Review mechanism;

and

— Any changes that have been made to the information sharing systems or procedures operating between An Garda Síochána, the Courts Service and other relevant State bodies, in so far as they are relevant to dealing with persons subject to bench warrants or conditions attaching to the granting of bail and suspended sentences, since the death of Mr. O’Farrell.

To advise the Minister for Justice and Equality:

— Whether there are any circumstances surrounding the death of Mr. O’Farrell which warrant further investigation or inquiry beyond those already carried out;

— Whether any inquiry is necessary into the systems and procedures for the sharing of information between An Garda Síochána, the Courts Service and other

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relevant State bodies operating at the time of Shane O'Farrell's death;

- The form of any such investigation or inquiry;
- Its terms of reference; and
- The suggested composition of the investigation or inquiry.

To report to the Minister for Justice and Equality by mid-November 2019 with an interim report indicating, *inter alia*, the expected timeframe for completion of the scoping exercise.’”

In response to Deputies O'Callaghan and Niall Collins, I agree with much of what has been said. At the heart of the matter we are discussing this evening is the dreadful loss of a loved one by the O'Farrell family. As we have done on previous occasions, I again express my sincere condolences and those of the Government to the O'Farrell family on the tragic loss of Shane O'Farrell. While the Government has put forward a countermotion on this matter, I want to stress and acknowledge that we are all working towards achieving the same goal. That is finding an appropriate response to the acute pain of the O'Farrell family arising from the dreadful loss and to their search for answers. In this context, I am glad of the opportunity to clarify a number of important issues in relation to the matter. I look forward to a fact-based debate on how we can fully address this matter in a way that is not only legally robust but of course legally compliant.

The circumstances surrounding the tragic death of Shane O'Farrell have been addressed on several occasions in this and the other House, most recently in this House last week on 7 November. As I said then, the terms of reference of the scoping exercise being conducted by Judge Haughton were finalised in September. I want to assure the House that there is no intention on my part or on the part of the Government to way limit or constrict the scoping exercise in any way. I share the concern of Deputy O'Callaghan that this House can and must assist the O'Farrell family in pursuit of answers to legitimate questions as posed. In this regard, the terms of reference for the scoping exercise are focused, as required by the law, which as Deputy O'Callaghan has acknowledged is clearly set out by the Supreme Court case of *Shatter v. Guerin*, to reduce the risk of legal challenge to the recommendations of the scoping exercise. That judgment requires the terms of reference of a scoping exercise to be as specific as possible to remove potential ambiguity and focused enough to promote a timely outcome to ensure fairness to all of the parties involved. However, they still allow for review of the issues intended, including the issues raised in the motion as put forward this evening.

Second, I requested Judge Haughton to make an initial report to me within eight weeks of the commencement of his work. I am expecting to receive that interim report this Friday, 15 November, although I understand that Judge Haughton is willing to delay this to accommodate further engagement with the O'Farrell family. That report as soon as it arrives on my desk will be shared with the O'Farrell family. As set out in the Government's countermotion, Judge Haughton will, among other elements in that interim report, set out the expected timeframe for completion of the scoping exercise he has been charged with. He will advise me whether there are any circumstances surrounding the death of Mr. O'Farrell which warrant further investigation or inquiry beyond those already carried out. He will advise me whether any inquiry is necessary into the systems and procedures for the sharing of information between the Garda Síochána, the Courts Service and other relevant State bodies operating at the time of the death

of Mr. Shane O'Farrell. He will advise me as to the form of such investigation or inquiry. He will advise me as to its terms of reference and he will advise me as to the suggested composition of the investigation or inquiry. He will do that at the earliest opportunity.

In terms of his final report, I want to be very clear that Judge Haughton is free to make any recommendation he sees fit, including the establishment of any form of statutory or non-statutory inquiry. It is also the case that the O'Farrell family is free to make any representations they wish to Judge Haughton in relation to any matter they wish to see inquired into, in any future investigation or inquiry. Should Judge Haughton recommend an inquiry, of whatever type, he has been asked to provide draft terms of reference for such an inquiry, as was mentioned by Deputy O'Callaghan and with which I fully agree.

I am anxious to see real progress on this matter. However, I would ask Deputies to appreciate that I cannot and should not prejudge Judge Haughton's report or change his terms of reference, just as he is about to issue his initial report to me, especially in any way that does not comply fully with the law of the land. I would like to take the opportunity to respond directly to the concerns I have heard expressed in relation to the terms of reference of Judge Haughton's scoping exercise. As Deputy O'Callaghan and other Deputies will appreciate, in setting up the scoping exercise itself and in determining its terms of reference, I am bound to be guided by legal advice from the Attorney General. The terms of reference of the scoping exercise must be compliant with the line of jurisprudence established by the Supreme Court's decision in *Shatter v. Guerin*. As Minister for Justice and Equality I must act within the law and I would expand that to say so must all of us collectively in this House. The terms of reference provided to Judge Haughton respect the law but I will repeat the point that there is absolutely no impediment on Judge Haughton to make any recommendation he sees fit, including establishment of any form of future inquiry if he considers that necessary and appropriate. Again I repeat that the O'Farrell family are free to make any representations to Judge Haughton in relation to any matter that they would wish to see inquired into in any future inquiry.

Judge Haughton is an experienced judge. Judge Haughton is a respected judge. He is also very dedicated to the work he has been asked to undertake, for which I am most grateful to him. I know that Judge Haughton has been engaging with the O'Farrell family and I would hope to see that engagement continue in this sensitive and tragic case. This could be the fifth or sixth time that this House has had an opportunity to deal with these issues. As I asked on the first occasion on which we had an opportunity to debate this issue, I ask Deputies to reflect on the situation. I ask Deputies to acknowledge the points that I have laid out and to join me in seeking to make progress on this matter, while at the same time and at all times, as we should, respecting the operation of the law process. In the meantime, I look forward to receipt of Judge Haughton's initial report in the coming days which will undoubtedly ensure progress in what is a dreadful, tragic case and on which we all seek solutions.

**Deputy Martin Kenny:** I am sharing time with Deputies Ó Laoghaire, Ó Caoláin and Adams. I want to acknowledge the O'Farrell family and the work they have done on this. I particularly acknowledge Lucia who has been absolutely tremendous in her energy and dedication to ensuring justice is found for her son, Shane, who lost his life on 2 August 2011. That brings us to this evening's discussion on this case. I listened to the Minister discuss where terms of reference came from. I know from reading his speech and from listening to him that he is informing us that the Government is not going to stand in the way of anything, is absolutely determined to achieve success in this and will not influence negatively how this will all play out. The difficulty is that the terms of reference first suggested by Judge Haughton are different

from the terms of reference put before us by the Department. That is a contradiction.

For the Minister to say that he and the Government are determined to follow this through, and to use the *Shatter v. Guerin* case as a reason for that, rings very hollow for the family in the tragic circumstances they find themselves in. He also mentioned that he expects Judge Haughton to submit the interim report in the next number of days. The Minister said the judge is going to make some recommendations as to the expected timeframe for completion of the scoping exercise. He broke away from his script and went into other recommendations or issues he expects the judge will deliver to him. That is something most of us were aware of, that is, that an interim report was due from the judge shortly but that it would only deal with the timeframe and that everything else would be, as the Minister explained, advice as regards what he felt it should go into. It is all well and good to put that on the record, but the reality is that these issues need to be taken seriously. Unfortunately, we have a situation where this man from Lithuania was driving a car at speed and killed a young man out cycling. Any reasonable person looking at the reality of this case would conclude that he seemed to get away scot-free. That is the problem. The State has covered up this situation for too long and has covered up something that is very rotten at the core of it. That is something that we need to get to the heart of, for the Government's sake as much as for anyone else's sake. I hope the Government acknowledges that we need to get to the truth of what has happened here.

Sinn Féin has tabled an amendment to the motion, which we will move. It is a very short amendment and relates to the relationship, official and unofficial, of Mr. Gridziuska with An Garda Síochána handlers of informers. We feel, as would anyone looking at this situation, there is an issue here that has not been recognised heretofore and that needs to be included in any scoping exercise or fair review of what happened because we believe that that particular issue has in many cases around the country led to tragic circumstances. This is only one of such tragic circumstances.

The Minister's pronouncement that he is determined to recognise that the law has to be followed and to ensure that it is followed properly in all of this would sound good if we were in a situation where people could see evidence of that. The evidence before us is that the Government is continuing to shift the situation to one side and to ensure that that will not happen. I hope that the Minister will withdraw the Government amendment this evening, that both the Government and Fianna Fáil will accept our amendment, which was tabled in good faith, and that the Government will support the amended motion to ensure it delivers on this. Supporting this motion, which undoubtedly will get through when it is voted on at the end of this week, is only one thing. It puts in place a motion that does not bind the Government but it needs to step up to the mark and ensure it delivers for this family.

**Deputy Gerry Adams:** Gabhaim buíochas leis an Leas-Cheann Comhairle. Cé mhéad am atá agam, a Leas-Cheann Comhairle?

**An Leas-Cheann Comhairle:** Tá deich bomaite ag an Teachta agus ag an mbeirt eile Teachtaí.

**Deputy Gerry Adams:** Ba mhaith liom fáilte a chur roimh Lucia O'Farrell and her family. Ba mhaith liom mo bheannachtaí a thabhairt dóibh, dá misneach agus dá fírinne i dtaobh ceartas a bhaint amach ar son Shane O'Farrell. This is, as we all know the second time, that the family of Shane O'Farrell have had to sit through a motion challenging the failure of the justice system to deliver truth about his death. I thank Teachta O'Callaghan and Fianna Fáil for tabling this

Private Members' motion.

The death of Shane O'Farrell, as we can all appreciate, was a devastating blow to his family. The bad decisions by An Garda Síochána, the Director of Public Prosecutions, DPP, the justice system and the Minister for Justice and Equality have added to their hurt. Lucia O'Farrell has raised concerns about how the DPP functions on other decisions, of which the Minister is very well aware. For example, the case of Crevan Mackin reinforces this. Mackin killed Garda Tony Golden after the DPP decided not to charge him with offences he had admitted to, including possession of weapons and explosives. It is suspected that one of these weapons was used to kill Garda Golden.

Some three years ago this month, the then Taoiseach, Deputy Enda Kenny met the O'Farrell family. He told them that he would ask the Attorney General to request that the Law Reform Commission examine how the DPP could be made more accountable. I have written several times to the Taoiseach, including to our current Taoiseach, to this Minister and to the Law Reform Commission about this, and I have yet to receive a response. Perhaps the Minister could tell us tonight where stands the former Taoiseach's request to the Law Reform Commission.

In 2018 and in February the Dáil and Seanad voted in favour of a motion calling for a public inquiry into the death of Shane O'Farrell. The Minister has ignored this. He appointed a retired judge, Judge Haughton, to conduct a scoping exercise. He told the Dáil, and he repeated this *ad nauseam* tonight, that he had placed no restrictions on Judge Haughton. When in April, the judge submitted his terms of reference, the Department of Justice and Equality to its shame rejected them. Worse, the terms of reference produced by the Department removed any reference to the European Convention on Human Rights or any investigation into the previous prosecutions of the man responsible for Shane's death, and narrowed the original terms of reference.

I have met Lucia O'Farrell and her family many times. They are very brave and very determined. They are another one of those families forced to cope with the loss of a loved one and being faced with a political system that seeks to close down efforts to get to the truth, and ignores the democratic decision of the Oireachtas and the imperative of the Dáil and Seanad motions. That is true also for the Stardust families and for the families of Seamus Ludlow, Jack Rooney and Hugh Watters who were murdered in County Louth. Some 13 years ago, the Minister will recall that the then Joint Committee on Justice, Equality Defence and Women's Rights recommended two commissions of investigation into Seamus's murder. The Government has refused to do this.

It is time that the Minister supported these families. He should not be here to represent the system. The system does not get it right all the time, as he should know. The Minister is here to represent citizens. It is time he supported the O'Farrell family and I would urge him to do the decent thing and to support this motion.

**Deputy Caoimhghín Ó Caoláin:** Ba mhaith liom clann Shane O'Farrell a mholadh as an seasamh láidir a ghlac siad ar son Shane. Táimid uilig ag smaoineamh oraibh anocht agus ar Shane agus tá súil agam go dtiocfaidh an fhírinne amach ar deireadh.

I welcome members of the O'Farrell family here tonight in a spirit of solidarity but also in the hope that their long journey to secure both truth and justice will soon come to a successful conclusion. No family should have to bear the burden of effectively going up against the State while also carrying the burden of loss of such a beloved family member.

I welcome the announcement that Judge Haughton may be able to publish his initial report in the next few days. I say that fully understanding any apprehension that the family may still have about today's report and their concerns that it will yet come to fruition.

In July of last year, I implored the Minister for Justice and Equality to establish a public inquiry and I do so again this evening. The intervening 16 months since that motion, which called for such an inquiry, and was passed by a majority of this House, have seen increased pressure placed on the O'Farrell family.

They know that they have the support of Sinn Féin, other parties and independent voices in this House. They know that in June 2018 a Dáil motion was passed calling for an independent inquiry. That should have been the end of their struggle and their search for the truth. Someone, or others, should have been appointed then to take the search forward, but it did not happen. In their search for the truth, while the memory of Shane sustains them, the O'Farrell family are motivated by the firm wish that no other family will ever suffer the prolonged agony they have had to endure. From my experience as a Teachta Dála over the past 22 years plus, and as the current Chairman of the Joint Committee on Justice and Equality, I believe a public inquiry is the only way this can be achieved. We cannot establish properly what changes need to be made, what systems need to change and what legislation may be required, or required to be amended, without getting to the bottom of what went so horribly wrong. We need to establish why Shane is not with his family today.

Shane's family have shown tenacity and great dignity, to such an extent that another great wrong would be perpetrated against them if they were not granted the means of establishing the truth. Establishing the truth for Shane, which will not replace the future stolen from him, may serve as a fitting legacy to his all too short life. Go raibh suaimhneas síoraí aige i gcónaí.

**Deputy Donnchadh Ó Laoghaire:** Ba mhaith liom iarraidh ar an Aire glacadh leis an rún agus leis an leasú os comhair an Tí. Ba mhaith liom ómós a thabhairt do theaghlach Shane of Farrell as an obair atá déanta acu. I pay tribute to the O'Farrell family on their commitment and determination.

This issue and everything surrounding the death of Shane O'Farrell are important for several reasons, the most important being that the O'Farrell family has lost Shane. There is nothing we can do to change that but the family deserves answers and the truth as to what happened in the lead-up to his death. Another reason is that this is a matter of public interest. It is a matter of public interest in that institutions of State that are responsible for the administration of justice and for pursuing individuals to bring them to justice failed. That is demonstrably clear. The problem we have had, which has been going on for far too long, as has been acknowledged by Deputy O'Callaghan and the Taoiseach, is the back and forth on the terms of reference. The Dáil and Seanad voted for a public inquiry. It is the best means and I hope that is what comes out of Judge Haughton's recommendations. I do not believe the scoping inquiry was necessary. Public inquiries were brought about before without a scoping exercise.

I raised criticisms. Deputy O'Callaghan said he did not criticise the exercise at the start and the terms of reference, which is fair enough. In any setting of terms of reference, however, one is setting a floor. I felt the floor was being set to low. The engagement between the family and Judge Haughton resulted in the floor being lifted a little, but now the Department has gone back on it. The heart of the problem with the attitude of the Department of Justice and Equality, considering many of the responses to debates regarding the revised terms of reference, is that

it seems to be unwilling to contemplate the fact that the reviews undertaken already were inadequate, flawed and bad. That they were flawed does not seem to be possible in the eyes of the Department and in any of the positions that have been adopted. It seems clear to me and many other parties, including many independent observers, that the GSOC report was significantly flawed as well as delayed. The independent review mechanism was also not adequate to bring the answers to light in regard to the numerous failures that existed. The Minister has instanced the case of *Shatter v. Guerin* and the precedent caused by that. The Minister has paid tribute to Judge Haughton. It would be very surprising if Judge Haughton were ignorant of the implications of that case. I am sure he was knowledgeable about it and understood its implications and what it meant for the terms of reference he was recommending to the Minister. It seems to be a debate about the extent to which it needs to be specific. Obviously, there can be differences in degree but I do not believe it is the case that the *Shatter v. Guerin* case means absolutely everything has to be nailed down and nothing else can be considered. That is a significant problem with this.

The terms of reference we have ended up with are not right. The initial ones were not right. It would probably have been better to move to a public inquiry first. I hope that is what comes out of this. It is necessary not only to get answers and the truth of what happened but also because we need to understand what may have gone wrong with the Director of Public Prosecutions and other institutions of the State. It seems there was a very significant failure.

**Deputy Willie Penrose:** It is now well over eight years since Shane O’Farrell was killed in a tragedy in August 2011. He was lawfully cycling his bicycle near his home in Carrickmacross. It was clearly an horrific and traumatic tragedy for a brilliant young man who had just completed his thesis for his masters degree in law. Clearly, he had a very bright future ahead of him. It was a traumatic loss of a loved one for the O’Farrell family. I offer my condolences and those of the Labour Party to the family on its sad loss.

Deputy O’Callaghan outlined earlier, in comprehensive detail, the background of the man involved in the fatal collision and who, because of his previous verified criminal record and interaction with An Garda Síochána at various times, should clearly not have been at large to commit the crime. Obviously, an inquiry would have been important for the O’Farrell family, who have behaved with the utmost dignity. They have been very resolute and resilient and they have a number of unanswered questions that they have addressed in a clear fashion to various politicians, including my party leader, Deputy Brendan Howlin. These are questions to which they are clearly entitled to answers.

The motion passed by the Dáil in June 2018 called on the Government to establish immediately a public inquiry into the death of Shane O’Farrell. The support for this motion across the House demonstrated that a clear majority of Members were not satisfied with the piecemeal investigations established to that date given that there were multiple failures in the criminal justice process in the events surrounding Mr. O’Farrell’s death. Piecemeal investigation meant each procedural failing was treated as a separate event, and there was no overview of the entire chain of events and of the litany of failures across different agencies and bodies that clearly had responsibilities in policing and the administration of justice.

The Government amendment to the motion, which was defeated, had acknowledged “the commitment of Government, upon completion of the disciplinary process, to consider whether there are matters that require further investigation and if so, to bring before Dáil Éireann, for its urgent consideration, any proposals that it may wish to make in this regard.” When the disci-

plinary investigation was completed, the Government did not revert to the Dáil, as promised. It failed, as its own amendment had promised, “to bring before Dáil Éireann, for its urgent consideration, any proposals that it may wish to make in this regard.” That was the first faltering step on the part of the Government. Instead of doing what was promised, the Minister appointed Judge Gerard Haughton to conduct a scoping exercise. That, in itself, is not objectionable as scoping exercises have become the norm to assist in deciding whether a full inquiry is needed and in finalising terms of reference. Judge Haughton was specifically asked to meet the family and advise on whether his terms of reference should be amended.

The Minister for Justice and Equality is on the record as stating Judge Haughton was “free to recommend any course of action” that he considered appropriate. Despite all of this, the Minister rejected the amended terms of reference subsequently submitted by Judge Haughton. Instead of accepting them, the Minister drew up new terms of reference that, on any reading, are much more restrictive than the ones originally drawn up for the judge and more restrictive than those that Judge Haughton had subsequently recommended.

The Minister has pointed out in the past 24 hours that the restriction or curtailment has arisen because of principles emanating from the Supreme Court case of *Shatter v. Guerin*, which the Minister has advised must now be incorporated into any terms of reference or focus of inquiry, and that this is clearly the advice of the Attorney General. This is all without bringing any proposals back to the Dáil for its consideration, as the Minister had promised. He could have obviated the need even for the motion tonight if he had addressed this in a timely fashion, as promised initially.

I compliment Deputy O’Callaghan and his party on introducing this motion. It is necessary because the Minister has not reverted to the Dáil. The motion is, in part, a compromise. It accepts and adopts the Government’s view that any inquiry or investigation should be preceded by a scoping exercise. I concur with that. It is important because we meet every day or week somebody else who wishes to have an inquiry on various issues. Such inquiries are important to the individuals or groups concerned. A significant number of inquiries are ongoing and some of them are so widespread in their content and objectives that they may never reach a conclusion or will go on for an extended period. This motion seeks to spell out, with much greater precision, what needs to be brought within the ambit of this scoping exercise. That is where I concur with the objectives of the motion.

There are two separate but linked matters on which we need Judge Haughton’s view. First, we need a review of the investigations carried out to date. I refer to the criminal prosecution in respect of Mr. O’Farrell’s death and the previous prosecutions relating to the same defendant, including: the fact that he had been admitted to bail; the workings of the independent review mechanism; the criminal and disciplinary investigations by the GSOC; and the inquest material. Based on that review, we need a recommendation as to whether there are remaining unanswered questions related to the circumstances of Shane O’Farrell’s death that should be the subject of a further and fuller inquiry or investigation.

We also need a review of changes in law and practice in the context of bail and bench warrants. We need to know whether, because of gaps in the system, these awful events could occur again. Is it possible that another repeat offender with two suspended sentences could be granted bail by various courts in this jurisdiction and be the cause of another death? How many times does a person have to reoffend before his bail is revoked? Has there been any reform to our law and procedure to ensure that someone who has been admitted to bail on many occasions, and

has been convicted and given suspended sentences that ought to have been activated, could not remain at large and behind the wheel of a motor vehicle? Could it happen again that a car, an unroadworthy vehicle with no tax, is stopped and searched by drug squad detectives and waved on? Could someone convicted of a serious criminal charge be given a custodial sentence but have it suspended on condition that he flee the country?

What is at issue is a demonstrable breakdown in the criminal justice system and a failure of the systems and methods that ought to protect ordinary citizens of this State. That sort of breakdown is not what GSOC is designed to investigate. That is the reason we need an independent inquiry. The Government may disagree with that strong assertion. It may believe that the threshold for holding a new inquiry has not been met. The Government may think that a commission would not further our understanding of this case or uncover any further facts. If so, the Minister must say so now.

A number of points made by the Minister earlier are premised upon the advice of the Attorney General. He reiterated that the Government is as eager as the rest of us here, and the wider public, to make rapid progress on this important matter for the O'Farrell family. There can be no more foot-dragging on this important matter which has been ongoing for too long. The O'Farrell family, who have acted with the greatest restraint and dignity, deserve no less than to have these important issues addressed and questions answered concerning the tragic death of their son Shane.

**Deputy Bríd Smith:** I pay tribute to Lucia O'Farrell and her family for pursuing this case following the tragic loss of her son Shane. I welcome Fianna Fáil's motion and the Sinn Féin amendment. We will vote in favour of both.

We know from history that when a state, its Ministers, and top personnel close ranks and bar people from accessing justice that the hurt and trauma of the original injustice is multiplied and made even harder to deal with. The loss for the O'Farrell family of their son and brother is an impossible one. The search for the truth about the events that led to that loss is an added and equally impossible burden on anyone, but to find at every turn their quest for justice is barred, obstructed and complicated is an outrageous insult not just to the O'Farrell family but to all citizens. It has to stop and it has to stop tonight.

This is the second time we have had a substantial debate on this case in the Dáil. Not for the first time, the Dáil has spoken on this and, also not for the first time, the Government has ignored the voice of the Dáil. Let me be clear: the Minister ignored the previous Dáil motion that called for an independent inquiry into all aspects of Shane's death and now he is fundamentally undermining the scoping exercise process. The Minister said numerous times that the family could meet Judge Haughton and suggest the terms of reference. In reply to a parliamentary question this year, the Minister stated, "Of course, it is open to Judge Haughton to propose changes to the terms of reference". In reality, it is the Minister and the Attorney General who set the terms of reference, making it impossible for the truth of all the events before and after Shane's death to be revealed.

The Taoiseach informed the House that Judge Haughton will be able to produce his initial report into the death of Shane O'Farrell in the next few days. The Government must clarify that the interim report concerns timelines only. The Taoiseach's comment suggests that the motion this evening is of no consequence and that the new terms are the production of this interim report. The Minister has now left the Chamber. He must clarify what he meant when he stated: "I

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want to assure the House that there is no intention on my part or on the part of the Government to way limit or constrict the scoping exercise in any way.” He also said: “I am expecting to receive that interim report this Friday, 15 November, although I understand that Judge Haughton is willing to delay this to accommodate further engagement with the O’Farrell family.” The Minister further stated:

I am bound to be guided by legal advice from the Attorney General. The terms of reference of the scoping exercise must be complaint with the line of jurisprudence established by the Supreme Court’s decision in *Shatter v. Guerin*.

That same case was quoted to me in the High Court last Wednesday. It seems to be wheeled out quite frequently.

We must be clear that the purpose of this scoping inquiry, should be to review the failings in the mechanisms of the State in the investigation of Shane O’Farrell’s death and the prosecution and sentencing of his killer. That is the key and that is the centre of the family’s quest for justice and their attempt to make sense of their son’s death and the loss that ensued from that. That is the only purpose it seems to me for any inquiry into Shane O’Farrell’s death. I repeat, to review the failings in the mechanisms of State in the investigation of this young man’s death and the prosecution and sentencing of his killer. That cannot happen under the finalised terms of reference, as the hands of the judge are tied. He is effectively barred from looking at the very core of this case and the reasons that this family has worked so hard to seek an inquiry into it in the first place. That is an absolute insult to Lucia, to her daughters, to the entire family and to the memory of Shane.

Looking back, in quick succession we have gone from terms of reference that were, first, to review the reports of GSOC, then widened to include the criminal prosecution relating to Shane’s death, and the previous prosecutions and the findings of the inquest. We now find that it has been shrunk again to the current terms of reference which will only take into account the reports of GSOC, with no mention of the criminal prosecution in respect of this young man’s death, or the previous prosecutions, the inquest or indeed anything that Judge Haughton originally had in the terms of reference. There was no mention of the very reason that Shane’s family has pursued justice and campaigned for years for an inquiry that would shed light on the events that led to this devastating loss.

The Minister has repeatedly stated that there is no attempt to cover up or to hide the truth. If he wants us to believe that, or if words have any meaning, then he should ensure that the terms of reference of this inquiry cover all aspects concerning Shane’s death - the previous prosecutions and the findings of the inquest. If he fails to do so, we can only conclude that for the State, the truth and nothing but the truth would, in the words of the deceased Lord Denning who presided over the trial of the Birmingham Six, open up an “appalling vista” for the State. It is time that we came clean and instead of dragging this out for years and years for this family, we should open up a proper inquiry into all of these events and let justice be seen to be done.

**Deputy Maureen O’Sullivan:** I wish to share time with Deputy Pringle.

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

*9 o’clock*

**Deputy Maureen O’Sullivan:** In 2011, 23 year old Shane O’Farrell was cycling and was

killed in a road accident by somebody who was on bail and had multiple previous convictions for theft, drugs and road traffic offences. I have met many people in my ten years here but Shane's mother made a tremendous impact. She and her family have been tireless since 2011 in seeking justice for Shane.

The injustice comes from an inefficiency in our criminal justice system that allowed the culprit to be on the road on 2 August 2011. He should not have been on the road that night because, some time before the tragedy, a judge in Monaghan had said that if that driver was convicted of other offences, he was to be brought back before the judge and would be jailed. He was convicted subsequently but was not brought back to the court in Monaghan, where he would have received a prison sentence and so would have been in jail on that fatal night in August. He would also have been back in jail following convictions for speeding in May, possession of heroin in June, theft in July and a further conviction in July for having no tax disc. Those were all breaches of his bail bond. The question is why he was not brought back before the court. The family has not had an adequate answer to that to date. They have been failed by the system because that Lithuanian man should have been in prison.

While the Minister said he was not placing any restrictions on Judge Haughton, the family found the draft terms to be far too narrow. They wanted the previous crimes to be included and I do not think that is unreasonable. There are questions of whether the coroner and jury had all the evidence. Judge Haughton included these matters that are so important to the O'Farrell family, previous prosecutions and the statutory inquest, but the Attorney General rejected them. The new terms are very narrow and will not answer the questions. Did Judge Haughton have the freedom and space to draft the terms of reference or were they being restricted and constrained by the Department? What is the point of an inquiry that cannot answer questions and give a comprehensive report? Does the Minister really want to find the truth. Serious errors resulted in a man being at liberty when he should never have been at liberty and so able to cause this tragic death. We have the irony of the two members of US Veterans for Peace, one 78 and the other 82, who have never committed a crime in this country, being on really strict bail conditions, whereas Mr. Gradziska could do anything he liked when out on bail and could also leave this jurisdiction. There are certainly injustices in that.

We have had Dáil and Seanad votes for a full public inquiry. It is regrettable that the family still needs to campaign for justice. I heard Shane's mother speaking in the Mansion House some time ago. Her wish was that no other family would have to endure what they have endured. I heard the Minister, Deputy Flanagan, speak about potential legal challenges, the interim report and the judge having freedom etc., but the family's confidence must be seriously undermined at this stage. I dislike the word "closure" because there will never be closure for the O'Farrell family but at least there can be answers. They have been campaigning for more than seven years. They should be able to let Shane rest in peace and to rest in peace themselves, but justice is demanded first.

**Deputy Thomas Pringle:** The facts of the case have been laid out already tonight by a number of Members and the facts speak for themselves. I offer my support to the O'Farrell family and their ongoing struggle to make the State recognise and realise the significance of their case and circumstances. It is appalling that they have to do this. It is sad that it has had to be raised so many times in this House.

Unfortunately, the Department of Justice and Equality is not doing what it should be doing to look after citizens of this country. It has decided that it looks after the State or some such

mad thing. I think the Department of Justice and Equality is the root of many problems in the State. We have had problems with the gardaí over many years which may be getting sorted out now by having dragged the Department of Justice and Equality, kicking and screaming, to making changes within An Garda Síochána. Unfortunately, I doubt there will be change in the Department, which is sad. I am a member of the Joint Committee on Justice and Equality and, last week, we had the Secretary General of the Department in to talk about what a fantastic new body the Department is. It is the same Department of Justice and Equality and that is a problem we have across the board. The stumbling block in all these cases is the Department of Justice and Equality because it sees itself as some sort of divine saviour of the State, of Ireland Inc., or whatever it is, and the last wall of defence. It should be working on behalf of all the citizens of this country to ensure everybody can have a fair say and get a fair hearing.

It is a sad reflection on it that the O'Farrell family has had to go through this since 2011 just to try to get the State to recognise that answers need to be given to this family. All they are looking for is answers but they seem to pose questions that are too big, that the Department will not be able to answer or does not want to answer, because it might do something to undermine the so-called State we have. What is actually undermining the State is the function that this Department plays in blocking citizens from getting decisions and a hearing on what can be done. There is no doubt, in the O'Farrell case, that the Garda, the Courts Service, the Department itself and the Director of Public Prosecutions all have questions to answer. Those questions need to be answered for everyone in this State so that everybody can have faith that the organs of the State will work on behalf of the people and not against them.

There have been three sets of terms of reference for this inquiry. The Department of Justice and Equality proposed terms of reference in February 2019 and then restricted them in July 2019. It shows the Department constantly changing the story and restricting this to prevent the truth from coming out. That is wrong and we have to get to the bottom of it. I commend the O'Farrell family for continuing to fight on to make sure they get to the bottom of it. Sadly, if they were not fighting it, we can be certain the State would not get to the bottom of it for them.

**Deputy Michael Collins:** I am grateful for the opportunity to speak on this motion this evening and happily support it, to ask the Government to acknowledge that the Department of Justice and Equality's terms of reference do not address the needs of the O'Farrell family. Shane O'Farrell, a bright young man with an abundance of opportunities before him, had his life cut short in a hit-and-run road traffic incident on 2 August 2011. The perpetrator of the act was a man who had a long record before the criminal courts over the previous three years, with more than 40 convictions. The driver had previously broken bail conditions a number of times and had been sentenced to a prison term which the records show he did not serve. The driver was on bail at the time of Shane's tragic death.

On 5 February, the Minister for Justice and Equality announced the appointment of District Court Judge Gerard Haughton to conduct a scoping exercise into matters surrounding the events leading to the death of Shane. The Minister stated that Judge Haughton was free to recommend any course of action which he considered appropriate. On 24 April, Judge Haughton submitted final terms of reference to the Minister for Justice and Equality. On 29 July, the Department of Justice and Equality rejected the terms of reference submitted by Judge Haughton and provided terms of reference significantly narrower than the judge's terms of reference and those provided by the Minister for Justice and Equality on 5 February. I find it bizarre that this Government can give a blank cheque to a judge to pursue a course of action and then, when the time comes to move forward, it ends up backpedalling so much that the chain has come off the

wheels of justice.

**Deputy Michael Healy-Rae:** I welcome the parents and sisters of Shane O'Farrell. An incident, accident or event such as this is probably the one thing that is the nightmare of every parent in this country. The subsequent events have been heartbreaking and upsetting for the family. Even though it was on 2 August 2011, it would not matter if it were now, or in ten or 50 years' time, because it would be still heartbreaking for the family, friends and relatives. For this situation to arise, with the person who was the cause of this event being on bail at the time, is surely an indictment of how poor our system is. Nobody should be in a position to be out on bail, to be the cause of an accident and to take away a respectable young man's life, with every hope and dream that person had. Nobody should take away the right that person had, the same as any of us, to go about his work and to carry on his life. To have all of the hopes and aspirations that young man had wiped out like that is so sad.

That is why I wanted to be here, along with my colleagues in the Rural Independent Group, out of pure respect for the late Shane and his family, and rightly to support this motion in the House. I want to thank everybody involved for highlighting this. We should be seen to do everything possible to try to bring about proper justice and to do our part, which is the right thing to do. On the one hand, I am sorry that the family have to be here, but on the other, I am glad they are here, and I mean that from the bottom of my heart.

**Deputy Mattie McGrath:** Gabhaim buíochas leis an Teachta O'Callaghan. I thank Deputy O'Callaghan for bringing forward the motion. I wholeheartedly welcome Shane's mother and father and his four sisters.

This motion is a testimony yet again to the loving and determined perseverance of Shane's mother, father and sisters, who I salute. It is a scandal of the highest order that such efforts have to be made repeatedly to try to bring into the light the full facts as they relate to the tragic and entirely unavoidable death of this young man. Where would we be if Shane's mother and family had allowed themselves to be beaten down by the weight and might of a judicial system that seems to care nothing for the truth - I do not say that lightly - and only concerns itself with hiding the facts?

On 14 June 2018, a majority of Dáil Members voted in favour of a motion calling for a public inquiry into the death of Shane O'Farrell, and this was followed by a unanimous vote in the Seanad. Support for this motion demonstrated that a majority of the Dáil and Seanad were and are satisfied with the investigations established to date to establish the full facts surrounding the multiple failures of the criminal justice process to prevent the death of Shane O'Farrell. The Minister of State, Deputy Stanton, should hang his head in shame.

This motion is a testimony yet again to the determined perseverance of Shane's mother, father and sisters. It calls on the Government to acknowledge that the Department of Justice and Equality's terms of reference do not address the needs of either the O'Farrell family or the resolution of the Dáil of 14 June 2018. It also calls on the Government to adopt terms of reference for the scoping exercise as drafted by Judge Gerard Haughton, who consulted the O'Farrell family, which they appreciate, as those terms reflect the spirit of the resolution of the House as it is laid before us.

Nothing less than this will satisfy Shane O'Farrell's family, and they are right. I salute them and, in particular, I salute Mrs. O'Farrell. They will never have Shane's young life restored to

them, but they are doing this in the interests of other families and other people. I will not call it an accident. It was an incident of outrageous proportions, with the person having been stopped by gardaí only an hour beforehand. This person had been out of the country and was wanted in other jurisdictions. It is disgraceful. That is going on under the Ministers' noses, day in, day out.

Although I hate to digress, we have Deputy Grealish standing up here to talk about the situation of scamming in this country, with moneys being exported, and we are all shouted down as racists. We are not racists. If anything, the Government is racist against its own people. This man should not have died and his family should not have to beg and scrape and borrow. I support the family's neighbours, who came with Mrs. O'Farrell to be outside the gates of Leinster House. We Independents met them very early on. The Government did not want to meet them - all promises, empty promises. Justice must be done, and not only must it be done, it must be seen to be done, and it is not being done. There is something very rotten, sincerely rotten, in the Department of Justice and Equality. It is not only this. It is happening with the prison officers. There is cover-up after cover-up, bullying and intimidation. There is something very rotten in the state of Denmark and something very rotten in the Department of Justice and Equality.

The Minister of State, Deputy Stanton, knows this, although he will be going out of the Department very shortly when the next election is held. He should stand up as a proud Cork man and say what is going on - the cover-ups, the slime, the bullying, the mistreatment of ordinary people. It is disgusting, day in, day out. We saw it in the Garda Síochána with our friend from Cavan. It is going on with the prison officers. There is unbelievable intimidation of good people and the Ministers sit idly by and let it go ahead. They should hang their heads in shame.

**Deputy Brendan Smith:** Our party spokesperson, Deputy Jim O'Callaghan, outlined very clearly again this evening the absolute need to have an adequate investigation and proper inquiry into the death of Shane O'Farrell. The motion before this House merits the approval of Dáil Éireann. I take this opportunity to convey again my sincere sympathy to the O'Farrell family on the tragic loss of Shane, their son and brother. Shane's passing is an immeasurable loss to his beloved family. As well as being a much loved son and brother, Shane was a highly respected member of his local community. I know very well that the community in the wider Carrickmacross area, south Monaghan and adjoining counties hold the O'Farrell family in the highest esteem. It is also a source of great regret in south Monaghan and adjoining areas that a young man of Shane's standing and outstanding ability lost his life in such awful and preventable circumstances.

Unfortunately, the O'Farrell family has been failed by this State and that failure continues today. I was glad to be able to contribute to the previous Fianna Fáil Private Members' motion on this issue of such importance, not just to the O'Farrell family but to all of us who want to see our criminal justice system do justice to every family and individual in our State. Every right-thinking person wants justice to be done. The terms of reference, as outlined so coherently by Deputy O'Callaghan, are essential to get to the truth. It is truly shocking that it has taken so long to get to the truth in regard to the death of a 23 year old cyclist in a hit-and-run accident quite close to his own home.

Deputies Jim O'Callaghan and Niall Collins, and other Members of the House, spoke earlier of the great dignity of the O'Farrell family in their campaign for justice for their son, Shane. I have heard Shane's mother, Lucia, speak on national radio and on our local radio in Cavan, Monaghan, Louth and Meath. She has always spoken so eloquently and with such dignity of

the awful tragedy that has beset that family and of their quest for the truth. That campaign has been courageous and tenacious, and has commanded the attention, interest, sympathy and empathy of people throughout all of our island.

In the previous Private Members' motion, we spoke about the need for proper cross-Border policing strategies and the appropriate sharing of information between the criminal justice systems, North and South. None of us wants to see tragedies in the future arising from the dysfunctionality of systems. It is deplorable that such a series of incidents were permitted, causing the death of such a fine young man, son and brother. It is essential, as outlined so eloquently and in detail by Deputies O'Callaghan and Collins, that the terms of reference as drafted by Judge Haughton should be adopted. The terms of reference as they currently stand do not reflect the spirit of the earlier Dáil vote. Those terms of reference would not enable this State to get the full facts in regard to the dysfunctionality of some elements of our criminal justice system.

The work of the O'Farrell family has been tireless in seeking justice for Shane. The State investigation into Shane's death has failed the family, and it is similar with the prosecution and also the handling of the family's complaints. This failure will continue if these terms of reference are limited. Curtailing the terms of reference is not acceptable. The scoping exercise process should not be undermined, which is what our motion seeks to prevent.

As we know, the driver who caused Shane's death would not have been at liberty if the criminal justice system had been functioning properly. That is the sad summation of the entire tragedy surrounding Shane's loss of life. I take the opportunity to again commend the O'Farrell family on the great dignity, perseverance and tenacity they have shown in seeking justice and the whole truth regarding the awful and preventable death of their loved Shane.

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):**

As colleagues have said, this is a very sensitive and very important matter. I have listened very carefully to the comments Deputies have made on the motion. As the Minister, Deputy Flanagan, said earlier this evening, we are all working towards achieving the same goal, namely, responding appropriately to the acute pain of the O'Farrell family arising from the terrible loss they have suffered.

There is no intention on the part of the Minister or the Government to limit in any way the scoping exercise being carried out by Judge Haughton into this matter. We want to get to the heart of the matter. Judge Haughton sent the terms of reference he drafted after consultation with the O'Farrell family on 24 April. These were based on the proposed terms provided to the judge on 11 February. Before finalising these terms of reference, advice was sought from the Office of the Attorney General to ensure there was no legal impediment to their forming the basis for the judge's inquiry. The Minister was agreeable at the time to those terms of reference and to the amendments made after consultation with the O'Farrell family.

In late February, however, the Supreme Court delivered its judgment in *Shatter v. Guerin*, which influenced the advice provided to the Minister by the Office of the Attorney General. The Minister and the Government have been guided by this advice to ensure that this is done in a way that ensures that the recommendations of the scoping exercise are legally robust. The simple and unavoidable fact is that the scoping exercise must be carried out in accordance with the law. I ask Deputies to recognise that this is in the interests of all concerned, including, crucially, the O'Farrell family. We would not serve them well by establishing a scoping exercise without regard for the law, leaving its recommendations open to legal challenge. I ask Deputies

to recognise this and, further, to reflect on the fact that the judge is due to make his initial report this month - indeed, later this week - although he has said he is willing to delay this to accommodate further engagement with the O'Farrell family.

As the Minister clearly set out earlier this evening, while the terms of reference of the scoping exercise are focused, as required by law, they still allow for review of the issues intended. Judge Haughton is free in his final report to make any recommendations he sees fit, including the establishment of any form of statutory or non-statutory inquiry. None of us should prejudge the report and recommendations Judge Haughton will make, nor should we risk delaying or undermining his important work, either by challenging his terms of reference when he is on the verge of issuing his interim report or by asking him to work under terms of reference which are not in compliance with the law, rendering his work vulnerable to legal challenge.

The Government, the Minister and I recognise, appreciate and share the consistent interest in this tragedy on the part of Deputies across the House. We all have the same goal. While the process has taken longer than any of us would have wished, we ask Deputies to recognise that the process should continue in accordance with the law and without the delay or additional risk of confusion that would arise if there were interference with the ongoing work of Judge Haughton at this time.

**Deputy Jim O'Callaghan:** I acknowledge the presence of the O'Farrell family, who have sat through the whole debate. Their presence for the debate is reflective of their commitment to this issue, seeking justice for their beloved Shane over the past eight years. It is unfair that the system in this country puts such an obligation on a family and that they are required to come here to canvass and talk to politicians, seeking to get Ministers to agree to terms of reference and having to meet judges. It puts a huge pressure on a family, and I think we have let them down in the delay in which we have engaged in trying to bring this issue to a finality. We need to recognise that this is not an inquiry that will go on for years but a net issue that needs to be investigated, examined and reported on. It is now nearly 17 months since the Dáil voted in favour of a resolution on this matter. Had we started the inquiry at that stage, it probably would have been completed by now.

I thank all Members who spoke in the debate. I think everyone who spoke has great compassion for the tragedy the O'Farrell have gone through. However, there is also a recognition that there are questions that need to be answered. Sometimes people are hesitant about establishing public inquiries, as if they believe they should only call for them or allow them if they will establish wrongdoing. We should be confident about establishing inquiries, not simply where we believe there has been wrongdoing, as in this case, but also where we think we can benefit as a country from inquiring into events to see how we might learn about matters for the future.

The Minister referred to the amendment the Government tabled. I cannot accept that amendment. In effect, what it seeks to do is simply to get this House to endorse the amended terms of reference the Department put forward to Judge Haughton in July 2019. It would be completely contradictory to the theme of the motion we have tabled if we were to accept the Government amendment, so we will oppose it.

I have not had an opportunity to consider the Sinn Féin amendment but, to judge from what Deputy Adams stated, the issue Sinn Féin seems to want to have included is whether or not the Lithuanian man was in any way involved in working as an informer for An Garda Síochána. I had never heard that before, I am not aware of it and I do not think it has been suggested before.

Nonetheless I will give consideration to the amendment and perhaps I will speak to Deputy Martin Kenny, the party's justice spokesman, about that matter.

We also need to reflect on what the Minister, Deputy Flanagan, said. He said there can be further engagement by the O'Farrell family with Judge Haughton. I know that the O'Farrell family have met Judge Haughton, and their experience of meeting him, I understand, was a positive one, but it is a matter for them as to whether or not they wish to meet him again. In fairness to the judge, he is bound by the terms of reference he has, and at present he is operating under the terms of reference dated July 2019. Irrespective of what the O'Farrell family may say to him at any meeting they may have with him, he will not be able to amend the terms of reference. He is stuck very rigidly to the terms under which he is operating.

On a number of occasions the Minister referred to the fact that an interim report from Judge Haughton is to come in the coming days. The Minister indicated he was expecting to receive it on Friday. It is important we note that, under the terms of reference of July 2019, the interim report due to be delivered by Judge Haughton indicates the expected timeframe for the completion of the scoping exercise. Therefore, as I understand it, the report he will produce on Friday will give an indication of the timeframe for him to complete his scoping exercise. His scoping exercise will therefore take longer, and I would have thought the terms of reference for that scoping exercise can be amended at this stage to enable him to consider it in the context of the broader terms of reference he put forward in April of this year.

I note that the Minister referred to the decision in *Shatter v. Guerin*. There were very specific issues in that case. As I said, at the heart of the case was an unfairness in the former Minister, Mr. Shatter, not having been questioned or interviewed by the investigator in circumstances in which another complainant had been, and the version the other complainant put forward was preferred by the investigator. There is no such issue here. My understanding of the scoping exercise being conducted by Judge Haughton is that he is not interviewing individuals; he is conducting a paper-based review for the purpose of doing a scoping exercise.

We should also recognise what Deputy Penrose said because there are broader issues here. When there is a public inquiry into tragic events such as the death of a person, recommendations will always be made as to how we might try to ensure, as Deputy Michael Healy-Rae said earlier, that what happened does not happen to other families in the future. For a long time Fianna Fáil has called for an amendment to our bail laws. They are too lax at present. In 1997, the people voted to amend the Constitution so that a person could be refused bail if there was a belief that he or she was likely to commit a further criminal offence while on bail. That was given effect by the people in the referendum held at the time in an overwhelming "Yes" vote. In the opinion of Fianna Fáil, the current statutory law that exists does not reflect in full the decision of the people and there is also a need to review and amend our bail laws.

We need better IT systems in courts and within An Garda Síochána so that it is apparent immediately if somebody who comes before a court has outstanding convictions or adjourned cases against him or her or if he or she has breached his or her bail bond in any way. If we had we a proper, effective system in operation when the man came before Ardee District Court in May 2011, it would have been apparent when he was convicted of theft that he had already been convicted of theft in January of that year and the judge of the Circuit Court in Monaghan had said that, if there was another theft conviction, he was to be brought back and immediately imprisoned.

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I welcome the contributions from Members. I salute the bravery and indefatigability of the O'Farrell family, particularly Shane's beloved mother, Lucia, his father, James, and his four sisters. As a country, we have let them down. Every family of a victim of crime deserves to have the State backing and support them. It is unfair of this State to force the family to repeatedly come into Dáil Éireann to meet politicians and canvass to try and get an inquiry established. It is unfair that they must plead on the radio and come in to debates in the Dáil. Had we just ordered and conducted a proper inquiry when the Dáil voted for it, that inquiry would nearly be over by now.

Amendment put.

**An Leas-Cheann Comhairle:** In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 14 November 2019.

### **Teachtairacht ón Seanad - Message from Seanad**

**An Leas-Cheann Comhairle:** Seanad Éireann has passed the Consumer Protection (Gift Vouchers) Bill 2018, without amendment.

The Dáil adjourned at 9.30 p.m. until 10.30 a.m. on Wednesday, 13 November 2019.