



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Céadaoin, 13 Samhain 2019

Wednesday, 13 November 2019

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

Paidir.

Prayer.

Ceisteanna - Questions

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

An Leas-Cheann Comhairle: We now have questions to the Minister for Finance and I ask all those who contribute to watch the clock.

Tax Code

28. **Deputy Michael McGrath** asked the Minister for Finance the position on the review of the flat rate expenses system; and if he will make a statement on the matter. [46832/19]

Deputy Michael McGrath: I seek an update on the review being undertaken by the Revenue Commissioners on the flat rate expense allowance system, which is relevant for more than 600,000 workers. According to the Revenue website, the outcome of the review will mean that any change will come into effect on 1 January 2020. I seek an update for the House.

Minister for Finance (Deputy Paschal Donohoe): I thank Deputy Michael McGrath. This matter has also been raised with me by Deputy Pearse Doherty.

The flat rate expense allowance regime is an administratively-based practice operated by Revenue, where specific commonality of expenditure exists across an employment category and the statutory requirement for a tax deduction for expenses, as set out in section 114 of the Taxes Consolidation Act 1997, is satisfied, namely, that the expense must be wholly, exclusively and necessarily incurred in the performance of the duties of the relevant employment.

This allowance regime eases the administrative burden on Revenue and on employees in

certain sectors by facilitating the automatic granting of a fixed tax allowance to cover allowable employment-related expenses, without the need for annual claims by every employee concerned. It is important to note, however, that the regime does not preclude any employee from making an individual claim for a tax allowance in respect of employment-related expenses, where those expenses meet the statutory requirement for such an allowance.

I am advised that a flat rate expense allowance amount is decided following engagement between Revenue and the relevant representative body for the particular group of employees who incur the same expense. The regime has developed incrementally over the past 40 to 50 years and currently incorporates 53 employment categories, broadly covering some 134 different allowances.

Over the past 18 months, Revenue has been conducting a comprehensive review of the regime. I understand the review is ongoing but is nearing conclusion, with an expected completion date by the end of the year.

As the Deputy is aware, the administration of the tax code is a matter for Revenue, which is independent in the performance of its functions. That being said, I expect that Revenue, as it has demonstrated on many occasions, will implement the outcome of its review in its customary proportionate and fair manner.

Having regard to the fact that we are coming closer to the date on which any changes are due to be implemented, I have written to Revenue this week requesting a factual update on the issue. I will revert to the Deputies who have raised the matter with me, with a view to sharing any information received, as soon as possible.

Deputy Michael McGrath: This is a significant issue for many workers. More than 600,000 workers availed of the flat rate expense allowance system in 2017, with gross claims of more than €160 million, which means a tax saved amount of €48 million. If we take an example such as miners working in Tara Mines, their allowances is €1,312 so their tax saving is more than €500 per annum. As the allowance for many nurses is €733, at the marginal rate it would result in a tax saving of close to €300 per annum.

I am concerned we are getting very close to the deadline and we do not know where all of this is going. There could be a nasty shock in January for tens of thousands of workers, if not more, when they see their payslips. I do not know the nature of the ongoing consultation but before any changes are made we should be made aware of them and we should be given an opportunity to debate the issue in the House. The Oireachtas finance committee should also have an opportunity to discuss with the Revenue Commissioners the nature and scope of this to see whether changes are possible.

Deputy Paschal Donohoe: I am well aware of the numbers of citizens who will be affected by this. I am also aware of the likely effect it will have on their after-tax income. In my letter to the Revenue Commissioners I also asked whether they can give me further clarity on the number of employees covered by this, the various categories of employees, the cost to Revenue and the benefit to each employee group in order that I have a clearer understanding of the scale of change that may ensue. I am well aware of the concern regarding this matter and have asked the Revenue Commissioners to give me an update on their work.

Deputy Michael McGrath: Can the Minister confirm that it remains the position that these changes will come into effect on 1 January 2020? Will any changes that will come in not re-

quire the approval of either the Minister or this House? Has he any details regarding the nature of this consultation and engagement? Who has it been with? I imagine that it has been with the trade union bodies and employer representative bodies. We are getting a certain amount of feedback through those channels but the key concern here is that many low and middle-income workers, for whom this has become a normal part of their tax code, will be in for a shock and will have their net pay reduced in January 2020 as a result of these changes of which, as of now, we have no advance notice or foresight regarding what is involved.

Deputy Paschal Donohoe: It is my understanding that these changes are due to come in on 1 January 2020. Regarding my role or that of the Oireachtas, this is a matter for implementation of the tax code by the Revenue Commissioners. As is always the case, I have no doubt that the Deputy and the Opposition will raise the matter directly with me. I do not have the details regarding the bodies with which the Revenue Commissioners have engaged but I would expect that it included the representative bodies. If I am wrong on this, I will communicate that to the Deputy.

Insurance Costs

29. **Deputy Pearse Doherty** asked the Minister for Finance his plans to implement further reforms in view of the rising costs of insurance and the escalating crisis in the market and if he will make a statement on the matter. [46847/19]

30. **Deputy Michael McGrath** asked the Minister for Finance the status of the work of the cost of insurance working group with particular regard to compensation award levels and if he will make a statement on the matter. [46833/19]

Deputy Pearse Doherty: The insurance crisis gripping this State is one that affects all sectors and regions. We know it is squeezing incomes, crippling businesses, damaging communities, hitting jobs and putting serious pressure on motorists. A recent survey by Public Participation Networks found that 83% of groups in the voluntary and community sector were hit with insurance hikes in the past three years. Despite repeated claims by the Minister that the cost of motor insurance is coming down since the peak of 2016, it is not the case and he should stop repeating that. We know that it increased from 2016 from 2017 and is likely to raise again. These figures are from the insurance industry. When will we see serious change in respect of this? When will we see the sectors that are no longer able to get cover from insurance companies being able to continue to operate? When will motorists see premiums fall and fall significantly? When will we see the enactment of the section of the Judicial Council Act that allows for the review of awards?

Minister of State at the Department of Finance (Deputy Michael D'Arcy): I propose to take Questions Nos. 29 and 30 together.

I must correct an inaccuracy uttered by the Deputy. The cost of motor insurance is down 27% from the peak. It is important that we accept the facts. The facts are that the CSO says it is down 27% from the peak, which is progress. The impact has not been as great in areas involving direct interaction with the public such as the hospitality, play centre, leisure or tourism sectors along with certain voluntary groups and the performing arts. We are working on that. I have met representatives from these different sectors on a regular basis over the past 18 months so I am well aware of their frustration about the perceived pace of reform. Unfortunately, there

is no single policy or legislative silver bullet to stem or reverse premium price rises immediately. This is because there are many constraints faced by the Government in trying to address this issue, in particular the fact that for constitutional reasons, it cannot direct the courts as to the award levels that should be applied and for legal reasons, it cannot direct insurance companies as to the pricing level they should apply in respect of businesses seeking insurance. The Deputy knows both of these facts are true.

The passing of the Judicial Council Act this year will be the game changer. This Act provides for the establishment of a personal injuries guidelines committee upon the formal establishment of the judicial council. This committee is tasked with introducing new guidelines to replace the book of quantum. The commencement of the Judicial Council Act is a matter for the Minister for Justice and Equality. Work to establish the judicial council is well underway. I understand that the full Act can only be commenced when the Judiciary is in a position to establish formally the judicial council but that the Chief Justice has stated that he hopes to be able to do so before the end of this year, which I welcome. For my part, I am very eager to have this up and running.

The Government is doing all it can to facilitate this process. In this regard, I am pleased to note that the Minister for Justice and Equality commenced the necessary provisions of the Act a number of months ago to allow all the necessary background work to be completed in preparation for the formal establishment of the judicial council. In addition, the Minister for Finance allocated €1 million in budget 2020 to enable the process to be expedited by the Judiciary. These steps will ensure that the Judiciary has the necessary means so that when the council is established, its various functions can be operationalised.

With regard to the personal injuries guidelines committee and the subsequent publication of its new guidelines to re-calibrate award levels and replace the book of quantum, it is a matter for the Judiciary to put in motion the necessary process to expedite this. The first important step required by the legislation is for the Chief Justice to make the necessary appointments to the personal injuries guidelines committee. I understand that there have been developments around the designation of judges to be appointed upon the formal establishment of the committee and I anticipate that the Chief Justice may have more to say on that matter next week. It is hoped that this in turn should allow the members-designate to commence their activities on an informal basis so as to progress as far as possible their work prior to formal establishment. The Deputy has heard me speak about the parallel process of this happening before the actual establishment. I welcome this development as it demonstrates that the Judiciary is giving this matter the priority I, the Minister for Finance, the Government and every Member of this House believe it deserves. I also understand that the Personal Injuries Assessment Board has written to the Judiciary to offer its expertise and assistance for the purpose of this re-calibration exercise. I also commit the cost of insurance working group to the re-calibration exercise. Finally, I believe that once award levels are re-calibrated to a more sustainable level and applied consistently, the current problems being experienced by impacted businesses should recede.

Deputy Pearse Doherty: The CSO carries out an examination on the basis of one premium. The insurance industry actually looks at how much it charges across every motor vehicle and gives the average price. Its statistics show that the cost of motor insurance did not decrease from 2016 to 2017 but instead increased so I ask the Minister of State to look at the data, accept the facts and stop giving out misleading information.

I have no certainty that this sector, which is completely without insurance, will have insur-

ance based on what the Minister of State has said. There is no State intervention regarding that. I am not sure whether the Government has even discussed the withdrawal from the market of Axa XL, the underwriter that has withdrawn from this market, with that company.

We hear lots of claims. We hear claims that the cost of claims is pushing up premiums. The figures tell a different story. We know that according to published figures, the value of personal injury awards fell by 15% from 2014 to 2018. We know that in the same period, 55,000 fewer motor insurance claims were made and that during the same period, motor insurance premiums went up by 45%.

A number of things need to be done. One of them will happen this evening with my Consumer Insurance Contracts Bill. We need to establish a dedicated insurance fraud unit. This means a commitment from the Minister for Finance to An Garda Síochána that the Government will fund and resource this unit and that it will not come from existing resources. The Government needs to enact the section of the legislation that allows for the judicial council advisory committees to be set up. It could be as long as September 2021 before this work is complete. There are many other things that, unfortunately, time will not permit me to deal with at the moment.

Deputy Michael D’Arcy: I will start where the Deputy finished. He did not hear what I said in my reply. The Judiciary will establish things in an informal way. The Judicial Council Act cannot be commenced until all of the committees are formed. That is the law as passed here last summer. With the full co-operation of the Chief Justice and the Judiciary, we hope to announce the judges designated very soon. The Chief Justice will be commenting in that regard next week. The Deputy did not listen to one thing I said. These are the judges who will reduce awards, recalibrate the guidelines and replace the book of quantum that is doing so much damage.

With regard to a dedicated fraud unit, the Deputy is wrong to talk about the establishment of such a unit within the Garda National Economic Crime Bureau, GNECB, in the Phoenix Park. Such a unit would only deal with blatant established cases of full fraud. It would not deal with a case of exaggeration down the country at all. Commissioner Harris’s proposal is to have gardaí with relevant experience and knowledge deployed to each division. These gardaí will deal with such cases. The Deputy is talking about a big centralised unit in the Phoenix Park which would not go down the country at all.

Deputy Michael McGrath: Will the Minister of State clarify what he is saying in respect of the personal injuries committee? As of now, we do not have a judicial council. This council is required to set up the personal injuries committee. Is the Minister of State saying that this committee will begin its work informally as soon as next week? Will he please clarify that matter?

The Minister, Deputy Donohoe, needs to personally get more directly involved with regard to the insurance crisis. I received a reply to a parliamentary question recently which showed that, since the Deputy came into office as Minister for Finance, he has only had one meeting with either the insurance industry or any individual company. That meeting was in March 2018 and was held to discuss the issue of US tax reform. The Minister of State, Deputy D’Arcy, has had dozens of meetings with individual companies and with Insurance Ireland. I am not saying that is the only measure of the Minister’s involvement on the issue of insurance but he needs to get his hands dirty and to get directly involved. Any attempt to resolve the insurance crisis will require the authority and power of the Minister for Finance. This needs to be a regular issue on

the Cabinet agenda. These facts show, however, that the Minister has not directly engaged on the issue of insurance reform.

Deputy Michael D’Arcy: The Deputy has asked me a direct question about the personal injuries committee. The answer is that we expect the Chief Justice to have more to say about the judges designate next week. That is where we are. The Judiciary has agreed to operate informally. The law is clear. Outside of this informal operation, it cannot operate at all until all of the committees under the judicial council are in place. None of us wants that. I have agreed with the Judiciary and the Chief Justice that they will operate informally. We will have judges designate, who will later form the committee. The committee will, as I have said, be established pretty soon. The Chief Justice will have more to say on this matter next week. With regard to the involvement of the Minister, Deputy Donohoe, and the Government, it will then fall to those justices and will be out of the Government’s hands. The Oireachtas and the Government will have done our work. It will then fall to those seven members of the Judiciary to recalibrate the guidelines.

Deputy Pearse Doherty: The problem is that I have listened to the Minister of State for a long time and I know his intentions, which are good. I also agree with some of the comments made by others in the House suggesting that he is not getting support at Government level. I know he disputes this suggestion but that is my view. This does not, however, take away from the real issues. As the Minister of State has just stated, when the committees are set up is out of our hands now. It is only at this point that the Minister will be able to finally give the order to commence the legislation we passed earlier in the summer. The Government has not, however, secured any commitment from the insurance industry such as was secured more than ten years ago. At that time, the industry committed to reducing premiums if certain reforms were introduced. This involved a very clear table, a schedule produced at the time which stated that premiums would reduce by a certain amount for each given reform. The Minister of State is taking the industry’s words at face value.

I was asked to ask the Minister of State a question this morning. A 19 year old who is trying to get driving on a provisional licence could not get insured so he went to a broker. The best price this broker could get this 19 year old living in rural Ireland was €12,319.78. The Minister of State says that I am wrong but I can give him the quote.

Deputy Michael D’Arcy: I ask the Deputy to do so please.

Deputy Pearse Doherty: I will. I cannot believe the Minister of State is suggesting that I am putting incorrect information-----

Deputy Michael D’Arcy: I am not saying that. I am saying there is something wrong in what the Deputy is saying.

Deputy Pearse Doherty: There is something wrong. The insurance industry is ripping off its customers. It is doing so through dual pricing, exaggerated costs, and the misleading information it puts into the public domain. We need to get a grip on this issue and to deal with it. It is up to the Government to take this industry to heel.

Deputy Michael McGrath: In recent days, Cork BMX Club has had to cancel an event because Cork City Council, which was to host the event, was not satisfied with the insurance cover offered by the parent body of the club. This is just a symptom of what is happening. The scale of this crisis is growing with each passing day. The Minister of State knows well that

many businesses, when the time comes to renew their existing policies, will not only be unable to get affordable cover but will be unable to get any cover at all. This is particularly true of businesses in the leisure industry. This is a real issue.

When the Minister of State talks about judges designate starting work, is he saying that they will start working on the judicial council or that they will start working on the personal injuries committee itself, which is what we need? With regard to fraud, my understanding is that the funding has not been provided to enable An Garda Síochána to do the work it is required to do to tackle fraud, even under the new divisional structure that has been outlined.

Deputy Paschal Donohoe: I will come in on this matter because a number of the questions were directed at me. Deputy Michael McGrath was good enough to confirm that the measure of my engagement on any particular issue cannot be measured solely on the number of meetings I have. I confirm to the House that I have been directly involved in the completion of each of the steps to which the Minister of State, Deputy D'Arcy, referred in his opening statement, as I should be. He went through the position with regard to the personal injuries guideline committee and the progress that is likely to be made in setting up the judicial council. I have been involved in all of that because of the scale of the issue. I am absolutely aware of the problems this issue is causing for businesses, those involved in leisure activities and those who depend on leisure activities. Deputy Michael McGrath also raised an issue regarding the work of the justices and asked when they will begin work in this area. Their work will begin with the personal injuries guidelines committee.

Deputy Michael McGrath: Straight away.

Deputy Paschal Donohoe: With regard to Deputy Pearse Doherty's point, key figures within the insurance industry have given a commitment as to how they will respond when this work is under way. The Government and I intend to hold them to account in that respect.

Deputy Pearse Doherty: Will the Minister publish that commitment?

State Aid Investigations

31. **Deputy Pearse Doherty** asked the Minister for Finance the legal fees and the companies and firms to which the fees have been paid disaggregated by amount paid to each firm in the appeal case regarding the ruling of the European Commissioner for Competition in 2016 on illegal state aid in respect of a company (details supplied); and if he will make a statement on the matter. [46893/19]

Deputy Pearse Doherty: To refer to the last question, there is no written commitment from the industry as there was in the past. I know that only too well. If there is, I would love to see it published. With regard to Question No. 31, there is €14.3 billion sitting in an escrow account which, according to the European Commission, is owed in tax to this State. The Minister's Government is fighting against the European Commission's ruling that Apple made use of illegal tax arrangements. Not only is the Government now trying to throw away €14 billion to which the State is entitled, but it is hiding how much money it is spending on fighting this case from the people and taxpayers of this State. We are entitled to know how much of our money the Government is spending defending the Apple case and to whom it is paying it. Will the Minister tell us that today? He has given us similar information in the past, but he has now

decided to hide it.

Deputy Paschal Donohoe: Ireland has never accepted the Commission's analysis in the Apple state aid decision and is challenging the Commission's decision before the European courts. An application to annul the Commission decision was lodged with the General Court of the European Union. The case was granted priority status and the confidential written proceedings have taken place in private over the last number of years. The oral hearing took place in the General Court of the European Union on 17 and 18 September. The timing of the judgment is entirely at the discretion of the court.

11 o'clock

However, it will most likely be several years before the case is ultimately concluded. We fully respect the judicial process and, as can be expected, have robustly defended our position throughout it.

Over the past seven years, approximately €7.5 million, including VAT, has been paid for external services relating to the case, of which approximately €3.9 million relates to the recovery process. This includes all legal costs, consultancy fees and other associated costs. These fees have been paid by the Department of Finance, Revenue Commissioners, NTMA, Central Bank of Ireland, Attorney General's office, and Chief State Solicitor's office. The cost of legal fees is lower than the total cost as other fees, such as those relating to translation services, are not included.

Five companies are covered by the Deputy's question on legal fees and the companies and firms to which the fees have been paid. The approximate totals paid to each of these to date, inclusive of VAT, are as follows: William Fry, €3.2 million; McCann Fitzgerald, €523,000; PwC, €611,000; Baker McKenzie, €148,000; and Hogan Lovells, €3,900. The total paid to external individual counsel engaged is approximately €2.8 million. As the Deputy will be aware, while I previously provided details of payments to individual counsel, I am no longer in a position to do so, based on legal advice provided to my Department. It is not possible to determine future costs of the case. However, as it is an important issue for the State, the case will continue to be resourced as needed.

Deputy Pearse Doherty: Gabhaim buíochas leis an Minister for laying out the vast amount of taxpayers' money the Government is using to fight the European Commission to ensure we do not get €14 billion of money it believes we are owed. It would be laughable were it not so serious. Many areas could do with a touch of that €14 billion, on which the Government is spending millions of euro of our money to ensure we never get. The Data Protection Commissioner and the Information Commissioner have laid bare the Minister's deception. There are no rules that would prevent him from releasing the information he is now withholding. The Government is misusing procedure and deliberately misinterpreting rules to hide its true intentions. GDPR is meant to protect consumers. It is not supposed to be used to hide efforts to help millionaires or billionaires rip off the Irish people. The Office of the Information Commissioner stated that data protection legislation does not prohibit the release of personal information relating to third parties. The Data Protection Commission, DPC, has gone even further than that and provided details similar to the ones I am seeking today, for which many Members have been asking for many months. It has provided information on both firms and individual barristers. It did so after GDPR came into effect, and I think the Data Protection Commissioner is more of an expert on data protection than the rest of us. Given what I have said and based on the rulings of

the DPC, does the Minister not believe it is now appropriate for him to put all the information on the record of this House?

Deputy Paschal Donohoe: The Deputy used the word “deception”. On what basis is he making that claim? He asked me how much money is being paid, and I answered him. That €14 billion is a huge amount. As he has a deep understanding of these matters, he knows that in the event of us losing this case, many other countries would immediately challenge Ireland for their perceived share of the €14 billion. Our country would face demands from many members of the EU and beyond for what they would perceive as their share of that fund.

The Deputy also claimed that I was in some way unwilling to make this information available. I have made the information on the legal fees available to him. There are differing views on whether GDPR covers this matter, which were brought to my attention. I take those views very seriously. I reviewed the matter yesterday and the legal advice provided to me is clear that I can name the overall total amount paid, the firms, and the total amount paid to individuals, but I am not able to provide the information per individual. I will, or course, make any other information available to the Deputy.

Deputy Pearse Doherty: The DPC has provided information on firms as well as individual barristers. That is the key point here. That information was provided after GDPR came into effect under the Data Protection Commissioner, who is an expert on matters of GDPR and data protection. The granular detail I requested is not being provided, and I ask the Minister to re-examine that request.

He claims that other countries would come for a slice of the €14.3 billion that both the Commission and I believe is owed to this State, for which there is no evidence. Which other finance ministers have contacted him directly and said they will come after part of that €14.3 billion if we lose this case? I ask him to put that on the record of the House in order that we can all be informed. Neither I nor my party has been informed of that. If the Minister has been told by these countries that they will be waiting in the wings, ready to take action against this State, then so be it. In that case, at least we would legally have the €14.3 billion and would be spending legal fees trying to protect it rather than to ensure we never see a whiff of it.

Deputy Paschal Donohoe: The Deputy alleged that I had committed some form of deception. He is only too quick to challenge the Minister of State, Deputy D’Arcy, whenever he raises any issue with him. By making the charge of deception he is alleging that I am concealing something from the House. I was asked a set of questions about cost, which I have answered transparently, as is my duty to the Deputy. He equally has a duty not to make charges of deception against me over which he cannot stand. I have reviewed the advice made available to me on the GDPR consequences of providing information on individual senior counsel. That advice is clear, but I will provide any other information relating to total cost, cost by firm, and the aggregate cost we are paying to individual senior counsel. I accept that €7 million is a significant amount and that I should be held to account by the Oireachtas on how it is spent.

The Apple case has been raised with me by other finance ministers. They have raised it with me and want to know its status.

Deputy Pearse Doherty: That is not the question.

Deputy Paschal Donohoe: I believe that in the event of us losing this case, other jurisdictions will look for access to the money. While I do not believe we will lose the case-----

Deputy Pearse Doherty: Have they raised it with the Minister? That is the question.

Deputy Paschal Donohoe: -----the risk of that happening is the very reason the money cannot be spent. This money is not ours. We are not a global tax collector.

Deputy Pearse Doherty: None of the finance ministers said they would take a case against the Government.

Deputy Paschal Donohoe: We need to defend against this claim.

Deputy Pearse Doherty: That is the problem.

EU Budget Contribution

32. **Deputy Joan Burton** asked the Minister for Finance the progress of talks on the 2021 to 2027 EU budget and the multiannual financial framework, MFF; his views on reports that the contribution by Ireland would raise by a tenth to 0.91% of gross national income, GNI; and if he will make a statement on the matter. [46555/19]

Deputy Joan Burton: Does the Minister for Finance believe Ireland will have to significantly increase its contributions to the EU multiannual funding budget, which is due in 2021? It has been suggested that Ireland will have to pay, on average, up to €760 million more into the EU budget per year. It has also been suggested that our net contributions will go up to as much as 0.91% of our GNI. This is complicated by Brexit. The cost of this increase could be close to the cost of a difficult Brexit deal.

Deputy Paschal Donohoe: I thank the Deputy for raising this matter. The MFF was most recently discussed at the October European Council meeting, where leaders exchanged views on key issues such as the overall level of expenditure, the volumes of expenditure in the main policy area, and financing, including revenues and corrections as well as conditionalities and incentives. In light of the discussion, the Council called on the Presidency to submit a negotiation box with figures in advance of the European Council meeting in December 2019. The discussion largely reiterated the differences among member states on the matter. There was no narrowing of views on the overall level of expenditure, with a number of net contributors reiterating the need to keep the overall level at 1% of EU gross national income, GNI. While there was strong pushback from the net recipients on the Presidency proposals, which they consider too low, they argue for an overall level of 1.1% of EU GNI. On the allocation of volumes between areas, net recipients expressed strong dissatisfaction regarding proposals on the CAP and cohesion, which they view as requiring further cuts to the Commission's proposals, for cohesion in particular. The issue of rebates also highlighted different positions, with some net contributors stating the need for a correction mechanism as their contributions rise, with others in favour of their phasing out.

The Taoiseach has noted that while Ireland's contribution is likely to increase significantly, we need to talk about the benefits and not just the costs of EU membership, including access to the Single Market, which vastly outweighs EU budget contributions. In respect of contributions to the EU budget, Ireland is likely to see significant growth in its contributions as a result of continued economic growth. For example, under a 1.1% GNI ceiling, the average annual contribution will be €3.3 billion. I will outline the various cost consequences if it is below

1.1%.

Additional information not given on the floor of the House

The Commission published data last week on the level of contributions that member states are likely to make under the next multi-annual financial framework, MFF. I welcome the addition of such data to the debate to provide all parties with a realistic framework within which to negotiate. While Ireland recognises the Commission's figures, member states have differing approaches to the calculation of both contributions and receipts, which can lead to differences in forecasts. The exact level of contributions will depend on the final MFF negotiations, not least the level of overall expenditure and the own resources to be applied. Ireland's contributions to the EU budget in 2018 amounted to just over €2.5 billion. In 2019, we expect final contributions to be slightly below this figure.

Deputy Joan Burton: The Minister agrees it is a significant issue. The vast majority of people welcome and recognise the benefit to Ireland of being a member of the EU. Given the likelihood of the UK leaving the EU, however, and the changes being made in any event in the multi-annual financial funding programme, it is important that the Minister tell the House and the people the parameters of the discussion. As recently as 2017, the contribution by Ireland to the EU budget was €173 million, whereas last year, it rose to €315 million. My understanding, which the Minister has not contradicted, is that for 2021, it is likely to increase by approximately €760 million. We all appreciate that it will be a significant imposition and burden on future budgets. Will he broaden the tax base to ensure that ordinary workers will not pay the bulk of it, and change his view on bank taxation?

Deputy Paschal Donohoe: Ordinary workers benefit from our membership of the EU. The Deputy asked a question as to the cost consequences of the various scenarios articulated by other member states and I began to outline the answer, the rest of which will be given in written format. If, for example, the ceiling is at 1%, from 2021 the figure will be €2.575 billion, rising to €2.77 billion in 2023. If it is beyond 1%, the contributions will be higher. Ireland has not outlined, and I will not do so now, our preferred figure because I anticipate the negotiation will continue for some time. On many occasions, however, I have made clear the Government's priorities in respect of the matter, namely, continuing to support farmers and the agricultural community through the CAP system and ensuring the appropriate funding is in place, and supporting research and innovation and the programmes that are important to our island. Our ordinary workers benefit from membership of the Union and access to the Single Market. Even on a no-policy-change basis and even if the current way of calculating payments were not to change, the fact that our income is growing means our commitment, too, will grow.

Deputy Joan Burton: The Minister mentioned the significance and importance of the agricultural budget and the CAP. The proposals are to "green" the CAP. Will the Government agree to that? Our farmers will have to adapt to more green-friendly agricultural policies, including examining carbon emissions and considering ways to decarbonise the agricultural economy. While we all realise how important agriculture is to Ireland, changes are coming down the road and we will not have much of a choice about them. What planning is the Government doing in that regard? It has spoken about forestry but we have not seen any plans. Remarkably, in the Minister's Budget Statement, I never heard the words "tree" or "forest". It was mentioned at the back of some of the budget documents but he never even mentioned it. It is very important for the future of both Irish farming and the budget.

Deputy Paschal Donohoe: The Deputy used the word “burden” in respect of the contribution we will need to make to the EU. It is the case that we will need to make a higher level of payment but this is in the context that Ireland has only recently become a net contributor. For decades, we were a net beneficiary but that has changed, and we now pay in more than we receive. As we look at how we will frame our negotiations, it is critical that we reaffirm how important it is to be in the Single Market. The fact that our income has grown, in itself, means we will have to make a greater contribution.

The Deputy asked about the status of the likely change to the CAP. The Minister for Agriculture, Food and the Marine, Deputy Creed, is involved in a great deal of work on the matter, in a coalition of like-minded agriculture ministers, to ensure we can progress our priorities for the scale of the CAP and how it will develop. We want to find ways of ensuring that the CAP will continue to be environmentally sustainable while meeting the needs of Irish farmers and agriculture.

Ceisteanna Eile - Other Questions

Tax Code

33. **Deputy Michael McGrath** asked the Minister for Finance if he expects the Revenue Commissioners to bring forward new guidance on flat rate allowances; when he expects it to be brought forward; the measures he plans to ensure lower and middle income earners are not adversely affected by changes; and if he will make a statement on the matter. [46675/19]

50. **Deputy Pearse Doherty** asked the Minister for Finance the categories of flat rate tax expense the Revenue Commissioners propose to abolish from the beginning of 2020; the anticipated increase in tax revenue arising out of the abolition of the certain flat rate expenses; and if he will make a statement on the matter. [46691/19]

Deputy Michael McGrath: My question is largely a repeat of the first priority question on the flat rate expenses allowance. I wish to add to the points I made earlier that my main concern is we will be presented late in the day with a *fait accompli*. Will there be a report we can interrogate? Will we have the opportunity to review the evidence and ask questions before any changes kick in? It is a reasonable request, given the scale and significance it could have for many workers.

Deputy Paschal Donohoe: I propose to take Questions Nos. 33 and 50 together. It is a reasonable request. We discussed the matter earlier. I cannot commit on behalf of the Revenue Commissioners as to what they will do or what engagement they will have with the Oireachtas. Nevertheless, as soon as I have absolute clarity on the matter and the Revenue Commissioners respond to me, I will immediately make the information available to the Deputy.

Deputy Michael McGrath: I thank the Minister. With the Leas-Cheann Comhairle’s indulgence, I will segue to another important issue. The Revenue online service, ROS, has again experienced problems this morning. My colleague, Deputy Brassil, raised the matter in the Chamber yesterday. I acknowledge that Revenue extended the deadline for online returns to 6

p.m. today. I am told that the problems have now been fixed this morning after a recurrence of the issue. I want an assurance that no one will be adversely affected by these issues through the application of surcharges or any other penalty. Given that the system is clearly under pressure and struggling to take all of the returns, would it be better to extend the deadline to midnight on Friday? That would allow the returns to be spread over a further couple of days. It would allow time and space for people to get them in and for the system to have the capacity to handle them. Clearly, there is a significant issue. The first priority is to ensure no one will be penalised having tried to make a return that was unsuccessful through no fault of his own or her own.

Deputy Paschal Donohoe: Penalties and how they are levied are matters for the Revenue Commissioners. I know the reason Revenue made the decision to make the change for today. It was its determination ensure no taxpayer would be penalised as a result of the systems issue that had developed. As the Deputy knows and has acknowledged, efforts have been made to address and resolve the issue in the operation of the system which Revenue has made available for a further period. I have no doubt that if it decides further changes are needed and that more needs to be done to ensure the timely filing of tax returns, it will make the necessary arrangements. However, given the sensitivity of the matter for tax practitioners, not to mention to those who are paying their taxes, it is solely a matter for the Revenue Commissioners. I will leave it to them to update the public on the matter during the day.

Deputy Michael McGrath: I wish to come back in on that issue. There have been further problems this morning. That is the point I am making. The system was down again for a period this morning. Clearly, there are underlying issues and problems with the capacity of the online system to handle the number of submissions coming in at the same time. If they continue throughout the day, Revenue will have no option but to further extend the deadline. It seems that the most sensible solution would be to spread it out over several days. We all recognise the importance of ensuring the integrity of the system. People need to be assured that their returns have been received properly. It is important for the Exchequer that returns be made a timely manner and that they be accurate and fully uploaded onto the system. However, if the problem continues during the day, Revenue will have no option but to further extend the deadline. If it happens again, the Minister should be in direct contact to at least have a discussion with it.

Deputy Shane Cassells: I thank the Leas-Cheann for allowing me in. I also thank Deputy McGrath for raising the issue of flat rate allowances, an issue I have raised in the past with the Minister and Niall Cody at the Committee of Public Accounts. I know that the Minister has stated it is an administrative issue for the Revenue Commissioners and that he is awaiting the findings of a review, but the issue is causing concern, in particular among a large cohort in my constituency. I am referring to the brave miners at Tara Mines in Navan, the largest zinc mine in Europe, which employs 620 people. In previous reviews they actually enjoyed an increase, yet there is a genuine fear among them that it could be removed in its entirety. Last month I spent an entire day with the miners. We were 900 m underground in the belly of the mine which is the deepest spot in Ireland. I saw at first hand the harshness of the working conditions they experience. I call on the Minister to recognise that the allowances are genuine. Perhaps he might journey underground and join me and the miners in the belly of the mine. With Niall Cody, we could all go together to see the harshness of the working conditions experienced by the miners.

Deputy Paschal Donohoe: I thank the Deputy for the invitation, but I am well aware of how hard the work is for those involved in mining. I am also well aware of their concerns. I assure and inform them that the matter has also been raised with me by the Minister of State at the Department of Foreign Affairs and Trade, Deputy McEntee, and the Minister for Employ-

ment Affairs and Social Protection, Deputy Regina Doherty, who are also being contacted by constituents about the issue. I hope the Deputy is aware that it is a matter for the Revenue Commissioners which are aware of its sensitivity. Deputy Michael McGrath was impartial and fair enough to acknowledge the importance of ensuring the integrity of the information technology system and its importance in collecting tax. Given the importance of ensuring tax returns are made properly and that there is no ambiguity about where taxpayers stand, responsibility for communication on the matter has to sit solely with the Revenue Commissioners. It is up to them to decide if further changes are required during the day. They have issued one communication on the issue. I am unaware of further changes, but if they happen, taxpayers and their representatives will need to listen to what they say on the matter.

Budget 2020

34. **Deputy Bernard J. Durkan** asked the Minister for Finance to outline the degree to which he remains satisfied that his budgetary strategy remains on target, irrespective of Brexit or international pressures; and if he will make a statement on the matter. [46602/19]

Deputy Bernard J. Durkan: With this question I seek to ascertain the extent to which the Minister remains confident that the budgetary projections identified in budget 2020 will continue to remain valid throughout.

Deputy Paschal Donohoe: The Government decided in September that budget 2020 would be based on the assumption of a disorderly Brexit at the end of October. Given the information available at the time, this was the safest and most appropriate course of action. Since I published budget 2020, the risk of the United Kingdom departing the European Union this year without a deal has been reduced. However, the ultimate outcome is still highly uncertain and a disorderly Brexit in 2020 remains a possibility.

Should the United Kingdom leave the European Union on an orderly basis, Ireland's fiscal position will, all else being equal, improve relative to budget 2020 projections, with increased revenues and lower expenditure. The fiscal forecast published with the summer economic statement in June is instructive on the budgetary position in an orderly scenario. The summer economic statement outlined the path for the headline deficit, which involved a technical assumption of tax reductions of €600 million each year and an increase in annual current spending of 3.25%. In such a scenario the summer economic forecast indicated a surplus of 0.4% of national income in 2020.

As I indicated yesterday to the Committee on Budgetary Oversight, I believe it is likely yet again that we will see corporation tax receipts for this year exceed where they were one year ago. We expect the figure to be higher than the projected €11 billion. We expect it be to in line with or above the €11 billion now included in our forecast. That is significantly ahead of what I indicated one year ago. However, I also said that while I expected us to face into another year of potential growth next year in our corporation tax receipts, I also believed it was likely that at some point in the near future that growth would stabilise and then begin to decline. That is why I believe it is now really important that the surplus we established this year is built again if we avoid a no-deal scenario next year. The country must get into the habit of ensuring we run regular surpluses in order that in the event of money not being available to us in future we will not face the risks we have faced in the past.

Deputy Bernard J. Durkan: I thank the Minister for his reply and preview on “Morning Ireland” today. I presume he has assured himself that the targets are prudent and attainable and that they will stand the test of time. Are there external issues other than Brexit that might impact to some extent or other in the course of the year?

Deputy Paschal Donohoe: While the answer I gave on “Morning Ireland” may have been a preview of the position today, it was a review of the position yesterday. I went through many of these issues yesterday with the Deputy’s colleagues at the Committee on Budgetary Oversight. For the benefit of all colleagues, I will emphasise some of the points I made. They relate to the point the Deputy put to me about other issues in addition to Brexit emerging. In particular, from a tax point of view, I highlighted three issues, the first of which is the increased level of corporation tax receipts, a large amount of which is attributable to the large increase in corporate profitability associated with several large companies. Were this ever to change at some point in the future it is likely it would have an impact on the tax receipts that we are discussing. The second factor of which we have to be mindful is that we could face a situation where corporation tax arrangements would become more competitive in other countries. The consequences of OECD reforms, and the changes I have touched on on a number of occasions, could be a factor for Ireland as well.

Deputy Bernard J. Durkan: In the event of a negative decision, from Ireland’s point of view, in the case before the European courts in respect of corporation tax, might there be a tendency on the part of some foreign direct investment prospects to locate elsewhere?

Deputy Paschal Donohoe: It would probably be premature to say investors or large companies might invest elsewhere as a result of the Apple ruling, particularly as regards companies that are already here. However, the loss of the Apple case would pose exceptionally important challenges for our corporate tax policy, requiring deeply serious consideration. I am very conscious of the magnitude of €14 billion and it would require defending some very important principles, that are worth defending, in order to be able to explain to the Oireachtas how the money is not ours and why we should not collect it. The principle cuts to the core of tax policy, which is that all taxpayers are treated equally and any company that locates in our country will be treated the same as another company. This cuts to the heart of our tax code.

Insurance Costs

35. **Deputy Fiona O’Loughlin** asked the Minister for Finance the priority measures he is putting in place to tackle the growing insurance crisis facing businesses, community groups, charities, sporting clubs and outdoor activities nationwide; and if he will make a statement on the matter. [46565/19]

48. **Deputy Niamh Smyth** asked the Minister for Finance the status of his plans to deal with the rising cost of motor, home and business insurance; the steps being taken to prevent businesses from closing and bring down premiums; and if he will make a statement on the matter. [46616/19]

Deputy Fiona O’Loughlin: The Minister addressed the issue of insurance earlier with my colleague, Deputy Michael McGrath, but I am taking the opportunity to raise it again because it is one of the biggest issues our businesses, sports clubs, community groups and crèches are facing. It has to be a priority because the cost of employer liability and public liability insur-

ance is a direct threat to the competitiveness and sustainability of many of our businesses and community groups.

(Deputy Paschal Donohoe): I propose to take Questions Nos. 35 and 48 together.

I am very conscious of the difficulties referred to by the Deputy. While neither I, nor the Central Bank of Ireland, can interfere in the provision or pricing of insurance products, nor compel insurers to provide cover in the first place the Government, through the work of the cost of insurance working group, has identified the key problems that need to be addressed if we are to reduce significantly the cost of business insurance in particular.

In this regard, the work of the Personal Injuries Commission, PIC, has been of critical importance. It found that the level of awards here for soft tissue injuries were 4.4 times higher than in England and Wales. Such a discrepancy is unjustified and needs to be addressed as a matter of urgency.

As the Deputy is aware, with the passage of the Judicial Council Act it is now a matter for the Judiciary to put in motion the necessary process to enable the introduction of new guidelines to recalibrate award levels and replace the book of quantum. I have allocated €1 million in budget 2020 to enable the council to be established. I am confident that the Judiciary recognises the need to prioritise this exercise and that they will take account of the PIC's findings. The Law Reform Commission is currently undertaking a detailed analysis as to whether we could establish constitutionally sound legislation to cap or limit the amount of damages a court may award. It is due to report back next year.

Deputy Fiona O'Loughlin: I accept that the Minister has identified issues, particularly around the level of awards which are 4.5 times what they are in our nearest neighbours, particularly around soft tissue issues. They are unjustified but it is one thing to identify issues, while it is another to take action on them. The Minister said the Judiciary recognises the problems but again, while recognition is good, it is another thing to take the necessary action to protect our businesses and our community and sporting clubs. The Minister mentioned the Law Reform Commission report is due to be published next year but the insurance issue did not just appear overnight and it has steadily been getting worse over many years. Fine Gael has been in Government for almost nine years so I would have hoped and thought a lot more would have been done to protect businesses, such as the ones I represent in south Kildare and parts of Laois, as well as community and sporting groups.

Deputy Paschal Donohoe: I am aware of the importance of this issue and I am glad to be able to tell the Deputy how much work has been done on it. The Minister of State and I are very much aware of the many issues being created for small and medium sized businesses and for the leisure sector all over the country. This is why we put in place the Personal Injuries Commission. It is why we enacted the Judicial Council Act 2019 and why the Insurance (Amendment) Act 2018 was passed. It is why we put in place the national claims information database and why we worked with An Garda Síochána, while recognising its independence, to develop a divisional focus on insurance fraud which will be guided by the Garda national economic crime bureau. We are very much aware of the cost this causes for so many across the country and the actions we have taken show our determination to make a difference. I am confident that these actions, in totality, will lead to even more progress on the issues.

Deputy Fiona O'Loughlin: I acknowledge the work that has been done, in particular the

efforts of the Minister of State, Deputy D'Arcy, who has grappled with the issue and has tried to make a difference. The Minister said that when these measures come into place in totality, we will see a shift and a change, but when will that be? Businesses are closing and the Spin Activity Centre, in my town of Newbridge, has had to close because of the cost of insurance. Community groups are not able to get the insurance they need to keep their doors open so the time element of this is absolutely crucial. We need to send a very strong message to those businesses and community groups that we are doing our very best and that the issue is at the top of our agenda. I accept the points the Minister makes but I am not sure the issue is at the top of the agenda, for Cabinet or for Government as a whole.

Deputy Michael McGrath: I wish to raise the case of the leisure industry, which is at the acute end of this crisis. With the withdrawal of Leisure-Insure from the Irish market, what steps are being taken to ensure that play centres, bouncy castle operators and outdoor activity centre owners will even have the option to renew insurance, leaving aside the question of the rate and the price which are other matters, so that they can continue their businesses? What is being done to ensure that, following the vacancy created by the departure of the dominant player in the sector, Leisure-Insure, cover will be provided?

Deputy Paschal Donohoe: The Minister of State, Deputy D'Arcy, and I are well aware of the importance of this issue and that is why the Minister of State went to London a couple of weeks ago to meet key insurance underwriters and to press the case for the coverage of the sector. I am aware that the withdrawal of any form of insurance in the sector makes it difficult, if not impossible, for many to provide their services, which in turn affects the jobs they provide. Many different sectors are affected by this and I need to take care in singling out any particular one. However, the Minister of State is pressing the case for deepening coverage in particular parts of our economy where coverage is currently diminished.

Tax Policy

36. **Deputy Joan Burton** asked the Minister for Finance if he has spoken to his EU counterparts about recent data from EUROSTAT that found Ireland to be the least taxed country in the European Union based on the ratio of tax collected to gross domestic product; and if he will make a statement on the matter. [46549/19]

Deputy Joan Burton: Is the Minister aware that, according to data from EUROSTAT, the European Union's statistics agency, and based on the ratio of tax collected to gross domestic product that Ireland is the least taxed country in the European Union? In 2018 the average European rate stood at 40.3%, whereas the rate in Ireland stands at 23%. What does the Minister propose to do to address this issue?

Deputy Paschal Donohoe: The publication identifies Ireland as having the lowest tax-to-GDP ratio in the European Union, at 23%. This low ratio, however, primarily reflects well known issues in the measurement of GDP in Ireland. As a result, this measurement is not an accurate reflection of the relationship between tax revenues and economic output in Ireland.

The Deputy will be aware of the work we have done to develop the gross national income*, GNI*, method of looking at national income where we strip out some of the effects of global companies and globalisation on the national accounts. As a result of this work, GNI* provides a better measure of national income, one that is more consistent with the actual level of eco-

conomic activity taking place here. Accordingly, the share of tax revenue to output in Ireland is best measured by using GNI* as a base. Taxes, as a share of GNI*, amounted to 37.7% in 2018. This figure compares to EUROSTAT's recently reported EU-wide tax-to-GDP ratio of 40.3%. When the Deputy considers the more appropriate measurement of national income, tax revenue as a share of national income is still below the average for the European Union, but it is far less below the average rate than in using GDP as the denominator. It is a far more accurate metric to use to measure tax revenue as a share of national income.

Deputy Joan Burton: First, will the Minister agree that the issue for Ireland is the fact that we have very low corporate taxes? For instance, institutions such as the banks, particularly the banks we bailed out, pay little or no tax. They pay a modest levy of €150 million on profits which now run into the billions of euro, an issue the Minister has refused to address. Second, middle and higher income workers are paying quite a lot of income tax. Low paid workers are paying relatively little tax, but they are paying PRSI. What we have is a complete distortion caused, in particular, by the very big international companies in Ireland and the fact that a lot of intellectual property has been brought to Ireland. That is seen as a scandal in the rest of the world and one can only describe it as such. Many poor countries struggle to survive because the big corporations are paying very little tax anywhere.

Deputy Paschal Donohoe: I notice an increasing tendency in the Labour Party to deny or share any of the experience it had in government. The Deputy was a member of a Government, a very fine member at that, who gave great leadership in the State at a very difficult time, during which she well understood the pressure the corporate tax regime was under. She understands and understood then the sensitivity of the matter of rates and all of the challenges surrounding it. What we have is an issue with the measurement of national income. That is the key issue. The Deputy is wrong to say, using this measurement of national income, that we should make a set of changes, one of which, in particular, could be very damaging. We have a corporate tax regime that levies tax on a very wide range of economic activity at a rate over which we are standing. It is not the case that I have refused to address the issue of the tax contribution made by the banks in Ireland. I have debated the issue with the Deputy on many occasions, but it is my view that changing the regime in the way the Deputy wants would have very serious consequences for other interests of the Irish taxpayer.

Deputy Joan Burton: I thank the Minister for the compliment. Yes, I was one of the people who initiated the contacts with the OECD. We only have a limited amount of time before the rest of the world refuses to accept that in certain parts of the world there can be a situation where fabulously wealthy corporations make no tax contributions. We facilitate it, which is why I have been an advocate - the OECD is now also an advocate - of the making of minimum effective tax contributions. I have given the Minister a simple example. The banks in Ireland took the shirts off the backs of Irish workers when they were bailed out. I again acknowledge that when the Labour Party was in government, I was very much the author of the bank levy and the proposal made to the Minister's predecessor. It yields €150 million, but I am citing the small example of the banks. Paul Krugman, the Nobel economics prize winner, used the term "leprechaun economics" to describe the phenomenon the Minister has just described. When will the Minister get banks and other very large corporations to pay a fair share of tax?

Deputy Paschal Donohoe: The Deputy has made the assertion that we facilitate very large companies in paying no tax. What we do is we implement our tax policy fairly without regard to any company or individual. The Deputy has given no recognition to the many changes made in our corporate tax policy, including by me, in recent years whereby we have dealt with issues

related to hybrids and how tax is levied when income leaves the State. The Deputy will also be aware of the changes made by the previous Government that continue to be implemented by the Government. The Deputy may throw around charges of leprechaun economics which she has just repeated for her own political benefit-----

Deputy Joan Burton: No, Paul Krugman said it.

Deputy Paschal Donohoe: -----but it is my job to ensure our reputation will continue to be built because of the changes we are making. If I was to make any of the changes the Deputy is recommending and they resulted in the loss of a single Irish job, she would be the first Deputy to come into the House to castigate me for doing so.

An Leas-Cheann Comhairle: Deputy Broughan has the next question. I know that he will observe the time limits.

Banking Sector Staff

37. **Deputy Thomas P. Broughan** asked the Minister for Finance his views on the continuing job losses in the pillar and other banks and the perception among the public that banking services, including online services, are deteriorating for households and businesses. [45809/19]

Deputy Thomas P. Broughan: Of course, I will observe the time limits. Since the economic crash, the size of the workforce, particularly in the five pillar banks, has fallen by 45%. The Financial Services Union has, rightly, complained that there has been a dripfeed of information, with AIB losing 1,000 workers, Bank of Ireland losing 1,000 workers and losses in Permanent TSB and so on. The workforce has contracted as a result of Fintech and the revised payments services directive, PSD2. Obviously, it is a major problem, in particular for the banks we own.

Deputy Paschal Donohoe: I am aware of reports of ongoing and potential rationalisation within the banking sector, both in Ireland and on a wider European level. Reductions in staffing levels are always a matter of regret, as are branch closures. As Minister, I hope they can be kept to the minimum necessary to ensure the banks can meet their obligations to their customers and the need for them over time to be able to contribute to the economy.

The Deputy will be aware that the banking sector is experiencing a challenging operating environment, with an ongoing period of low European Central Bank interest rates, slower than expected loan book growth and general uncertainty surrounding Brexit. In addition, the traditional banking model has been under pressure for some years to adapt and deal with legacy issues. In such circumstances, cost management is likely to remain a high priority for banks as it is an area under their control. However, these are decisions to be made by the boards and management of individual banks which need to be run on an independent and commercial basis. The independence of the banks is protected by relationship frameworks which are legally binding documents that cannot be changed unilaterally. They are publicly available and were insisted on by the European Commission to protect competition in the Irish market. Notwithstanding this, officials from my Department have contacted the various banks mentioned by the Deputy which have all stated they are investing across all channels to improve customer experience and continue to invest significantly in their IT systems and online services.

Deputy Thomas P. Broughan: It is hard to believe the pillar banks regarding net interest

margins because we are still paying among the highest interest rates in the European Union. Therefore, the Irish banking market should be very profitable. Obviously, major developments include FinTech and new structures from the European Union. With regard to Brexit, the financial services sector currently employs 40,000 to 45,000 people and we were told a lot of companies would come to Dublin, Cork and our other cities and build on the overall financial services sector. I understand we are the eighth largest provider of financial services in the European Union. It is depressing to read constant reports of people in the pillar banks being let go. We do not seem to have new structures to take advantage of the new directives from Europe.

Deputy Paschal Donohoe: The Deputy is correct that a lot of work went on to ensure that if changes took place in the UK as a result of Brexit, Ireland would be well placed to attract additional investment and jobs. That is what we have done. Bank of America and JP Morgan have made decisions that are a result of Ireland being a competitive and stable place in which to grow financial services. I do not think that detracts any way from the Deputy's main point. Of course I acknowledge the concerns of staff working in some of the banks that are now being associated with this kind of commentary. I know that the banks take very seriously the communication they have with their employees and they need to manage this in a careful way. I need to reiterate to the Dáil that this is a matter in which I do not play a role. It is a matter for the boards of these banks and their individual managers. I expect they will do all that can be done to keep this kind of difficult change to a minimum.

Deputy Thomas P. Broughan: There is a perception that, along with declining work forces, there is also a lack of services as we have branches which have no managers, one manager managing four or five branches and so on. We signed up to the payment services directive and are seeing the impact of that in our current accounts when we get responses on our phones if we carry out transactions on the web. There is also the new system of open banking, which allows third parties to access our accounts. It is a profound change. Is it the case that the pillar banks have not committed enough to those services?

The Minister set up the culture board recently, which is very important for the banks. How will the Central Bank regulate a plethora of new financial providers based in Germany, Spain and so on, not to mention companies such as Google and Facebook? I was in Sweden during the summer and noticed that the country has become almost cashless, which seems to be the way things are going.

Deputy Michael McGrath: I refer to mortgage rates. In light of the comments of the deputy governor of the Central Bank, Ed Sibley, at the Banking and Payments Federation of Ireland conference and those of the Minister on "Morning Ireland" today, I wish to raise two key issues. The first is the massive differential between Irish rates and European norms and the second is the unfavourable treatment of existing customers compared to new customers. These are issues we have raised for some time. We have made some proposals of which the Minister not been supportive. In light of the comments of the deputy governor and the Minister's own views, does he intend to raise this issue with the Central Bank and find a way forward to improve the situation?

Deputy Paschal Donohoe: The Central Bank and Mr. Sibley have reiterated a number of important points that I and the Central Bank have made. While recognising that these are commercial decisions in which we do not play a role, I want the rate of interest offered to existing mortgage holders in Ireland to become more competitive. In order for that to happen, other changes need to be made, particularly the level of non-performing loans in our country.

On the issue raised by Deputy Broughan regarding financial service providers in Ireland, as he will be aware, to provide a service in Ireland they need to be registered in Ireland. Any entity which is providing a service must be regulated by the Central Bank to ensure it is properly regulated. As to whether I believe our existing banks have the measure of this, yes, I believe so. Some important changes are happening in some banks in regard to the digital dimension of how they provide services. This is likely to require significant and further investment in the future from banks to make sure they have the IT systems that are capable of providing these kinds of services. Some of the companies to which Deputy Broughan referred have very low levels of staff.

Illicit Trade

38. **Deputy Brendan Smith** asked the Minister for Finance the additional measures he plans to implement to deal with cross-Border smuggling and illicit trade in fuel, tobacco and drink products; and if he will make a statement on the matter. [46644/19]

53. **Deputy Brendan Smith** asked the Minister for Finance the recent discussions he or his officials have had with the authorities in Northern Ireland on the need to deal with the scourge of illicit cross-Border trade; and if he will make a statement on the matter. [46645/19]

Deputy Paschal Donohoe: I propose to take Questions Nos. 38 and 53 together.

The threat that fuel fraud and the illicit alcohol and tobacco trade pose to legitimate businesses, consumers and the Exchequer is clear and I am assured by Revenue that combating such criminality continues to be a priority for it. Steps taken by Revenue to combat the illegal fuel trade include the introduction of stringent supply chain controls and reporting requirements and a rigorous programme of enforcement action. In addition, Revenue and the UK Revenue and Customs undertook a joint initiative to introduce a new marker for use in marked fuels, which came into operation from April 2015. Revenue has also conducted random national sampling programmes in the years 2016 to 2019. I am satisfied that its work against fuel fraud and the illicit alcohol and tobacco trade has achieved a considerable level of success. For my part, I will fully consider any additional proposals for change that may be brought forward by Revenue which would enhance its capacity to deal effectively with fraud and criminality in these areas.

Deputy Brendan Smith: I thank the Minister for his reply. I commend the work of the Revenue Commissioners, as well as the times when it is supported by other statutory agencies. As we know, it often works in difficult circumstances and in many instances is dealing with dangerous criminals. Unfortunately, the illicit cross-Border trade in drinks, household fuel and tobacco products is still going on. I appeal to the Minister to constantly review the situation and give diligent consideration to strengthening some of the powers of the Revenue Commissioners. As we all know, unfortunately, revenue is being lost to our State. Allied to that are the unfair burdens put on decent and honourable small and medium enterprises, which are trying to compete with people who are trading illegally. The carbon tax is an additional burden in respect of household fuel products. Products are coming from Northern Ireland to Border counties and much further south. Our decent and honourable businesses cannot compete. We need to strengthen the powers of the Revenue Commissioners and other statutory agencies to deal with this trade which is happening as we speak.

Deputy Paschal Donohoe: The Deputy regularly raises this issue with me and I know how

important it is to the businesses and communities he represents. On a number of occasions when we have discussed this, I have made available to him information on the scale of seizures that are happening. He may be aware that as recently as April of this year, 2.9 million smuggled cigarettes were detected and removed in a single operation by the Revenue Commissioners. I will continue to respond positively to any proposals from the Revenue Commissioners in regard to additional resources or warranted powers they need. This represents a loss of revenue to our economy. It is illegal and on many occasions this revenue is used to fund further illegal and dangerous activities.

12 o'clock

I am determined to support the Revenue Commissioners in any way I can as they seek to ensure they continue to have the upper hand in dealing with this illegal activity.

Deputy Brendan Smith: We need to send a clear message to decent and honourable businesses that they will be protected as much as possible. Unfortunately, they are not competing on a level playing field as they trade in certain products. Many businesses, particularly in the Border area, are struggling. They want to pay proper wages to their employees, pay tax to the State and pay VAT. Their business is being undermined by this illicit trade. A message must go out to industry and local SMEs that every effort will be made to curtail this illegal trade and eliminate cross-Border smuggling as far as possible.

Deputy Paschal Donohoe: The message I want to send to business owners is that we want to ensure they have a level playing field. More importantly for them, the right action must be taken to create such a level playing field. I hope it is apparent from the actions I have detailed in my response to the Deputy that we are aiming to achieve this objective. We will continue our efforts in that regard.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Micheál Martin: The sexual abuse of a young child is a most vile and horrific act. The life-changing trauma imposed forcibly on the child is lifelong. It takes an extraordinary degree of resilience, courage and dignity to survive and cope with the lifelong challenges imposed by such trauma. Unfortunately, this country has witnessed a terrible history of child sexual abuse within many institutions and families. That is why there is a fundamental moral obligation on the State to protect children and respond resolutely and transparently when allegations of child abuse emerge and incidents of child abuse occur, particularly within national organisations. I understand that during tonight's edition of "RTÉ Investigates", details of which have emerged, former scouts in the Catholic Boy Scouts of Ireland and the Scouting Association of Ireland who were abused will express their concern, annoyance and anger at the fact that Scouting Ireland is being allowed to carry out its own review of complaints of sexual abuse within the organisation. Last year Scouting Ireland stated in a briefing document that it gave to the Minister, Deputy Zappone, that the organisation's internal historical review had found that some perpetrators "moved from one local group to another" and "in one case moved between two different scouting organisations". The case of David O'Brien, a former scout leader and

convicted sex offender, is an example of this practice. By his own admission, he had sexually abused up to 60 boys, most of whom were young cub scouts. He had evaded justice by moving around in the 1970s and 1980s. He pleaded guilty to sexually assaulting Paul O'Toole who has said:

That was the moment my childhood ended. It was where a normal childhood should have went on. But mine stopped.

Colm Bracken who was victimised by two scout leaders, including David O'Brien, has said the abuse was his first sexual experience. He continued:

They shattered my soul. They killed my soul.

It is clear from the Scouting Ireland briefing document that files went missing. It took many years for Scouting Ireland to commence the investigation. It has confirmed that there are indications in its internal review of "extensive, prolonged and organised child sexual abuse" and of how "adult members who preyed on children were protected". There were repeated failures to take effective action. There are approximately 400 alleged sexual abuse complaints, involving 247 alleged perpetrators. There is no question about the fact that Dr. Geoffrey Shannon agrees with the former scouts who were abused. In the light of the scale of the abuse that occurred, as revealed in "RTÉ Investigates", will the Taoiseach give a commitment that the Government will establish a transparent and independent statutory inquiry? Is the Government prepared to do this?

The Taoiseach: We all agree that crimes against children are among the most heinous. Crimes of a sexual nature against children are particularly unspeakable. As a society, we need to do all we can to protect children and bring perpetrators to justice. I understand tonight's edition of "RTÉ Investigates" will cover some cases of historical abuse in scouting organisations from the 1970s and 1980s. It is always very harrowing to hear survivors describe awful experiences of abuse when they should have been safe, protected from harm and able to have a normal childhood. The Government has been aware of these issues for some time. It has been engaging with Scouting Ireland to ensure its current child protection and safeguarding policies are fit for purpose and greatly enhanced by comparison with those that applied in forebear organisations, including those mentioned by the Deputy. To that end, Scouting Ireland is working closely with Tusla. I was encouraged to hear my colleague, the Minister for Children and Youth Affairs, Deputy Zappone, recently report her satisfaction with the progress Scouting Ireland had made on safeguarding and governance. However, she recognises that further work remains to be completed in that regard.

Keeping children and young people safe always has the highest priority. It is vital that everything continues to be done to ensure the thousands of children who attend scouting organisations throughout the country are safe, protected and free to enjoy themselves and avail of the many benefits that accrue from participation in such organisations. A great deal of work is being done to ensure there are no ongoing concerns about Scouting Ireland, to assure parents whose children become scouts that their children are safe and protected and to make sure the child protection standards that were not in place in the 1970s and 1980s when they should have been are now in place. The Government will consider the establishment of a commission of investigation or a statutory inquiry of some nature. I will discuss the matter with the Minister. As is always the case when it comes to statutory investigations, we need to tread carefully and get it right. Under no circumstances would we want to carry out a statutory inquiry that would

jeopardise any potential or ongoing prosecution. It is possible to undertake a statutory inquiry without putting prosecutions in jeopardy. It is a question of getting the terms of reference right. I will discuss the issue with the Minister on foot of ongoing events, including tonight's programme.

Deputy Micheál Martin: When similar allegations and cases emerged in the church, there was never any question of the church conducting its own internal investigations. When I initiated an inquiry in the diocese of Ferns on the basis of allegations that had been made, I did not seek anybody's permission. It was not contemplated that the diocese would investigate itself. The same happened in the cases of the diocese of Cloyne and the diocese of Dublin and in other organisations. The Government of the day initiated independent statutory inquiries into abuse in the sport of swimming and institutions such as industrial schools. I would have been involved in some of those decisions. Dr. Geoffrey Shannon, a well respected expert in child law and a former special rapporteur for children, has made it clear that no organisation against which allegations have been made involving former members of that organisation should investigate itself. That is a very basic principle. To put it mildly, a mistake has been made in this instance. I am saying this with the best of intentions. I will not engage in anything of a partisan political nature. I simply believe Scouting Ireland cannot be allowed to investigate itself. In saying that I am not casting any aspersion on the current leadership of the organisation. I respect the efforts people in the current leadership are making. I also respect that thousands of people enjoy scouting and it is important that we protect them. It is imperative for the victims and survivors that an inquiry be statutory, independent, transparent and public and that it should not be conducted by the organisation itself.

The Taoiseach: The Deputy is correct that when it comes to matters such as this and crimes of a sexual nature against children, it is not adequate for an organisation to investigate itself. Of course, other investigations may get under way, such as a Garda investigation because these are crimes which can be prosecuted. We need to bear in mind that this abuse occurred in the 1970s and 1980s-----

Deputy Micheál Martin: I forgot to point out that it is not just about the 1970s and 1980s, as will be made clear by the programme to be broadcast tonight.

The Taoiseach: -----in organisations that no longer exist, having been replaced by Scouting Ireland. The Minister for Children and Youth Affairs, Deputy Zappone, commissioned former Senator Jillian van Turnhout to undertake a review of governance and safeguarding in Scouting Ireland in May 2019 and Ms van Turnhout made several recommendations that have been implemented in full by Scouting Ireland. I will take the Deputy's comments on board and will discuss the matter with the Minister, Deputy Zappone. We will come to a decision in the near future on the best way to proceed, which may include a statutory investigation.

Deputy Jonathan O'Brien: Last week, I raised with the Taoiseach the issue of the growing crime problem, particularly drug crime, in Cork and the lack of Garda resources to deal with it. He stated that he was unable to comment directly on the issue as he did not have an up-to-date briefing. I hope he has since received such a briefing, particularly in light of the smash and grab organised online this week which led to 100 youths running up and down St. Patrick's Street with their faces covered. Only for the quick action of the Garda, untold damage could have been caused to businesses.

In case the Taoiseach has not received an up-to-date briefing, I will give him a flavour of

the situation, as outlined in a recent statement given by the Garda Representative Association, GRA, to the *Irish Examiner*. He does not have to take my word on this issue. The GRA stated that, as a result of a shortage of 125 front-line gardaí, the people of Cork city are not getting the policing service they deserve. It stated that gardaí are bogged down doing secretarial work, a situation it described as farcical considering there was supposed to be a major push to bring in civilians to do the administrative work within the force. It further stated that single-officer patrols are now a regular occurrence in areas such as Douglas, Ballincollig and Blarney and that these are a health and safety issue for members of the force. The district detective unit, which is currently investigating several murders and is expected to also investigate other very serious crimes, had its numbers almost halved from 30 in 2013 to its current complement of 16. At one point last year, the protective services unit, which investigates sexual crime, had to stop taking on new cases, as I pointed out last week to the Taoiseach. Each garda in the unit is dealing with up to 39 complex cases. This situation is no longer acceptable or sustainable.

Padraig Harrington, a member of the GRA's central executive committee, has stated on record that calls for more gardaí in Cork are falling on deaf ears. He further stated that if the requests do not come from divisions in Dublin, senior management in Dublin do not want to know, and that several new patrol cars assigned to the southern region earlier this year were subsequently diverted to divisions in Dublin.

That is the reality in Cork city and its suburbs. That is what we are hearing on doorsteps while canvassing. People are concerned for their safety and that of their families. Communities are concerned. People are entitled to feel safe regardless of whether they are from Ballsbridge or Knocknaheeny, Foxrock or Mayfield. All we are asking for in Cork is a fair allocation of resources. Last week, the Taoiseach stated - and the Tánaiste reiterated last Friday on local radio - that he would discuss with the Garda Commissioner the issues I raised in this Chamber last Wednesday. Has he done so? If not, why not?

The Taoiseach: I wish to congratulate the Garda on its swift action to prevent rioting and criminal damage in Cork. I do not think there were 100 masked youths on the street. The matter is under investigation, but I do not think that is quite what happened. Certainly, the Garda acted swiftly to prevent any crimes being committed or criminal damage being caused. It is a very good example of policing working in Cork and in Ireland more broadly.

There are now more than 14,000 gardaí. The Government reversed the decision of the previous Government to stop the recruitment of gardaí. We have been recruiting and adding to the Garda force ever since. There must be more than 1,000 members of the Garda based in Cork city and county. Of course, how they are rostered and deployed is a matter for the Garda Commissioner rather than the Government, and that is as it should be.

I respect the fact that the GRA has called for additional Garda resources in Cork but it has also called for extra resources on the Border, in Donegal and in Dublin. That indicates to me that we need more and better-equipped gardaí in all parts of the country, not just in Cork. That is precisely what we are doing. The Garda budget for next year will be nearly €1.9 billion, the biggest Garda budget ever, and will enable us to continue to recruit more gardaí. The reforms being led by the Commissioner include the recruitment of more Garda staff, which will take gardaí out of offices and away from counters and onto streets, into patrol cars and onto bikes in the community, where people wish to see them. That is all under way. The guarantee I can give to people in Cork and all other parts of the country is that they will continue to see an increase in the number of gardaí in communities not just because we are recruiting additional members of

the Garda but also because we are equipping them better and reforming the Garda service such that there are fewer chiefs, less management and administration and more gardaí on the beat or in cars, available for the public to see them, which is what the public wants.

Deputy Jonathan O'Brien: The number of cases of robbery from the person in Cork between January and September this year is up by 90%. Assaults causing harm in the same period increased by 16%, while minor assaults in Cork city increased by 19%. That is the reality with which we are dealing. The Taoiseach can talk about additional resources all he wants, but those resources are not coming to Cork. I asked him a specific question. He gave a commitment last week to discuss the concerns I raised with him in this Chamber with the Garda Commissioner. Has he done so? If not, why not?

The Taoiseach: I have not yet had the opportunity to do so, but I will the next time I meet the Garda Commissioner.

Deputy Jonathan O'Brien: That is not good enough.

The Taoiseach: We meet regularly in the context of the Cabinet sub-committee on security. As the Deputy will appreciate, the Minister for Justice and Equality, Deputy Flanagan, meets the Commissioner more regularly than do I and has already raised the issue with him on behalf of the Government.

The Deputy referred to statistics. I am a believer in science - this is Science Week - and I like statistics, but we can sometimes be a little selective in our use of them. I will provide two figures to which the Deputy did not refer.

Deputy Jonathan O'Brien: There are people behind each of these statistics.

The Taoiseach: That is so. I will provide other statistics which also have people behind them. In the past year, burglaries are down by 10% nationwide. We should welcome that. The decrease is to be encouraged, particularly in rural areas where we are seeing a significant reduction in burglaries because of action the Garda has taken. In the past year, murders and homicide offences are down by 40% as a result of the excellent work being done by the Garda.

Deputy Jonathan O'Brien: Murders and other homicides have increased in Cork.

Deputy Thomas P. Broughan: Ms Dara Quigley, a constituent of mine from Clonsbaugh in Dublin Bay North, died tragically by drowning on 12 April 2017. Dara was a talented young journalist and community activist. Among her writings were a sharp and insightful blog entitled "Degree of uncertainty" and articles for the *Dublin Inquirer* newspaper. Her community activities included a strong role in the water charges protest movement. On the morning of 7 April 2017, Dara was emotionally distressed and found walking naked on Harcourt Street by members of An Garda Síochána who detained her under the Mental Health Act 2001.

This incident was recorded by Garda CCTV cameras and a recording of the footage showing Dara in great distress was allegedly shared in a WhatsApp group, posted onto Facebook and viewed over 125,000 times. Dara became aware of the disclosure while spending some time in rural County Tipperary and five days later she died there by drowning. The tragedy has had a devastating impact on Dara's mother, Ms Aileen Malone, her siblings and family. They have striven tirelessly to secure accountability and justice for Dara and to support moves in this House and by the Irish Council for Civil Liberties to end online image-based sexual abuse.

The Garda Síochána Ombudsman Commission, GSOC, undertook an investigation of the leak and dissemination of the CCTV footage. Last August, GSOC informed me that its disciplinary investigation had concluded and a report pursuant to section 97 of the Garda Síochána Act 2005 containing recommendations was forwarded to the Garda Commissioner, Drew Harris, on 25 July. GSOC went on to state that the matter rests with the Garda Commissioner in terms of the application of the Garda discipline regulations but was unable to give a timeframe to the family or to me.

Dara's family requested a copy of the GSOC report but this was refused. Surely, they are entitled to that. In August 2018, the Data Protection Commissioner confirmed to Aileen Malone that Dara was the victim of an unauthorised data breach, which is an offence under section 22 of the Data Protection Act, as amended. I was also informed by GSOC that Mr. Joe Kelly, the coroner for north Tipperary, was preparing to hold the inquest into Dara's death last month but this has still not happened. Dara's mother and her siblings also asked for a meeting with Commissioner Harris. I also contacted the Commissioner supporting that request but unfortunately, so far, that has been declined.

Would the Taoiseach agree that non-consensual distribution of private and intimate images can have appalling consequences? Would he also agree that it is particularly shocking that the publication of these images is based on CCTV footage allegedly linked to An Garda Síochána? Will the GSOC report now be made speedily available to the family and to their solicitor, Mr. Gareth Noble, so that a long-delayed inquest may be held?

Over recent weeks, through Joe Duffy and other journalists, there has been a major public debate about harassment and bullying and the stories of other tragic victims of online abuse have been brought to public attention. I am aware of the work on the matter by the Joint Committee on Justice and Equality led by Deputy Ó Caoláin and of Deputy Howlin's Harassment, Harmful Communications and Related Offences Bill 2017. Do we not need to act very fast in this area?

The Taoiseach: I agree with the Deputy. On whether the GSOC report can be provided to the family, as he knows, GSOC operates independently of Government and independently of the Garda. However, we will make inquiries as to whether it is possible to share that with the family. At the very least, if there is some reason it cannot be shared, the family should know why.

I take this opportunity to express my condolences and those of the Government to the family of Dara Quigley who sadly died by suicide. The loss of a loved one is always difficult and the grief and trauma experienced by her family due to the circumstances of her death must be particularly harrowing. I also commend her family on how they are raising awareness of important issues including the sharing of intimate images without consent, which can have a severe impact on people's mental health. I am confident that what they are doing will add to the legacy of Dara through her work and achievements as a journalist and an activist.

I am aware of four particular issues that are being raised: our laws on the creation and sharing of private sexual or intimate images without consent, which the Deputy mentioned; appropriate training for gardaí; the regulation of CCTV; and greater transparency from social media companies about how they deal with image-based sexual abuse. Regarding the creation and sharing of private sexual or intimate images without consent, the Government has agreed an action plan for online safety following the Law Reform Commission report on harmful com-

munications and digital safety, which highlighted the ways in which modern technology can be used to cause harm.

While we already have legislation dealing with harassment and harmful communications, changes now need to be made to ensure that our laws reflect advances in technology and changes in how we communicate. The Minister for Justice and Equality is already working on legislation to strengthen the criminal law in the area of harmful communications, both online and offline. As well as modernising the laws on the sending of threatening or abusive messages, the Harassment, Harmful Communications and Related Offences Bill, sponsored by Deputy Howlin, will introduce a distinct offence of stalking and will provide two offences to deal with non-consensual recording and distribution of intimate images.

On training for gardaí, the Garda is continually improving its specialist services. To respond to the needs of special victims, the Commissioner is now setting up divisional protective service units, the equivalent of special victim units, SVUs, that people will be familiar with from New York and elsewhere in the United States. These will have specially trained officers who can engage and interview victims of sex-related crimes. That will enable a much more consistent and professional approach to the investigation of sexual crimes and domestic violence in particular.

More generally, a range of human rights-focused reforms are being introduced under a policing service for the future, including the establishment of a human rights unit in An Garda Síochána and human rights training for all Garda members, and the codification of legislation defining police powers of arrest, search and detention.

Deputy Thomas P. Broughan: I thank the Taoiseach for his response and his positive intentions to take action in this area. We have the example of how this is addressed in other jurisdictions, such as Australia and New Zealand. Australia has an e-safety commissioner. We clearly need to move to get Deputy Howlin's Bill passed as soon as possible.

Many people also feel that even the mightiest online platforms, many of which are based just down the road from us, should be held to account directly as publishers when abusive material victimises innocent citizens. That debate has gone on for 20 years since President Clinton's time. They are, in effect, responsible for material that appears.

The Taoiseach mentioned training for gardaí. One of the other issues that has emerged is the ubiquitous nature of CCTV. We now have facial recognition where operators need to be carefully trained and vetted.

Most of all today, of course, we remember Dara and her valuable contribution to Irish life. I thank the Taoiseach for his comments on that. We also remember the shocking circumstances of the widespread and awful publication of images of her in distress. Her mother, Aileen, and her siblings - her father sadly passed away a few months ago - rightly demand accountability and justice.

Further to the Taoiseach's comments, I hope the GSOC report will be made available to the solicitor and family and that we will be able to hear what action Commissioner Harris will take. Given that an offence was committed, perhaps there will be action by the DPP and I will welcome the response of the Minister, Deputy Flanagan, on that.

The Taoiseach: The Deputy mentioned the issue of CCTV, which is not quite ubiquitous, but is very commonly present in buildings and on our streets. CCTV is a force for good. It de-

ters crime and enables us to prosecute criminals where crime takes place. It is regulated by law. For example, the Garda Síochána Act 2005 regulates both Garda CCTV and community CCTV in public areas. I know Deputies are familiar with the protections offered by the data protection law over the use of these images. The Data Protection Commission has released guidance, which is available on its website, on CCTV and data protection. It is currently conducting an audit of the practice, operation and governance of CCTV as part of a wider inquiry into surveillance through the use of technologies for law enforcement purposes.

I agree that social media companies can do more in this space. If explicit images are being shared on their platforms, they can do more to prevent them being uploaded in the first place and if they are uploaded, prevent them from being distributed afterwards. Facebook often comes in for criticism. However, Facebook seems to be more effective than other platforms in ensuring that sexual images do not appear on Facebook or at least rarely appear on Facebook. Other platforms could do more in this space.

Deputy Eamon Ryan: I do not know if the Taoiseach saw the appearance of Blindboy from the Rubberbandits on “The Late Late Show” about two weeks ago. He put it brilliantly when it comes to climate change. He answered the question that was put, “Why should we do anything in Ireland because we are only a small country?” He said that whatever about our carbon footprint, our cultural footprint is enormous. As a country, we are ready and willing to step up to the plate on the issue. On Monday night, RTÉ broadcast a really good programme “Will Ireland survive 2050?” There was a particularly brilliant programme last night, “Hot Air”, which shows that stepping up and addressing this challenge is doable and will be good for this country, if only we did not have Fine Gael. Fine Gael has a blind spot on this climate issue that stares at us every day. The latest example is that Fine Gael is now thinking about widening a 22 km section of the M11 to get traffic more quickly and better into Dublin, that is, more cars. How is that going to help or benefit our country in any way? Hundreds of millions of euro will be spent on this new road-widening exercise but where will the traffic go when it gets to the junction with the M50? We know for scientific fact that the M50 is goosed. It cannot take any more cars and cannot be widened any further. The section between Cherrywood and Sandyford will be the worst affected as traffic continues to grow. It is not possible to put any more cars on the M50. Maybe it is thought that the traffic will drive into town down the Blackrock road or the Donnybrook road. Anyone who knows this city knows that they cannot take any more traffic.

The Government, however, is starting to do something right. At long last the National Transport Authority, NTA, is starting to listen and will change the Bus Connects project so that it is building communities not corridors. When it hits Nutley Lane or the Blackrock road, it will not take out all the trees or put four-lane highways everywhere. It will start to provide for cycling and walking and buses which is what that programme last night, “Hot Air”, told us we need to do.

New housing is going to the outer counties around Dublin, under the watch of the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy. It will force all those people, with no public transport options, to drive for two or three hours in and out of Dublin every day. That is injurious to their health. When will they see their families? How can we tackle climate change if the Government is all about sprawl? That is what the Government’s transport policy is all about. I could pick a dozen other examples around the country but this may be the most egregious one because we fought the argument on it before, in the Glen of the Downs, when we said 20 years ago that investment in public transport would serve our people better. We did not do that and now we are making the same mistake again, thinking that road building

can solve our traffic problems. It cannot and will not. This is madness and should stop today.

The Taoiseach: There is a lot of talk about climate action and a little bit of hot air too. I believe we need action, actual policy decisions, changes being made and led by Government but also by communities and business individuals as well. I will give one or two examples of major policy decisions and actions taken by the Government in the past six to eight weeks when it comes to climate action.

Deputy Eamon Ryan: Tell me about the M11. Tell me why that is being widened.

The Taoiseach: If the Deputy would give me 30 seconds at least I will come to answer his question. In the past couple of weeks, a decision was taken to take peat off our electricity grid, many years earlier than originally intended. It is not an easy decision for the midlands and is a big test of the just transition. It was a difficult and right decision taken by Government and State agencies. A total of €500 million has been secured for the Celtic interconnector in order that we can connect our electricity network to that of continental Europe and really expand wind energy in Ireland.

There was a difficult decision but the right one, supported by the Deputy but not by others, to increase the carbon tax in the budget and to ring-fence those proceeds from it for further climate action. There was also a decision taken to restrict exploration for oil in our waters. As for investment in transport, we have a difference of opinion on that. The Government policy is that we should prioritise investment in public transport over roads in a roughly 2:1 ratio and that is precisely what we have in Project Ireland 2040. If we take out maintenance, and I think we all agree that we have to maintain our existing infrastructure, Project Ireland 2040 favours public transport investment 2:1 over roads investment. That means projects such as the Luas capacity expansion, benefiting the Deputy's constituency which is now under way, as well as BusConnects, which I am glad to hear the Deputy now supports.

Deputy Eamon Ryan: I always have.

The Taoiseach: The additional carriages that we have ordered for the commuter lines to Kildare, Drogheda and Maynooth, which will increase the capacity on those lines by 34% in 2021 to the benefit of my constituency and others, and MetroLink, which is making a lot of advances.

As the Deputy mentioned one road project I think it is only fair that I mention some of the many public transport projects that are happening under this Government. We do need some investment in roads. We need to better connect ports such as Rosslare and Foynes to our road and motorway network. There are towns around the country that need bypasses, such as Adare, Virginia or Ardee, because bypasses will calm those towns. As we move into the future and have more electric cars, hybrid buses and more trucks powered by hydrogen, they will need roads. That is why it makes sense in some circumstances to have bypasses in order that those electric vehicles and hybrid buses and hydrogen-powered trucks are not going down the main streets but are going around the bypass instead.

Deputy Eamon Ryan: In his next response, will the Taoiseach answer the question? What is the transport logic of widening the road, not bypassing but running through the Glen of the Downs? Where is that traffic going to go? How is that going to serve the long-distance commuters, who are only going to get stuck in more traffic as they come into Dublin?

The Taoiseach is a former Minister for Transport, Tourism and Sport. What is the transport logic of widening the M11 for 22 km at massive expense when that money could be used to provide public transport solutions that might actually work for our people? We will never tackle climate change if the Government continues this road building, leading to sprawl with housing going further and further out and people stuck in traffic forever and a day. Whether they are in electric cars, using diesel or petrol does not matter, they are all stuck in traffic. This road is primarily for long-distance commuting. There is only 2% HGV traffic on it compared with the other motorways, all of which are widening into Dublin at the same time. How does widening the M11 for 22 km make climate sense, transport sense or economic sense? The Government should spend the money on public transport instead. The Taoiseach should please answer the question, what is the argument for the M11 being widened?

The Taoiseach: I will be very frank with the Deputy. I am a former transport Minister and I have a great interest in transport and continue to keep up to date with it as much as I can. I met the Secretary General of the Department of Transport, Tourism and Sport, only last week to talk about some of these projects. This must be one that is only being examined because it was not even on the agenda. It must be one that really is only being looked at and considered. It is good to look at these things and not just to dismiss them out of hand for ideological reasons. It is being examined, I understand, by Transport Infrastructure Ireland, TII, which will take into account all the benefits, all the potential downsides and come to an analysis of whether it makes sense to proceed, which will then go to Government. If I were to think about potential benefits from M11 widening, which may or may not happen, I can see two. The first is much better access for trucks to the south east, to the port in Rosslare. Perhaps it would make sense, rather than having everything coming into Dublin Port and going out on the M50 to all the hubs and distribution centres around the M50, to have more going into Rosslare and coming up from the south east. These could be hydrogen-powered trucks, green trucks. Second, an area of potential benefit for the many commuters from places such as Gorey and Wexford would be to use the widening to provide a dedicated bus lane, which would allow those buses to get to Dublin, where people work, much more quickly but that is just off the top of my head.

Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation

An Ceann Comhairle: That concludes Leaders' Questions.

Before moving to Questions on Promised Legislation I wish to point out that we already have 31 Members indicating, 15 of whom are carried forward from yesterday. Leaders' Questions routinely now runs over time. We do not get everyone in on Questions on Promised Legislation because Members do not adhere to the allocated time of one minute for questions any more than they adhere to the Leaders' Questions timeline. Constantly ignoring the rules of the House is seriously corrosive of the parliamentary system.

Deputy Mattie McGrath: Hear, hear.

An Ceann Comhairle: It feeds into all sorts of other difficulties. It is not anything to laugh at. It is more to be regretted than-----

Deputy Mattie McGrath: Everything is a laughing matter for them. They will get the last

laugh when they go to the people.

An Ceann Comhairle: Deputy McGrath, we do not need to get into that here.

Deputy Micheál Martin: I think Deputy Mattie McGrath means the people will get the last laugh.

Last week, Deputy Eoghan Murphy and other Deputies raised the issue of Cuisle, the respite holiday centre in Roscommon run by the Irish Wheelchair Association-----

Deputy Josepha Madigan: I think Deputy Micheál Martin means Deputy Eugene Murphy.

Deputy Micheál Martin: I will start again.

Last week, Deputy Eugene Murphy and other Deputies raised the situation regarding Cuisle, a respite holiday centre in Roscommon run by the Irish Wheelchair Association and funded by the HSE. Under the programme for Government, there are significant commitments to respite services. The issue is a shortage of funding of €1.2 million required for refurbishment for fire safety compliance at the centre. More importantly, it is a facility which provides serious and good respite care for people with disabilities. Given that there is a paucity of such services and that respite has been curtailed continuously over a period, I ask the Government to engage with the Irish Wheelchair Association to provide the necessary capital funding that could be found to ensure the service continues. There are 48 people employed at the centre and it has been doing good work for a long time.

Minister of State at the Department of Health (Deputy Catherine Byrne): The Minister intends meeting management of both the HSE and the Irish Wheelchair Association over the coming days seeking clarification about the service and its users, as well as about concerns raised by other Deputies here.

Deputy Louise O'Reilly: SIPTU and Connect Trade Union workers in SK biotek Ireland are on the picket line this morning. They have effectively been locked out of their workplace. I met with the 140 workers and their representative at 8.30 this morning. It is six weeks to Christmas and they have been locked out.

Will the Taoiseach join with me in urging the company to honour the transfer of undertakings agreement and constructively engage with these workers? The programme for Government contains many commitments to job creation. We also need to look at the protection of workers' rights, existing agreements and the protection of 140 jobs in the company.

The Taoiseach: I thank the Deputy for raising this matter. I am not familiar with this particular dispute but I will ask my people to check into it. I will send the Deputy a reply in writing.

Deputy Brendan Howlin: In responding to Deputy Broughan on a most serious issue, the Taoiseach referred to the Harassment, Harmful Communications and Related Offences Bill 2017. The Bill was supposed to have been enacted last summer. I note the Department of Justice and Equality had brought a group of Bills to enactment last year but this was not one of them.

More than half of Deputies who responded to a recent survey carried out by RTÉ stated they had personal death threats made against them while 70% of them had threats of physical violence. Some female Deputies stated they had been threatened with rape. One has to have a

certain thick skin to be involved in politics. However, most of us realise - one sees this happening in the UK – that the threshold is often overstepped. We need to protect against hate speech and viciousness online.

A contributor to our party conference last weekend, a Kenyan-born candidate, spoke about the overwhelming sexist and racist bullying she experienced online.

An Ceann Comhairle: Time is up.

Deputy Brendan Howlin: We need to enact this legislation. Can I have timeframe?

Minister for Justice and Equality (Deputy Charles Flanagan): I agree with the points raised by Deputy Howlin. I am on the record on several occasions in this House, as well as outside, saying there is an urgent and important need to update our laws in this area, in particular the Prohibition of Incitement to Hatred Act which has been on the Statute Book for over 30 years. That is why there is currently a public consultation under way to ensure we have an appropriate level of data and we listen to the views of stakeholders and others. This is due to close in two weeks' time.

The other legislation referred to by Deputy Howlin is his own Bill. I was very keen, on behalf of the Government, to ensure we could move efficiently and effectively on that. That is why we adopted the Bill. My office is in consultation with the office of Deputy Howlin with a view to ensuring we can have an appropriate set of amendments by the end of the year.

An Ceann Comhairle: Time is up, Minister.

Deputy Charles Flanagan: I recognise the urgency of this matter and I acknowledge the co-operation of Deputy Howlin and other Members. This is an issue we must tackle together if we are to ensure the climate is appropriate for people entering public life and dealing with what is an unacceptable trend, in particular in social media.

Deputy Ruth Coppinger: Yesterday, the Taoiseach was asked about legislation on money leaving the country which is earned by migrant workers here. An extraordinary figure of billions of euro was given about one particular group. The Taoiseach will agree that it is important the Dáil record is accurate and corrected.

Today, UNITE, IBEC and others have put out the real figure for that group which is €17 million per annum. The Deputy who raised it knew full well because he got an answer on 22 October in the Dáil but he chose not to use that figure. Obviously, the truth was unimportant in comparison to his aim. He actually exaggerated the figure by over 31 times.

If the Deputy is very concerned about money leaving the country, he could look no further than Apple, Google, Facebook and many other multinationals which have large turnover here. However, I do not think Deputy Grealish cared about that. He had no problem with the €64 billion leaving the country to bail out foreign and native banks.

An Ceann Comhairle: Thank you Deputy. The time is up.

Deputy Ruth Coppinger: He had no problem sending cervical smear testing abroad which his former party pioneered.

On one final point about the Nigerian community, a Cheann Comhairle.

An Ceann Comhairle: The Deputy is way over time I am afraid.

Deputy Ruth Coppinger: One in four of my constituents is from outside of Ireland. I have been inundated with calls from people. Nigerians and many other groups-----

An Ceann Comhairle: The time applies to the Deputy the same as everybody else. The Deputy is out of time.

Deputy Ruth Coppinger: They drive our taxis, staff our hospitals and work as carers. They are entitled to earn money and the few hundred euro they send abroad-----

An Ceann Comhairle: Please, Deputy.

Deputy Ruth Coppinger: It is important this is corrected. It got massive publicity yesterday. For 20 hours, these figures were report uncorrected.

Deputy Michael Collins: That was the point.

The Taoiseach: On a point of information and clarity, the figures we have from the Central Statistics Office, which is under my Department and a well-regarded and reliable statistical agency, indicate that remittances from Ireland to Nigeria are about €17 million a year, which is not an enormous figure. For Poland, it is €342 million; Latvia, €50 million; Hungary, €28 million - I could go on. These are the figures from the CSO.

The figures Deputy Grealish used were from the World Bank. I understand the World Bank remittance figures relating to Nigeria are estimates provided to the World Bank by the Nigerian authorities and are not actual data. We believe the World Bank migration remittances back book in respect of remittance flows between Ireland and Nigeria are open to serious scrutiny. We believe our statistics are the accurate ones and not those of the Nigerian authorities.

Deputy Ruth Coppinger: Is Deputy Grealish going to come into the Chamber to apologise?

An Ceann Comhairle: The Deputy is not having a second bite of the cherry.

Deputy Ruth Coppinger: Will the Ceann Comhairle ask him to apologise?

An Ceann Comhairle: Please, Deputy.

Deputy Ruth Coppinger: He got 20 hours of publicity.

An Ceann Comhairle: I call Deputy Broughan.

Deputy Thomas P. Broughan: Ten days ago, Ms Justice Úna Ní Raifeartaigh struck down section 44(10) of the Road Traffic Act 2010, amended by the Road Traffic Act 2016 which was brought in by the Minister for Transport, Tourism and Sport, Deputy Ross. She stated it was incompatible with the Constitution. The section relates to whether one has received a fixed charge notice and not allowing people to use the defence that one had not received it. She said it contradicted section 35 of the 2010 Act.

Many of my constituents, particularly those involved in road safety, are concerned how this could have happened in 2016. How come we could not have got this right? I have asked the Minister many times about consolidating road traffic law but he has basically told me to get lost

and that it cannot be done. We have consolidated tax law and law in many other areas. This is another glaring example of the kind of loopholes in road traffic law which should not be allowed to happen. This happened under the Minister, Deputy Ross.

The Taoiseach: The Department of Transport, Tourism and Sport is studying the judgment and will respond to it in due course. There is always a possibility of an appeal. Consolidated road traffic legislation is long overdue. What has happened in recent years is that priority has been given to reforming road traffic legislation, which Deputy Broughan has rightly supported, with cracking down on drink-driving, speeding and other dangerous offences rather than consolidation. A road traffic consolidation Bill is long overdue.

Having said that, it would be a mistake to believe that the courts cannot strike down sections of consolidated legislation as well. They have certainly done that in the past.

Deputy Mattie McGrath: As the Minister for Culture, Heritage and the Gaeltacht is in the Chamber, I want to raise the serious issue of wild deer causing accidents on our roads in County Tipperary and west Waterford. From a health and safety point of view, somebody is going to be killed. The deer are causing accidents and destroying cars every day, as well as causing accidents between cars on the motorway and on the byroads. In 2015, the Department of Culture, Heritage and the Gaeltacht initiated a survey but nothing has happened. This is a huge health and safety issue. There is also damage caused by deer to crops and farm fencing. Bucks and does, heavy animals, are being killed on the roads day and night, as well as causing huge damage. I am worried somebody will be killed.

Deputy Danny Healy-Rae: Deputy Mattie McGrath said somebody would be killed. In County Kerry several people have been killed, while others have been maimed and injured. It is not good enough that roads are infested with deer, many of which are roaming into towns and villages, with no law and order being enforced. When they cause an accident, no one claims ownership of them, but if somebody shoots one of them, there is an investigation by An Garda Síochána and the National Parks and Wildlife Service. There is no accountability, which is unfair to motorists because they are not safe on the roads.

Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan): I thank the Deputies for their questions. They have previously raised this issue on the floor of the Dáil. It might be useful if they were to submit it as a Topical Issue matter as it would allow a more lengthy discussion on it. The Deputies will be aware of the deer management programme for Killarney National Park. Licences are issued through the National Parks and Wildlife Service, but I will be happy to deal with the matter again outside the Chamber.

Deputy John Curran: For the third time this month I raise the issue of the availability of Spinraza which I am aware was raised yesterday. It was approved in June for 25 children with spinal muscular atrophy, SMA. At the time they and their parents had a realistic expectation that they would receive the drug over the summer months. When I raised the matter in October, the Minister for Health, Deputy Harris, was unaware of how many had received it. Last week he told me to talk to the parents' group which would update me on the matter. Up until last week, three children had received it. No child received it in October. When the issue was raised yesterday, the Taoiseach said he thought the HSE was meeting on 24 November to discuss the issue. Another meeting is not required as a decision has been made. I am asking the Taoiseach and the Minister to instruct the HSE to deal with this issue urgently, to ensure the funding is in place and to inform the parents and the children when the treatment will be provided. They

were given hope which has since been withdrawn from them. This is impacting not only on the parents but also on the children, many of whom are disappointed that the treatment they expected to receive last summer has not yet been provided. I appeal to the Taoiseach to ensure the response will not just be the holding of another meeting but an instruction that a programme be put in place to deliver the drug and deliver it quickly.

Deputy Lisa Chambers: That was promised in June and I am not exaggerating the impact it is having on a young girl in my constituency, Grace O'Malley. I cannot put into words how upset her mother is. The latest update which they received last week from Mona Baker, chief executive officer of Temple Street Children's University Hospital, is that because Grace has a spinal rod in her back, she is a complex case and that a new service will have to be put in place to administer the drug and that an application for funding for this service was made for inclusion in budget 2020. They are distraught. They are so upset and believe there is no light at the end of the tunnel. When I sought an update on the matter from the Minister for Health a couple of weeks ago, his response was that when he had given the go-ahead for the drug to be made available, he was not aware that a new team would be required in the hospitals to administer it. To say that is incompetent is putting it mildly. I cannot understand how the Minister did not know what was required to deliver the drug. Surely, he would have been told in his consultations with the doctors in the hospitals what was required.

An Ceann Comhairle: Time is up.

Deputy Lisa Chambers: It will be next year before Grace receives her treatment, which was promised in June. This issue needs to be sorted and the family cannot wait any longer.

The Taoiseach: I thank the Deputies for their questions. This issue was raised yesterday by Deputy Micheál Martin, following which I sought and received a written update on the matter which was passed on to Deputy Michéal Martin's office yesterday. I will make sure it is passed on to the offices of Deputies Curran and Lisa Chambers today. Unfortunately, this is not a simple matter. The drug has been approved for reimbursement, but it is not merely a matter of providing funding or a political instruction. This is not a normal drug. It must be administered in particular circumstances which sometimes require a lumbar puncture, sedation and the presence of an anaesthetist. It is a complicated process. It is almost like an operation, rather than the administration of a medicine.

Deputy Lisa Chambers: Why was it not put in place in June?

The Taoiseach: The matter is being progressed, but it is not as straightforward as may have been thought a few months ago.

Deputy Tom Neville: The announcement last week on the Adare bypass was welcome, for which I thank the Minister for Transport, Tourism and Sport, Deputy Ross; the Taoiseach and the Minister of State, Deputy Griffin. Will the Taoiseach confirm if a planning application for the project has been submitted to An Bord Pleanála and, if not, when it will be sent to it?

The Taoiseach: I thank the Deputy. A decision was taken by the Government to approve the project which provides for a bypass around Adare and which will also link the port of Shannon Foynes with the main road network. I do not know if the application has yet been made to An Bord Pleanála. I understand the decision we made was to give approval to Limerick City Council and Transport Infrastructure Ireland to do exactly that. I will seek a further update for the Deputy which I will make sure he will receive before the end of the week.

Deputy Pat Casey: I refer to the programme for Government in the context of job creation and rural development. On Monday night senior management at Rondo Foods in Arklow announced the potential relocation of the facility to Germany. That would result in 130 jobs being lost in the Arklow area, the impact of which on the families affected and the wider area would be immeasurable. The company has had financial difficulties for a number of years, like most exporting companies. I have been in discussions with management and the staff. There are sound financial reasons for keeping the company in Arklow which include that it has a full order book. I understand it had one or two difficulties for a number of years, but they have been dealt with. Will the Taoiseach ensure the Minister for Business, Enterprise and Innovation, Deputy Humphreys, and Enterprise Ireland will do all they can to ensure the jobs will be retained in Arklow?

The Taoiseach: I share the Deputy's concern about the potential loss of jobs. I am advised by Enterprise Ireland that the company announced the news to its staff last Friday and also the possibility of winding down the operation in Arklow in January. The company is considering relocating operations to its headquarters in Germany. The statutory 30-day redundancy consultation period commenced on 8 November. Enterprise Ireland continues to engage actively with the company on its future plans and has confirmed that it is scheduled to meet company management in the coming week. The company has confirmed that it will look at all options and that this is the first in a series of consultations scheduled to take place with staff, with a further meeting scheduled to take place on 20 November. The Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, is aware of the situation. We will make sure every State support is made available to the employees, if needed.

Deputy Charlie McConalogue: My question is to the Minister for Justice and Equality, Deputy Flanagan. The courthouse in Carndonagh, County Donegal was closed in March for health and safety reasons. The structural report commissioned by the Courts Service was completed last week. There is concern locally at the pace of repair of the facility. The courthouse in Carndonagh has traditionally been at the heart of the administration of justice in the north Inishowen area. The building is iconic and also very important to local businesses. I am seeking a commitment from the Minister that the courthouse will be repaired and that the work will progress promptly in order that the courthouse will be brought back into action as quickly as possible.

Deputy Charles Flanagan: It is a matter for the Courts Service which is an independent body. I understand some works are taking place on the courthouse. I will be happy to seek an update from the board of the Courts Service for the Deputy at the earliest opportunity.

Deputy Imelda Munster: I raise the issue of funding to provide port access from the northern cross route in Drogheda. Last year the local authorities applied for funding from the Urban Regeneration and Development Fund, but the application was refused by the Government. The local authorities have appealed the decision on the basis that this vital piece of infrastructure is central to the northern environs plan. Funding the construction of the route would allow the local authorities to open up lands for housing development, an issue about which the Taoiseach spoke yesterday and the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, speaks about continuously. If the appeal is not upheld and funding is not made available, sustainable planning will not happen and Drogheda will continue to be gridlocked on a daily basis, with HGVs passing through the town centre.

An Ceann Comhairle: Time is up.

Deputy Imelda Munster: When will the Minister and the Government make a decision on the appeal submitted by the local authorities to receive funding from the Urban Regeneration and Development Fund?

An Ceann Comhairle: Will the Deputy, please, allow the Minister to respond?

Deputy Imelda Munster: The Government constantly states funding is not an issue and that money is no object.

An Ceann Comhairle: Please, Deputy. Time is up.

Deputy Imelda Munster: The Government wants to open up lands for housing development. When will we receive funding?

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I thank the Deputy for her question. In response to her sentiments about how we are trying to provide for development, I completely agree, but as the matter is under appeal, it would not be proper for me to comment on it.

1 o'clock

A number of projects are under appeal. We are working through them in a sequential manner. We are not waiting for them all to be resolved in one go. As soon as this one is dealt with, the local authority will be notified and the new round of funding under the urban regeneration fund will be opened shortly.

Deputy Imelda Munster: How long is that likely to take?

Deputy Niamh Smyth: Last Thursday, Louise Byrne of “Prime Time” reported on a group home in Carrickmacross in County Monaghan, which was built for people with physical and sensory disabilities by the Respond Housing Association for the HSE and completed in 2017. Today it lies empty with no residents, staff or management and no plan to open its doors. It is a €1.5 million project that is desperately needed by families, particularly by elderly parents who want to see their adult children living in the group home. We saw 37 year-old Romy Ward, who is one of these people who needs the service. Her parents, Brían and Sheila, told of their heartache and their battle with the HSE since 1997 to have this facility put in place. However, almost three years since the completion of the new building, the doors remain closed, the gates are locked and the most vulnerable who need this service are left without it. The excuse the HSE has given is that after building this brand new, state-of-the-art facility, there is no money to run the service or open its doors. How is that for planning?

The Taoiseach: I thank the Deputy for raising this matter. The HSE’s budget for this year is the highest ever. It will be up by another €1 billion next year. A lot of resources are being dedicated to the health service. The budget for disability will be €2 billion for the first time next year. I do not know the details of the particular project and I will certainly ask the Minister of State with responsibility for disability matters, Deputy Finian McGrath, to provide the Deputy with a detailed reply.

Deputy Robert Troy: Our SMEs and the self-employed are the backbone of our economy. They are trying once again to pay their annual taxes but they are totally frustrated because like yesterday when the system was down, it is down again today and they cannot meet their obligations. We all know 12 November is the annual deadline. It is appalling to think that on two

occasions the system was not able to meet demand. Can the Taoiseach give assurances to the House that the deadline will be extended and our SMEs and the self-employed will not face any penalties for late submission?

The Taoiseach: This is a matter for the Revenue Commissioners, which generally have very good IT systems but there have been some problems in the past couple of days. It would be a decision for them to make rather than Government. If the website is down again and people who are genuinely trying to file on time cannot do so, it would be appropriate for the Revenue to extend the deadline again but that would be their call, not mine.

Deputy Darragh O'Brien: I wish to raise an issue in respect of transfer of undertakings, TUPE, legislation, specifically the EU directive of 1977, and Irish employment law in the context of a dispute that is happening in SK Biotek in Swords. Some 150 workers in this pharmaceutical plant have been laid off as and from today. The employer has set down a precondition of entering into talks that it will accept any recommendation from the WRC or Labour Court as binding. Does the Taoiseach agree that this is an illegal request? Will he urge the company and unions to enter into talks through the industrial relations apparatus of the State without any preconditions? These are high-end jobs. This company and its predecessor are long established in the Swords area, with which the Taoiseach will be very familiar. It is of grave concern that a multinational company can set aside the 1977 TUPE directive and employment legislation in Ireland. I ask the Taoiseach to request of his colleague, the Minister for Business, Enterprise and Innovation, Deputy Humphreys, to intervene as a matter of urgency.

The Taoiseach: I am very familiar with Swords but not with this particular dispute. I would always encourage employers to engage with staff and their representatives. As I mentioned in reply to another Deputy earlier, I am not familiar with the dispute so I am reluctant to comment on it. I will have it checked out.

Deputy Michael Collins: Under Project Ireland 2040, the Government has committed to provide an additional €1 billion for the rural regeneration fund. Last week, the third round of funding under this fund was announced. The constituency of Cork South-West was again overlooked, even though there were shovel-ready projects that have been ready since the inception of the fund, believe it or not. In the previous round six months ago, in spite of several projects applying, Cork South-West got nothing. Listening to many people in west Cork in the last week, they feel the rural regeneration fund has numerous questions hanging over it. I do not begrudge any county getting funds from it. County Mayo got €6.4 million last week. Can the Taoiseach step in this time on the same question I asked him six and 12 months ago? A community voluntary group in Schull, west Cork, has spent €500,000 in voluntary donations and has a shovel-ready harbour development project that would be a game-changer for west Cork. No matter what they do and how many times they apply, they cannot get one cent under the fund.

The Taoiseach: The rural regeneration fund is going well. It is a €1 billion fund, as the Deputy knows, that we have set aside to invest in rural communities, towns, villages and parishes all over the country. As is the case with any competitive fund, there is no guarantee that every constituency and county will get money every time. That is not how it works. It is based on an assessment of the projects and an independent advisory body helps to score and assess them for the Minister. I do not know why the particular project in Schull that the Deputy mentioned has not got funding but it would be reasonable for them to get some feedback from the Department as to why they did not. I will ask the Minister for Rural and Community Development, Deputy Ring, to make sure that is done.

Deputy Michael Collins: They are 12 months waiting for it.

Deputy Eugene Murphy: The issue I am going to raise is of most serious public concern. I have been informed that the public health nursing system faces emergency closure this Friday in the Ballinasloe and Portumna area of County Galway. Four vacancies exist where six public health nurses usually operate. They are not being filled by the HSE. As a former GP, the Taoiseach knows this will affect oncology, acute hospital appointments, post-natal care for new mothers and school visits. This is huge. I ask the Taoiseach to personally intervene to get some of those appointments filled immediately. There is going to be a total closure of this service on Friday evening with no public health nurses available and that means patients will be going to hospitals. The Taoiseach knows where that is going to lead; we do not have the beds.

The Taoiseach: I am afraid I do not have any information on that issue but I will see the Minister for Health later and I will advise him that the Deputy raised the matter and ask him to reply to the Deputy directly.

Deputy John Brady: Wicklow County Council in conjunction with Dún Laoghaire-Rathdown County Council is progressing the N11-M11 improvement scheme. The second round of public consultation was held yesterday where a number of corridor options were put forward. Interestingly, some of those options include bypassing the Glen of the Downs and dedicated bus lanes. Currently the N11 is a car park. Some 70,000 vehicles use the road every day and they are gridlocked. We need action on this. It is interesting to hear the Green Party shoot this down already without scrutinising the options that are being put forward. Do they expect the people of Wicklow to jump on the back of a wolf and get into the city centre? There are no local jobs in Wicklow. The Taoiseach has said that this scheme may or may not happen. If it does happen, we will not see the soil being turned until 2027 at the earliest.

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

Deputy John Brady: This scheme needs to be fast-tracked and we need a commitment from the Government that it will take place.

An Ceann Comhairle: The Deputy needs to be fast-tracked, too. The time is up.

Deputy John Brady: We also need public transport and local jobs. Can we get a commitment that the Taoiseach will look at this and fast-track the project?

The Taoiseach: I can give the Deputy a commitment that we will look at it. I am not in a position to give him a commitment today about fast-tracking it. We have a roads programme and prioritising one project means de-prioritising another. We have to always bear that in mind. This project does not even have a route yet, or planning permission. It would seem to be premature to make that sort of commitment today.

Deputy Mary Butler: Every day in Ireland 11 people are diagnosed with dementia while 55,000 people are living with this condition in the country. I refer to St. Joseph's Shankill, which is an accredited Dementia Care Matters butterfly care home. There are 60 full-time residents living there and 120 day care places. Last week, news broke that this home care facility faces closure in the new year because of a funding crisis. A significant increase in funding from the National Treatment Purchase Fund, NTPF, has been requested as funding has not been received since 2006. As the Taoiseach will be well aware, people who have dementia also have complex needs and need complex care. Outside the gates of Leinster House I have just met people who

work in this facility. I have met family members who have fathers and mothers there. They are absolutely devastated. Where are these people going to go if St. Joseph's Shankill is closed? What is the Government going to do to protect this facility?

An Ceann Comhairle: Has Deputy Adams a question on the same matter?

Deputy Gerry Adams: No, I do not.

Deputy Fiona O'Loughlin: I had indicated.

An Ceann Comhairle: I call Deputy O'Loughlin on the same issue.

Deputy Fiona O'Loughlin: I support my colleague, Deputy Butler. Some 55,000 people are now suffering from dementia and we know that figure will double in the next decade. We also know that 62% of those people are cared for at home with the help of family and support packages. Regarding those who have to go into a nursing home, however, St. Joseph's Shankill is the only dedicated nursing home for patients with Alzheimer's disease and dementia. At the invitation of Ms Siobhan Grant, I visited St. Joseph's last year and I was incredibly impressed with the level of care, support and love evident. A new model has been put into place using the butterfly approach. Instead of 60 people being in one institution, these patients are in six small centres. The work there is invaluable and I beseech the Taoiseach and the Minister to ensure that funding is allocated to keep this fabulous centre open.

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

Deputy Richard Boyd Barrett: I asked the Taoiseach about this matter yesterday and the Minister for Health last week. We need a firmer commitment on this matter. It was stated yesterday that the HSE is engaging on the issue. We do not need engagement. Dementia sufferers and their families need a clear commitment that funding will be provided and the deficit will be made up. Interim funding is needed to avert the closure of the centre at the end of this year and a longer term solution is required to secure the future of this facility. The centre is in my area and even as I speak, a very good friend of mine is in there. My step-grandmother, for want of a better word, finished her life in there. This is a key facility in the area and it would be devastating for families if it closed. I appeal to the Taoiseach to give us a clearer commitment and not just talk of engagement.

The Taoiseach: I thank the Deputies for raising this important issue. I assure them that the Government's objective is to make sure that St. Joseph's Shankill stays open, that the services are protected and are made sustainable into the future. Both the HSE and the NTPF are engaging with St. John of God community services on that matter. It is important and valid to put on the record that funding per patient for this service is well above the average in Dublin and it is, indeed, one of the best funded services per head in the country. There may well be good and legitimate reasons for that, but it needs to be examined properly. If we pay too much in one area, other people will lose their service in another area and we cannot have that.

An Ceann Comhairle: I call Deputy Scanlon, who is the remaining Member from yesterday's list.

Deputy Eamon Scanlon: Last Monday evening, I attended a meeting in Donegal on respite services. More than 100 parents gave personal accounts of the difficulties faced by their families. Those people have been waiting for a respite facility to be completed for more than

a year. I understand the facility is to open on 13 January 2020. We had a similar situation in Sligo, but thankfully that facility is now open. The issue is that the service provided is for five days from Monday to Friday. People do not look for much but they need a weekend service. That is when they need help and support to allow them to have a break and some quality of life. It is important for their sanity and that of their families. Midweek is no good; there should be a seven-day service. There is a seven-day service throughout the country. Why are the people of Sligo, Leitrim and Donegal been victimised by not being treated the same as everybody else?

An Ceann Comhairle: I call Deputy Tóibín on the same topic.

Deputy Peadar Tóibín: On the issue of respite services, outside the gates of Leinster House today hundreds of people are protesting the closure of the Cuisle centre. It is the only centre in the country that offers holiday services for people with disabilities. That centre is to close at the end of the month. Some 49 people work there and they provide a service like no other. No similar access is available any other part of the country to people with disabilities seeking holidays. A pilot scheme will run next year, but the idea of such a scheme is to research the viability of a project. The Cuisle centre, however, will close even before that pilot project starts, never mind when a decision is made on its findings. I ask the Taoiseach to ensure that the closure of the centre does not happen.

An Ceann Comhairle: I call Deputy Naughten on the same issue.

Deputy Denis Naughten: The Irish Wheelchair Association, IWA, said it is determined to close the Cuisle holiday resort in 16 days, regardless of capital funding being put in place. This is the only wheelchair-specific holiday resort in Ireland and the UK that can support those with a high level of dependency. Hundreds of thousands of euro in public funds and donations have gone into the Cuisle centre, where some 48 people are employed. I am requesting that the IWA pause this decision until another operator is put in place. I want an answer as to why the IWA is prepared to lock the doors when the community is willing to keep this facility open as an ongoing concern.

The Taoiseach: On the Cuisle centre, this matter was raised earlier in this session and yesterday, so respectfully I refer Deputies to the answers given by me and the Minister of State, Deputy Catherine Byrne, to those earlier questions.

Turning to the matter raised by Deputy Scanlon regarding Sligo, some €10 million was provided in the budget this year to open an additional respite house in every region of the country. That is ongoing. I do not know the exact details of the service mentioned by him. It may be that it is initially going to be a five-day service and then extended to a seven-day service at a later stage. That is often the case. I will certainly advise the Minister of State, Deputy Finian McGrath, that this issue was raised by the Deputy and I will ask him to correspond directly with him.

An Ceann Comhairle: That concludes Questions on Promised Legislation. The 12 Deputies not reached will be given priority tomorrow.

Ceisteanna (Atógáil) - Questions (Resumed)

Taoiseach's Meetings and Engagements

1. **Deputy Micheál Martin** asked the Taoiseach if he has spoken with the UK Prime Minister since 29 October 2019. [45240/19]

2. **Deputy Joan Burton** asked the Taoiseach if he will report on his most recent conversations with the UK Prime Minister. [46441/19]

3. **Deputy Brendan Howlin** asked the Taoiseach if he has spoken with the UK Prime Minister since 29 October 2019. [46450/19]

The Taoiseach: I propose to take Questions Nos. 1 to 3, inclusive, together.

I was last in touch with Prime Minister Johnson on 27 October, after the withdrawal agreement Bill had passed on Second Stage in the House of Commons but the programme motion for the further passage of the Bill had been defeated. I also spoke to him on Saturday, 19 October, following the events in Westminster, when the UK requested an extension to the Article 50 process. I welcome the unanimous agreement of an extension by the leaders of the EU 27, with a view to allowing for the final ratification of the withdrawal agreement. This has extended the deadline to 31 January 2020. It could still be possible, however, for the UK to leave the EU before then if the withdrawal agreement has been ratified in advance of that date.

I welcome the draft withdrawal agreement reached between the EU and the British Government. It is a good agreement. It allows the UK to leave the EU in an orderly fashion with a transition period, which is important for businesses and citizens in the EU and UK. It also creates a unique solution for Northern Ireland, which recognises the unique history and geography of the region. The agreement ensures there will be no hard border between North and South, the all-island economy can continue to develop, and protects the Single Market and our place in it.

Deputy Micheál Martin: I agree that the British general election has effectively suspended engagement on all major issues and we will have to wait until after 12 December at the earliest to know what comes next. There are serious concerns, however, about what is happening during the election and statements being made regarding Northern Ireland. Earlier this week, the Tories briefed the media that, as part of a general initiative in trying to win the votes of former soldiers, the party intends to introduce a statute of limitations concerning illegal acts in which soldiers may have been involved. This would, in effect, be a general amnesty for the security forces.

I am sure the Taoiseach will agree that this unilateral action would be another direct contravention of the spirit of the Good Friday Agreement. It would also reinforce the idea that the British Government does not accept that joint decisions are required on issues with major cross-community implications. One of the failings of the peace process has been how different groups campaign for openness and accountability for others, but insist that accountability for their own crimes is a threat to peace. The only entity that has been willing to hold itself to account in a full, open and honest way has been the Irish Government down through the years. The Smithwick Tribunal, which we established the last time we were in government and which was completed under the previous Government, was given the full right to examine

any possibility of collusion by An Garda Síochána with paramilitaries. The report was deeply uncomfortable reading, but there was no attempt to hide anything and no attempt to downplay its importance. The democratic parties here have repeatedly shown that we reject the idea that some victims are more important than others.

Does the Taoiseach agree that any attempt by the British Government to deliver what is, in effect, a unilateral amnesty for crimes committed by security forces in the North must be opposed in the strongest possible terms? What actions has the Taoiseach taken to convey this to London? Given the deep crisis the entire 1998 settlement is now in, what initiatives is he proposing to try to break the spiral of breakdown and division that has taken hold in recent years?

Deputy Joan Burton: In his conversation on the withdrawal legislation with the UK Prime Minister, Mr. Boris Johnson, did the Taoiseach have an opportunity to discuss the fact that so many women are leaving politics in the UK because of the abuse they are receiving. This includes online abuse and being shouted at and roared at in various venues to the point where many feel unsafe. This follows on from the murder of one of their colleagues by somebody from the far right just a couple of years ago. Northern Ireland's politics are fairly tough. Does the Taoiseach feel the tone being adopted by the Prime Minister, which is indifferent, if not downright abusive, towards women who expressed fears about their safety and the safety of their families in the context of threats they have received, is appropriate? What are its implications for political behaviour in the North?

With regard to Prime Minister Johnson's bizarre series of interviews in the North, he spoke at a business event in which he suggested there would be no additional documentation required for traded goods. He spoke at other events at which he seemed to want to reassure people from the unionist community that there would, in fact, be quite tight restrictions. Have the Taoiseach or his staff had any opportunity to clarify the exact policy of the British Government and Prime Minister?

Deputy Brendan Howlin: I agree with Deputy Micheál Martin's comment that, because there is now a full-blown general election campaign in Britain, the UK Prime Minister is focusing exclusively on a domestic audience, but we have to be careful about the implications for us of what he is saying. I want to examine this further so we can be clear in this House about the Taoiseach's understanding of the implications of the withdrawal agreement. When asked on video by a worried exporter in Northern Ireland whether his business would have to complete additional forms when sending goods across the Irish Sea, the British Prime Minister said it would absolutely not be the case. The Prime Minister went on to say that if any such documentation were presented, the exporter should telephone him, whereupon he would advise him to put it in the bin.

My understanding of the withdrawal agreement before the British Parliament is that while there will be seamless exports of goods from Northern Ireland to the rest of the UK, there will be checks in the other direction because goods coming into Northern Ireland will have unfettered access subsequently to the Single Market. There will be checks on those goods. Even in regard to the internal arrangements in the UK, the Brexit Secretary in giving evidence in the House of Lords said goods going from Northern Ireland to the rest of the UK would require what he described as "exit summary documentation". For the sake of clarity, could the Taoiseach set out for the House his understanding of what will be required on the movement of goods to Northern Ireland and out of the North to the rest of the UK?

Deputy Jonathan O'Brien: As the Taoiseach will be aware, the Secretary of State for Northern Ireland, Mr. Julian Smith, has again refused to meet Ms Geraldine Finucane this side of a British general election, despite previous commitments to do so. He has said the upcoming general election changes the circumstances. The Taoiseach is well aware that a Supreme Court judgment in February noted there was an unequivocal undertaking that a public inquiry would take place but that the British Government has failed to follow through on that. Despite promises from two previous Secretaries of State to meet the Finucane family, that meeting has yet to take place. Has that aspect come up in the Taoiseach's recent meetings with Mr. Boris Johnson? If not, will he commit to raising it with him at the earliest opportunity?

The Taoiseach: I thank the Deputies for their questions. Deputy Micheál Martin is correct to point out that the UK is very much in election mode now. As a result, the normal engagement that occurs between governments is suspended. Having said that, we are staying in touch. I met Secretary of State Smith in Enniskillen last weekend. He is in close contact with the Tánaiste. Secretary of State, Michael Gove, will be in Dublin tomorrow at the British–Irish Council. We have scheduled a bilateral meeting, which will be an opportunity for me to raise with him some of the matters Deputies have discussed here today.

Our view is that there can be no amnesty for crimes committed during the Troubles, no matter who committed them, be they state actors or non-state actors. That is the position of the Government, which we will impress on the British authorities at future meetings. We will oppose any proposals for an amnesty. What I understand is proposed is a change to the Human Rights Act, which is not quite an amnesty. It is a matter about which we have a concern, however. We will certainly discuss it with the British Government.

I have not had any discussions with Prime Minister Johnson about women leaving politics but I share Deputy Burton's concerns about politicians, female and male, being verbally abused or threatened with violence. I do not consider that to be humbug. Sadly, it is a reality of what is happening in Britain and, to a lesser extent, Ireland and around the world. Such behaviour undermines democracy. None of us in politics is perfect but we are generally good people who try to make our communities a better place in the way we believe we can. While we do make mistakes and get it wrong sometimes, almost anyone involved in politics is in politics because he or she wants to make a change for the better. It is not right that politicians should be subject to verbal abuse or threatened with violence in any form, regardless of their party or political perspective.

The stated policy of the British Government is to ratify the new withdrawal agreement and to leave the EU by 30 January 2020, doing so in an orderly fashion, and entering a transition phase or an implementation period. That is obviously dependent on the outcome of the elections in the UK. Then we will move very quickly to the next phase of Brexit, which will be negotiating the UK–EU free trade agreement and the future relationship treaties on security, political co-operation and other matters.

My understanding of the withdrawal agreement is that there will not be any checks on goods moving from Northern Ireland to Great Britain but it may be necessary to fill in some forms online. This, however, would not apply during the transition period or implementation phase and could be superseded by a free trade agreement that makes it unnecessary. It is an hypothetical requirement that may arise under certain circumstances. There will, however, be minimal checks between Great Britain and Northern Ireland, many of which already exist.

I have not yet had the chance to raise the Finucane case with Prime Minister Johnson. I raised it with the former UK Prime Minister, Mrs. May, previously. I have met John Finucane. I met his mother and the rest of the family. I have been very impressed by the case they make. I will certainly take that case to the British Prime Minister, whoever it is, in a few weeks.

Cabinet Committee Meetings

4. **Deputy Micheál Martin** asked the Taoiseach if meetings of Cabinet committees were held in October 2019. [45243/19]

5. **Deputy Mary Lou McDonald** asked the Taoiseach the number and types of Cabinet committee meetings held since June 2019. [46523/19]

6. **Deputy Richard Boyd Barrett** asked the Taoiseach the Cabinet committee meetings held in October 2019. [46683/19]

The Taoiseach: I propose to take Questions Nos. 4 to 6, inclusive, together.

In June, I chaired a meeting of Cabinet committee G on justice and equality issues and, in July, I chaired a meeting of Cabinet committee B on social policy and public services. On 25 July, the Government decided to reorganise the Cabinet committee structures and established committees on the economy; social policy and public services; infrastructure; Brexit, foreign and European affairs; the environment; and security. In September, I chaired meetings of the committees on the economy, on social policy and public services, on infrastructure, on Brexit, foreign and European affairs, and on the environment. In October, I chaired meetings of the committees on social policy and public services and on security. On 4 November, I chaired a meeting of the committee on infrastructure.

Deputy Micheál Martin: I understand from the reply that there were two committee meetings in October. Every time there is a major new announcement by the Government we are told that the videos full of drone shots of the Cliffs of Moher and the regional advertising campaigns will be followed by concrete actions, one of which is always that a Cabinet committee will be very vigorous in overseeing implementation and make sure all targets are hit, but the evidence suggests this is not working. We were told, for example, that implementation of the national development plan, NDP, would be closely monitored at Cabinet committee level to control costs and update timings. However, despite a series of major overspends and delays, no updates have been issued. Will the Taoiseach explain why we have not been provided with the promised reprofiled NDP? Is it still the case that the billions of euro in cumulative overspending will not delay or threaten any project?

We were also told that health spending and service developments would be overseen directly by a Cabinet committee, with the Department of the Taoiseach playing a major role in providing for enhanced oversight. In spite of this, the failure to deliver agreed services and funding has continued and the Government repeatedly refused to give an accurate and up-to-date picture of the sector's finances until days before the budget. Will the Taoiseach tell us if he and the Cabinet committee which is overseeing the health services accept any responsibility for the failure to deliver on clear service commitments or be open about the levels of overspending?

We were also told that a Cabinet committee would ensure the targets set for Rebuilding Ire-

land would be fulfilled, yet the core target of building an average figure of 25,000 new houses every year has been missed every year. The simple question is why have the core targets set for Rebuilding Ireland which the Taoiseach reaffirmed during his leadership campaign all been missed. I asked this question yesterday, but it was not answered. Does the Taoiseach accept that the figures from the Department of Housing, Planning and Local Government and the CSO show that, even based on the most optimistic of projections, the core housing targets of Rebuilding Ireland, as well as its homelessness targets, have been missed?

Deputy Jonathan O'Brien: I am not familiar with the committees. Will the Taoiseach give me a flavour of who sits on them? I know that he chairs them. Exactly what kind of work is done by them? Do they purely have an oversight role focused on implementation or do they consider the issue of policy development? Perhaps the Taoiseach might outline some of the background to the committees for me.

Deputy Richard Boyd Barrett: I heard the Taoiseach respond to the question about Cuisle, the holiday centre in Roscommon, to the effect that he had responded to it previously, but I did not hear that response. Given the size of the protest outside and the fact that wheelchair users, their families and supporters have gathered in large numbers outside Leinster House today, does the Taoiseach recognise that a mistake has been made, that the decision of the Irish Wheelchair Association and the HSE to close Cuisle and replace it with talk of people going to hotels is a completely retrograde step? One of the protestors has said to me that every year he brings 30 people from Keenagh, County Longford to Cuisle. He says it is the one time in the year when the wheelchair users feel like they do not have a disability such is the design and purpose-built nature of the place. People are appalled by the decision and also by the attitude of the Irish Wheelchair Association in not providing transport to bring people to today's protest. It begs the question of whether those making the decisions are out of touch with wheelchair users that they can make such a mistake. I would like the Taoiseach to comment on the matter. What the protestors outside would love to hear is the Taoiseach saying he will intervene and make sure Cuisle is not closed.

Deputy Brendan Howlin: Yesterday I expressed my frustration that none of my three questions had been answered. I will, therefore, put one of them again as the opportunity to do so has been afforded to me.

It has been reported that the Minister for Health is to tell the Cabinet this week that eliminating the practise of private medicine in public hospitals would free up 2,000 beds across the country and reduce waiting lists by 25%. Given the real crisis in hospitals and the numbers of patients on trolleys, this is a significant opportunity to take action. It is important that the House receive a clear response on whether the report has been brought to the Cabinet committee. Has the Minister for Health, Deputy Harris, indicated the benefits, as outlined in the analysis, to the Cabinet and will it act on it? Yesterday, the Taoiseach said to the House: "Sláintecare does not prescribe which model we should follow." The Sláintecare document states clearly that our objective across all parties is universal, single-tiered healthcare which guarantees access based on need, not income. Has the Minister for Health brought the report to the Cabinet outlining the benefits of removing private beds from public hospitals and will the Cabinet act on it? What model of healthcare does the Taoiseach envisage Sláintecare arriving at?

The Taoiseach: As Deputies are aware, the Cabinet meets every week and sometimes twice a week. Cabinet committees tend to meet quarterly. There are standing items on the agenda, usually a review of the implementation of overarching Government strategies such as Sláintec-

are, the climate action plan, the Action Plan for Rural Development, Project Ireland 2040 and Global Ireland 2025. We will often discuss one or two other issues that require further scrutiny, for example, auto-enrolment or pension reform or big strategy documents due to be brought to the Cabinet, as it gives us a little more time to explore them in a little more detail than on a Tuesday morning. The difference between a Cabinet meeting and a Cabinet committee meeting is that the relevant Ministers of State are present. Officials and advisers are also present, although not everyone is. People are there on the basis of need. The meetings are preceded by a meeting of the senior officials group which tees up the agenda and documents for discussion at the meetings.

Deputy Micheál Martin: Therefore, after many years the Taoiseach has come round to the established way of doing things.

The Taoiseach: As they have been working since 2011, there has been no fundamental change.

Deputy Micheál Martin: The Taoiseach stopped the adoption of that approach for a while.

The Taoiseach: No, I did not.

Deputy Jonathan O'Brien: The Taoiseach refined them.

The Taoiseach: We reshaped them. We have been having Cabinet committee meetings every month or every other month for seven or eight years, with the senior officials group meeting before them.

Deputy Micheál Martin: I can recall the Taoiseach saying he did not agree with them, that he wanted to have full Cabinet meetings.

The Taoiseach: The Deputy's recollection is wrong.

Deputy Micheál Martin: Okay.

The Taoiseach: The one that deals with security, for example, allows us to bring in the Chief of Staff of the Defence Forces and the Garda Commissioner, whom we cannot bring to a Cabinet meeting. There are many ways to do business: at the Cabinet, Cabinet committees, meetings with Ministers and meetings with people not under the umbrella of a Cabinet committee. Sometimes officials, in particular, favour Cabinet committee meetings because they fall within Cabinet confidentiality, whereas bilateral meetings between Ministers do not. Sometimes the latter can be more transparent than Cabinet committee meetings. The Government accepts responsibility for all of what it achieves and does not achieve. When we do not achieve things, we continue to work on them. I do not think it is correct to say none of the housing targets set in Rebuilding Ireland has been met. I think some of the ones for the supply of housing have been met and also some of the social housing targets, but as I do not have the figures in front of me, I do not want to swear to that.

Deputy Micheál Martin: The target is the supply of 25,000 new houses a year.

The Taoiseach: To respond to the questions about Sláintecare, what I was referring to specifically was eligibility. Sláintecare sets out an all-party vision for universal healthcare, in which healthcare is provided on the basis of need, not on the ability to access it. However, Sláintecare does not state it would be totally free for everyone. It leaves open the possibility of

co-payments, social insurance payments and other payments. It does not state healthcare will be free at the point of use. It allows for us continuing to have some charges and co-payments.

Deputy Brendan Howlin: It stated there would be a single tier.

The Taoiseach: The point I am making is that it may be free for a lot of people but not for everyone and that it may be subsidised for others.

The de Buitléir report on how we can remove private practice from public hospitals was brought to the Cabinet. It is Government policy and what is recommended in Sláintecare. The de Buitléir report makes for a very good read. I have read it twice and the documents attached to it, including on the impact on the cost of health insurance and other such issues. It lays out what can be achieved but also the limitations. Approximately 15% of the work done in public hospitals is for private patients. The number has decreased considerably in recent years. As Dr. de Buitléir points out, when we remove private packages from public hospitals, it is not as simple as that freeing up 15% more capacity. Those private patients might just decide to be public patients. While there will be a more equal system in our hospitals, removing private patients does not necessarily mean that more patients will be seen or that more operations will be done. It just means that there will be more equality in how long people wait for operations and appointments in our hospitals. That is valuable in itself. To say that it increases capacity would not be in line with what is said in the report. The report also outlines the costs. Approximately €600 million per year of income to our public hospitals would be lost once it is completed, which is €3 billion over five years or €6 billion over ten years. That lost income would have to be replaced with money from taxpayers.

Deputy Brendan Howlin: They are paying it in health insurance.

The Taoiseach: It also suggests that we would have to negotiate with and compensate consultants for changes to their contract and lost income. All of these are difficult issues. We will make a start on it. We had a good meeting involving the Ministers, Deputies Harris and Donohoe, and I on how we can make a start on it and we should be in a position to make a start on it soon.

Deputy Micheál Martin: What about the reprofiling of the national development plan, NDP?

The Taoiseach: We are not reprofiling the NDP.

Deputy Micheál Martin: We have been promised a reprofiled and updated NDP.

The Taoiseach: The summer economic statement providing a reprofiling. The Deputy is correct about that. That provided an extra €200 million, mainly for health and communications. There was a further reprofiling in the budget where some money was moved back and forward because we did not need as much in health as we thought, broadband was delayed and there were movements related to transport. If that is what the Deputy means by reprofiling, we do that every six months at budget time and also at the summer economic statement.

Deputy Micheál Martin: Schools are being cancelled and delayed in the real world.

The Taoiseach: That is entirely incorrect. No schools are being cancelled or delayed.

Deputy Micheál Martin: Is the Taoiseach joking?

Deputy Brendan Howlin: Nobody believes that.

The Taoiseach: There are not.

Deputy Micheál Martin: There are.

The Taoiseach: If the Deputies want to give me an example of a school that has been cancelled, give it to me now.

Deputy Joan Burton: I will.

Deputy Micheál Martin: What about the flood prevention scheme in Glanmire?

The Taoiseach: If anybody in the Chamber wants to give me an example of a school that has been cancelled, they can do so now.

An Ceann Comhairle: The time is up and we will move to Questions Nos. 7 to 12, inclusive.

Cabinet Committee Meetings

7. **Deputy Joan Burton** asked the Taoiseach when the Cabinet committee on the economy will next meet. [44456/19]

8. **Deputy Mary Lou McDonald** asked the Taoiseach when the Cabinet committee on the economy will next meet. [45285/19]

9. **Deputy Micheál Martin** asked the Taoiseach the number of times the Cabinet committee on the economy has met to date in 2019. [46415/19]

10. **Deputy Michael Moynihan** asked the Taoiseach if the Cabinet committee on the economy met recently; and the number of times it has met to date in 2019. [46420/19]

11. **Deputy Richard Boyd Barrett** asked the Taoiseach when the Cabinet committee on the economy will next meet. [46489/19]

12. **Deputy Brendan Howlin** asked the Taoiseach when the Cabinet committee on the economy will next meet. [46452/19]

The Taoiseach: I propose to take Questions Nos. 7 to 12, inclusive, together.

The Cabinet committee on the economy most recently met on Wednesday, 4 September. It had been scheduled to have its first meeting of 2019 on Monday, 1 July, which was postponed due to the extended European Council meetings. The next meeting of the committee will be on 16 December. The Cabinet committee on the economy is responsible for issues relating to the economy, including one of the Government's flagship strategies, Future Jobs Ireland, which was officially launched this year. The Future Jobs programme sets out a forward-looking policy agenda to ensure Ireland responds to the many challenges we face in a fast-changing global economy. Implementation of Future Jobs Ireland 2019 is well under way and the first six-monthly report was published in July.

The focus is also on development of Future Jobs Ireland 2020, which will include a further

set of specific actions across all relevant Departments and Government agencies for next year. To inform this process, the Government organised a Future Jobs Ireland summit last week. Issues relating to the economy are also regularly discussed at full Cabinet meetings, where all formal decisions are made.

Deputy Joan Burton: I wanted to ask the Taoiseach about the national development plan, which is a critical part of the national economy. The Taoiseach brought up the issue of schools. In Dublin West, Dublin North and Dublin Fingal, there have been disasters in schools in which serious flaws have been discovered. There has been a significant amount of rebuilding. The Taoiseach visited some of the schools himself. It seems, along with other issues, to have put the capital budget of the Department of Education and Skills seriously out of kilter. I will give some examples. Parents with children attending Edmund Rice College, which is due to have a new school built on the Phoenix Park racecourse site, have been told that it has been delayed by a full year. The Taoiseach is familiar with Pelletstown. The Educate Together national school there has been in temporary accommodation for a time and it has been told again that its project is being delayed. Parents are anxious about when their children will see the new schools that have been promised and provided it for, since it appears that there are constant delays. In the case of Pelletstown, the Minister for Education and Skills negotiated an extra period in the temporary accommodation but that will run out at the end of this academic year at the end of June 2020. Will the Taoiseach get in touch with the developers of this large site in Pelletstown who are making millions from building accommodation there over the past ten to 15 years? Will the Minister for Education and Skills ask the developers to extend the use of the temporary site until such time as the Department of Education and Skills and the economy sub-committee can get school planning back on the tracks again so that parents, teachers and school boards can have dates and times?

Deputy Jonathan O'Brien: I think the Taoiseach said that the sub-committees on economy and social policy have been combined. I have a different issue to Deputy Burton's, relating to housing. Does housing development come under this particular sub-committee?

Deputy Brendan Howlin: It does.

Deputy Jonathan O'Brien: Yesterday, we saw recent figures from *daft.ie* on the increasing rents across the State, especially in constituencies that I represent. We are now looking at average rents just in excess of €1,300. That is if one is lucky enough to find a place to rent. Rent caps, their oversight and implementation were a significant part of Government policy. They are failing. There are too many loopholes for landlords to be able to get out of them. We have seen situations where landlords evict people into homelessness on the basis that their properties have been sold, and six months later, they are back on *daft.ie*, with substantial rental increases. There seems to be no comeback apart from a complaint to the Residential Tenancies Board. How much oversight is happening at these sub-committees, particularly with regard to housing and the increasing rents? What does the Government propose to do? I know that yesterday, the Government refused to take on board the Opposition proposals for a rent freeze, which Fianna Fáil now also supports. If a Bill came before this House on rent freezes, I presume that it would pass this time, now that Fianna Fáil has decided to support it.

Deputy Micheál Martin: When the revised withdrawal agreement was published, we asked the Government to provide an economic assessment of the agreement. The Taoiseach did not answer the question at the time but the Minister for Finance has informed us that something is being prepared but that it will not be ready for a while. This is striking. Is it credible that

the Taoiseach did not have available to him a specific analysis of the impact of the differences between the previous deal with Theresa May and this new deal? The Taoiseach has already accepted in this House that the Johnson deal represents a harder and harsher Brexit for Great Britain and for the Republic and that this has implications for east-west trade. During the election campaign, the Tories indicated their intention of seeking to use regulatory de-alignment as a competitive tool against Europe. The Singapore-on-Thames argument is being made every day. In fact, they understand well that the only way that they might have a chance to limit some of the damage of Brexit is to seek competitive advantages through looser regulation. This is a view shared by the Commissioners, many of whom are predicting that will be the objective. There is the added issue of dealing with the economic fallout from Northern Ireland. The fact that Britain will leave the Single Market and customs union has serious implications for Northern Ireland, even if it continues to have open access from most areas to both Europe and Britain. This access has potentially important opportunities but they cannot be grasped without a strategy to invest in key areas. What measures have been taken to define the economic costs and opportunities of the deal for Northern Ireland?

Deputy Richard Boyd Barrett: Earlier this week, Owen Keegan raised the spectre of increased parking charges, increased rates and increased tolls in Dublin City Council, as he saw it, because of the under-funding of local government. In Dún Laoghaire-Rathdown this week, the new Fianna Fáil, Green Party, Labour Party and Social Democrats controlled council increased rates by 3.5%, increased parking charges and, interestingly, given the Green Party involvement, cut entirely the home retrofit budget, cut the environmental awareness budget and cut the community grants budget. This is fairly astonishing, frankly. Naturally, People Before Profit opposed such a shocking budget and proposed an alternative, which is that the refund scheme for vacant properties should be limited to one year so people do not get a break for leaving a property empty, which would put pressure on the owners of property to open up the empty premises that blight Dún Laoghaire and many other town and village centres across the country.

While I do not always agree with Owen Keegan, has he got a point? Local government is chronically under-funded. The property tax has not resolved or, indeed, assisted in any way in giving increased funding to local government. The consequences of that are going to be very damaging economically for Dublin city centre and for town and village centres throughout the country, such as Dún Laoghaire, where SMEs are struggling. This is not the way forward. We need additional funding from central Government to go into local government to secure local services and the future of town and village centres.

Deputy Brendan Howlin: Last year, at the heart of a housing and rental crisis, local authorities built only 2,022 homes. A report entitled, Construction Sector Performance and Prospects 2019, illustrates that there is poor productivity in that sector. It contains an analysis of recovery of other sectors in the domestic economy and showed how far behind the construction sector is in terms of productivity and recovery. The Department of Business, Enterprise and Innovation, in its analysis earlier this year, stated that there is a widespread discrepancy in regard to subcontractors and agency workers, with multiple parties working to different schedules and budgets, fragmented decision-making and often incompatible work processes, and ill-defined risk transfer mechanisms. There seems to be a dysfunction in construction, although that has nothing to do with the hard work being done by workers. Nonetheless, we need better models. I have two direct questions for the Taoiseach. Will he and his Government continue to depend on *ad hoc* workers and subcontractors to build at a time of national crisis or will he ask local authorities to build directly? When does the Government intend to restore the capacity to local

government to undertake direct build, which used to be a feature of local authority housebuilding for decades?

The Taoiseach: I thank the Deputies for their questions. In regard to the school programmes, the budget for school building increased by 25% this year and will be roughly the same next year. The schools programme has involved the overall construction activity during 2018 and 2019 of 139 projects ranging in value from €1 million to in excess of €20 million. There are also 327 projects with a project value of less than €1 million at construction during this time. The completion of 466 projects is expected to deliver more than 40,000 permanent additional and replacement school places and replace approximately 600 prefabs. Progress of projects in 2020 is expected to involve 60 new school building projects of a value in excess of €1 million going to construction next year and delivering 30,000 additional replacement school places next year. There will, therefore, be 60 new projects next year worth more than €1 million and many more worth less than €1 million, so the schools programme is powering ahead.

In regard to Pelletstown Educate Together national school, the new school is anticipated to be built and opened for occupation and use in September 2021. The school is currently in temporary accommodation in the former marketing suite. I have spoken to the developers and the owners of that site to ask them to allow Pelletstown Educate Together national school to stay there for another year because I know parents are concerned about the possibility that children might have to be bussed to Broombridge again, which they would not like, and I support them in that. I am awaiting a reply from the landowner but, ideally, we would like the school to be able to stay where it is until the new school is ready to be opened in September 2021.

In regard to the Edmund Rice school in Castleknock, the site was only acquired recently. There were delays in the transfer of the land, there are issues with road access and planning permission has yet to be sought and secured. Money is not a problem for that project - far from it - and the delays are for other reasons.

On rent controls, as I have said previously, rent pressure zones, RPZs, and rent controls work for the people to whom they apply - the hundred of thousands of people who are renting and who are staying in the house or apartment they are renting. They now have a guarantee that their rent increase each year will be somewhere between 0% and 4%. Where rent controls and rent freezes tend not to work is for properties that are new on the market to rent, mainly affecting people who have to rent for the first time, in particular young people and migrants coming into the country. That is why we always need to bear in mind the impact that rent freezes and rent controls have. They tend to work very well for people who are renting and who have a tenancy, but they tend not to work and can even disadvantage people seeking to rent for the first time. That is why we need to get that balance right.

On the comments made by the CEO of Dublin City Council, I point out what everybody in this House knows, namely, local authorities have many sources of income, such as Government grants, the local property tax, commercial rates, development levies, rents and other charges that they impose, so they have a lot of flexibility around the money they raise and the money they spend. The revaluation of Irish Water has had a negative impact on the Dublin local authorities and on Waterford, but the vast majority of local authorities in the country, perhaps 25 of them, have benefited from the revaluation. Revaluations happen all the time, and some people gain and some people lose out. However, local authorities have a responsibility to come in on budget. They make decisions and they have to prioritise. Just like anyone who does a budget, they have to decide how much they are going to spend and how they are going to raise

money. That is what being in charge and being in government is all about.

Deputy Boyd Barrett is correct that the decision made by Fianna Fáil and the Green Party on Dún Laoghaire-Rathdown County Council was to increase business rates and to cut the budget for parks and climate action. It is interesting to see that no sooner are Fianna Fáil and the Green Party back in power than they are doing exactly what they did when they were in government nationally, that is, raising taxes, harming business and not doing much for the environment - in fact, they are cutting funding for climate action and parks in Dun Laoghaire. In my view, that was the wrong decision. They could have made other decisions on revenue which they did not make.

In terms of building social housing, approximately 10,000 houses will be added to the social housing stock this year. A few years ago, we were criticised for leasing and buying a lot of those from private developers, and I understand the reasons for that criticism. The reason that happened was councils and affordable housing bodies just had not built up the capacity to build. That is now changing.

Deputy Micheál Martin: It is not.

The Taoiseach: Between two thirds and three quarters of social housing being provided this year will be new builds, with the companies contracted by the council or by affordable housing bodies.

Deputy Micheál Martin: How many last year?

Deputy Brendan Howlin: It was 2,000.

Deputy Micheál Martin: Some 2,000 local authority houses were built last year and 1,500 social and affordable houses.

The Taoiseach: It is not just local authorities; it is also affordable housing bodies like the Iveagh Trust and the Peter McVerry Trust, which are funded directly by Government.

Written Answers are published on the Oireachtas website.

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 Maureen O'Sullivan - to discuss the capture of hares for coursing that may be infected with rabbit haemorrhagic disease, variant 2, RHD2; (2) Deputies Brendan Ryan and Louise O'Reilly - to discuss additional school places in north county Dublin, including Skerries community college; (3) Deputy Pat Deering - to discuss the reviews of whole-of-life insurance policies and the ongoing premium increases; (4) Deputy Catherine Murphy - to discuss the permission requirements placed on some medical professionals moving into self-employment as general practitioners; (5) Deputy James Lawless - to discuss the lack of secondary school places in Kildare North; (6) Deputies Lisa Chambers, Caoimhghín Ó Caoláin and John Curran - to discuss delays in the roll-out of Spinraza since its approval in June; (7) Deputy Éamon Ó

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Cuív - to discuss implementation of the Money Advice and Budgeting Service, MABS, report recommendations addressing energy poverty in the Traveller community; (8) Deputy Dessie Ellis - to discuss development plans at Finglas village for community gain; (9) Deputy Thomas Byrne - to discuss the cost of remediation works for damaged schools built by Western Building Systems; (10) Deputy Michael Healy-Rae - to discuss the future of forestry in Ireland; (11) Deputy John Brady - to discuss the need for an N11-M11 improvement scheme; (12) Deputy Anne Rabbitte - to discuss revelations regarding child abuse in Scouting Ireland; (13) Deputy Eoin Ó Broin - to discuss the report on wastewater treatment plants that are releasing raw sewage into Irish waters; (14) Deputy Dara Calleary - to discuss the status of talks with unions regarding pensions for CE scheme supervisors; (15) Deputy Mattie McGrath - to discuss the INMO confirmation of South Tipperary General Hospital at No. 4 in the acutely affected waiting list for beds; (16) Deputy Brid Smith - to discuss the closure of the Cuisle holiday centre in Donamon, County Roscommon; (17) Deputies Joan Collins and Thomas Pringle - to discuss the announcement of job losses at SK Biotek in Swords, County Dublin; (18) Deputy Gino Kenny - to discuss the strike at Delfin English language school; and (19) Deputy Richard Boyd Barrett - to discuss the inadequate funding for local authorities.

The matters raised by Deputies Maureen O’Sullivan; Brendan Ryan and Louise O’Reilly; and Pat Deering have been selected for discussion.

Sitting suspended at 2 p.m. and resumed at 3 p.m.

Saincheisteanna Tráthúla - Topical Issue Debate

Hare Coursing

Deputy Maureen O’Sullivan: Táim buíoch don deis atá agam labhairt ar an ábhar seo agus go bhfuil an tAire i láthair. There has been clear expert advice from scientists at the National Parks and Wildlife Service that the RHD2 virus could potentially wipe out the entire hare population. The hare is iconic in our culture. The virus is highly contagious and we have the facts in that regard. It was first reported in China, where it killed millions of animals within the first year of its discovery. In 2010 a virulent strain emerged in France, similar to the one in Spain. Within a few days of infection what was seen was partial paralysis, bleeding from the eyes and mouth, convulsions and fits, with the animal then dying. Distress among hares and rabbits has also been witnessed in Ireland where the RHD2 virus has appeared. I think animals have tested positive in eight counties. On 24 September the Minister’s own words were:

Based on what we have been able to establish over the last 7 weeks, [the virus] appears to be widespread in Ireland ... It is known to be highly contagious and easily spread and environmental contamination presents significant difficulties in terms of any biosecurity responses ... Netting and collecting hares for coursing meetings has been identified as a significant risk factor in spreading the disease.

We know that rabbits and hares are vital to the wild ecosystem. The National Parks and Wildlife Service has stated, “Should this disease [be] as infectious and lethal here as it has

[been] in Europe, the impact on the [Irish] hare could be catastrophic.” On 10 October the Minister’s words were that “the catching of hares in nets, their transportation in boxes and the collection and holding of hares in confined areas [will] increase the risk,” all very clear signs that the right decision was made when she suspended the hare netting licence. In spite of this and other outbreaks, she lifted the suspension. It was obvious there had been lobbying by Deputies in her party, Fianna Fáil, Sinn Féin and the rural alliance. I know that we are talking about a few Deputies in each group because when we debated my Bill to ban live hare coursing, I had Deputies from all parties come to tell me that they wanted to support the Bill but that, because of the Whip, they were not able to do so.

I ask the Minister to imagine a greyhound owner finding a sick or infected hare captured for coursing. Does she think the greyhound owner will contact the National Parks and Wildlife Service? It would not be in his or her interests to do so, even though it is a condition of the licence, because coursing would be stopped. I ask that all live hare coursing meetings, including those involving hares in captivity at compounds, be monitored closely.

In a reply to former Deputy Clare Daly the Minister said she would re-evaluate open coursing. Her understanding was that in open coursing hares “are not captured” but just happened to be there when the owners and the greyhounds arrived. There is video footage evidence of 19 hares who just happened to be in an area when the greyhounds arrived with their owners. Have open coursing meetings ever been monitored? I ask that the open coursing meetings on the 2019-20 fixtures list be closely monitored by the National Parks and Wildlife Service.

“Reckless” is the word I would use to describe the Minister’s U-turn on the decision to issue licences. We are now into the 16-week coursing season, which allows courses to capture hares in the so-called unaffected areas. Is the Minister 100% confident that all other counties, apart from the eight where rabbits and hares have tested positive, are clear of the disease? The hare is normally a solitary animal. Netted for coursing and kept in a confined space, it is in ideal conditions to spread the virus, something the Minister is now allowing to happen. There is an alternative to live hare coursing, namely, drag coursing. A recent RED C poll found that 77% of Irish people agreed that live hare coursing should be banned, with 9% disagreeing and 14% stating they did not know.

Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan): I thank the Deputy for raising this issue. It is important to be aware of the potential impact of the RHD2 virus and my original decision in August to suspend the licences to the Irish Coursing Club on foot of the outbreak of the virus, which was confirmed in wild rabbits and hares. The Deputy eloquently set out the reasons and my words.

As the Deputy mentioned, the disease was first reported in domestic or farmed rabbits in 1984 in China where it killed millions of animals within one year of its discovery. As the Deputy also mentioned, in 2010 a new and more virulent strain of the virus known as RHD2 emerged in France. It causes death. The Deputy set out very explicitly the symptoms involved which are quite distressing. Most distressingly, before the animal dies, there are fits and convulsions which are very upsetting to witness. The virus has been detected throughout Europe in wild rabbits and hares. As the Deputy said, the hare is iconic and native to Ireland. Should the disease prove to be as infectious or lethal here as it has elsewhere in Europe, the impact on the hare population would be catastrophic, something I absolutely accept. RHD2 has been seen in wild rabbits in the UK for a few years and the brown hare has also been hit by RHD2 in the UK. A single record of RHD2 was reported from a wild rabbit in Cork in 2016 but no further

records were confirmed in the wild here until last August, when two records came from rabbits, one in Wicklow and the other in Clare. The first positive report for an Irish hare was on 9 August, an animal found dying in the Wexford Wildfowl Reserve. There is no cure for this disease and although pet rabbits can be vaccinated against the disease, it has not been tested on hares. There would, clearly, be significant difficulties in vaccinating animals in the wild. There are approximately 250,000 hares in Ireland in addition to approximately 2 million rabbits.

Hares are solitary animals and the scientific advice available to me at the time indicated that the catching of hares in nets, transporting them in boxes and keeping them in confined areas like coursing hare parks can all be considered to increase the risk of disease spread. In these circumstances, and given my responsibilities specifically for the conservation status of the Irish hare, I decided to suspend the licences issued to the Irish Coursing Club on 9 August to capture and tag hares for the season until we had a clear understanding of the extent, spread and implications of the RHD2 virus. Members will be aware that licences under the Wildlife Acts are required by the Irish Coursing Club, on behalf of their affiliated clubs, to facilitate the netting and tagging of hares for closed park meetings.

Since these initial incidents, a request for public involvement has led to more than 75 reports of dead rabbits and hares across the country. Each report has been followed up vigilantly by the local National Parks and Wildlife Service, NPWS, rangers. RHD2 has been confirmed in four hares found in Dublin and Wexford and 21 rabbits found in counties Carlow, Clare, Cork, Kildare, Leitrim, Meath, Offaly, Tipperary, Wexford and Wicklow. Since the suspension of Irish Coursing Club licences on 9 August, discussions have been ongoing between the NPWS, the Department of Agriculture, Food and the Marine and the Irish Coursing Club on the impact of this virus. I recently issued revised licences to allow the netting and tagging of hares but there are specific restrictions and conditions explicitly attached to the issue of those licences. The capturing of hares and coursing activity is prohibited in areas within a 25-kilometre radius of where wild rabbits or hares have tested positive for the virus. New zones will be added on an ongoing basis if further positive tests arise and, in these new zones, the capturing of hares will have to cease immediately and coursing will only be possible with already captured hares, where the hares are certified in writing by a veterinary surgeon as being healthy, as such hares will only be released on foot of such certification. This has already impacted on some coursing events.

Deputy Maureen O'Sullivan: I thank the Minister for her very graphic answer, which has confirmed the need to have suspended the licences and continue the suspension. The Minister has an awful lot of faith in the Irish Coursing Club and the advocates of coursing to report a diseased hare if they come across one. It will not be in their best interests to do so.

I read about the roadmap the Minister had been drawing up on this and I was struck by the extent of the work that is involved in this, with the field studies, tests, secure paddocks, CCTV, micro-chipping, nominated personnel to monitor this and a scientific literary review of the respective impact of RHD1 and RHD2. I wonder what the additional cost will be, as opposed to a straightforward ban on netting.

I know the Minister met Deputies and lobbies who are pro-coursing. I wonder if she facilitated those who are against coursing and also gave them time to put their points to her.

Was the Minister informed that if the suspension was not lifted, it could lead to a cull of those greyhounds that course, because such greyhounds are not really suitable for re-homing?

The Irish Coursing Club has said it will vaccinate the hares it captures against the disease but no vaccination will protect hares from being mauled, tossed and euthanised after a coursing meeting. While the vaccination is licensed in Europe, I do not believe it is available in Ireland and applies only to rabbits, not to hares. Of course, the lovely irony is that the Irish Coursing Club is going to continue to liaise with the NPWS and work to protect the status of the Irish hare. I note the use of the word “status”. It is not referring to the survival or well-being of the hare, but then we know that the club is responsible for the injuries and deaths of many Irish hares and we have the facts on that.

Reissuing the licences was a retrograde step and I hope it will not come back to haunt us and mean the end of the iconic Irish hare.

Deputy Josepha Madigan: I thank the Deputy and appreciate her concerns. Suffice to say that, from my own perspective, protecting the conservation status of the hare is my primary concern. I must ensure a balanced response from Government to this particular issue. It should assuage her concerns somewhat that strict conditions have been set down. The Irish Coursing Club vet has to certify in writing that all the hares that are captured are healthy. The number of courses will be reduced proportionately. As for the number that can be coursed, it can only be done twice. These trials and field tests that are ongoing should give us a clearer picture as to the status and condition of the hares and rabbits.

No new hares have tested positive since the beginning of October and that is important. Field tests are ongoing in Limerick, Tipperary, Cork and Cavan town and will take ten weeks to conclude. It is important that we brought the Irish Coursing Club onboard, together with the Department of Agriculture, Food and the Marine in order that we had a collaborative approach to dealing with this.

I am satisfied that there is swabbing, tagging and microchipping and that the certification is in writing. All of these things should ensure that we can serve the population of the hare. The hare is not at risk in Ireland at the moment, there are 250,000 of them in the country and there is no reason why that should change. There are also 29 conditions attached generally to the licences for coursing, including an insistence on not coursing sick or injured hares. These are additional conditions. If it turns out that more hares test positive, we will have to review these licences again. It is constantly being monitored.

My door is always open to talk to both the pro-coursing and anti-coursing sides in trying to achieve a balance.

School Catchment Areas

Deputy Brendan Ryan: While I note the Minister for Education and Skills, Deputy McHugh, is delivering legislation in the Seanad, I am disappointed that he is not here to hear this debate.

I have been advised by the Minister in reply to a previous parliamentary question that the country is divided into 314 school planning areas. Skerries is one of those planning areas but I am afraid there is no evidence of any planning going on. Skerries community college is the only second level school in the area under the patronage of the education and training board, ETB. The Government plan for new schools from 2019 to 2022 does not include a new second

level school for Skerries.

The community college is taking in 180 students in September 2020. There were 257 applicants. As of Monday, there were 68 children on a waiting list which may reduce somewhat with some parents sitting on two offers. However, there is no alternative school in this designated planning area. Some families in Skerries decide to send their female children to the all-girls Loreto secondary school in Balbriggan but the 68 children on the waiting list are from the catchment area and have attended one of the six designated feeder schools in the enrolment policy. The school has three criteria for enrolment, namely, catchment area, feeder school and sibling. Children who are the first born in a family are the ones mostly affected in the points race for priority and they have to go into a lottery for priority on a waiting list. There are many such families in Skerries today. They are not in the catchment area or feeder schools for any neighbouring school planning area. What are they to do? Where are they to go? The school currently has 975 students. It was built as a 900-pupil school. I met the school principal this week to get the facts. I spoke to Paddy Lavelle, who is the chief executive officer of the patron ETB, to highlight the crisis. Skerries is a growing town where building continued at a low level right through the crash and has accelerated in the last couple of years. The Department has dropped the ball when it comes to planning for post-primary education in Skerries. It must pick up the ball and accelerate with it. There is no excuse for not doing so, given that this problem was highlighted last year.

Deputy Louise O'Reilly: I understand that the Minister, Deputy McHugh, cannot be here. I do not mean to be disrespectful to the Minister of State, Deputy Mitchell O'Connor, when I say it is disappointing that he is not here to hear what we have to say. I have raised this issue with him on several occasions.

I would like to give an example to illustrate the point I am making. I will not use the child's name. His parents have written to me to say it is a source of great ongoing concern for them that their son cannot get a place in the local school. They have a connection to the school that goes back to its original foundation as a De La Salle school in 1947. They have relatives who attended the school throughout the intervening period. They have tried to secure an alternative place in other schools. More than 190 children are on the waiting list for Ardgillan community college and more than 70 children are on the waiting list for St. Joseph's secondary school in Rush. This boy is at the bottom of the list because he does not attend any of the feeder schools for those two schools. Another parent has corresponded with me to say that when the first lottery was done, she got a letter to say that her son was in 17th position on the waiting list. She had her fingers crossed in the hope that some girls would choose to go to Loreto and her son would still get a place. Just eight places were offered in the second round. The boy in question is now in seventh position on the waiting list. His parents are gravely concerned.

I have received a response to a parliamentary question confirming that the Department has received an application for additional accommodation from Skerries community college. Will that additional accommodation be in place in time for the September 2020 intake? Parents are already gravely concerned not just that their kids cannot go to the local school, but that there will no school places at all for them. It is unacceptable that we are finding ourselves in such a situation. This issue has been raised because north County Dublin is a growing area. As I live in Skerries, I know that building is going on all over the locality. There does not seem to be any sense of urgency on the part of the Department to get schools built and to accommodate these children.

Minister of State at the Department of Education and Skills (Deputy Mary Mitchell O'Connor): I thank Deputies Ryan and O'Reilly for raising this matter. I am sorry that the Minister, Deputy McHugh, is not here. I have been given an answer by the Department. I will go back to the Minister with the extra information. I will make sure he contacts both Deputies. I spent approximately 18 years working as a school principal. I understand all the issues around education. I am pleased to have an opportunity, on behalf of the Minister for Education and Skills, to set out for the Dáil the situation around school places in north County Dublin, particularly at Skerries community college. The Department divides the country into 314 school planning areas to plan for school provision and to analyse the relevant demographic data. It uses a geographical information system, with data from a range of sources, to identify where the pressure for school places across the country will arise. The Department uses this information to carry out nationwide demographic exercises to determine where additional school accommodation is needed at primary and post-primary levels.

As the Deputies will be aware, in April 2018 the Government announced its plans for the establishment of 42 new schools over the four-year period from 2019 to 2022, including five new primary schools and three new post-primary schools in the north County Dublin and Fingal area. In addition, four new primary and seven new post-primary schools have been established in the area in recent years. The requirement for new schools will be kept under ongoing review and will have particular regard to the increased roll-out of housing provision as outlined in Project Ireland 2040. The Department's capital programme provides for devolved funding for additional classrooms, if required, in schools where an immediate enrolment need has been identified or an additional teacher has been appointed.

The Department is aware of the enrolment issues in the Skerries area for 2020. It is in ongoing direct contact with the patron of Skerries community college in respect of capacity in the school. Skerries community college has expressed a willingness to increase its long-term projected enrolment to 1,000 pupils. In this regard, interim temporary accommodation has been approved for Skerries community college, pending the assessment of future accommodation needs. The patron of Skerries community college is currently tendering for the interim accommodation approved. It is expected to have all interim accommodation in place for September 2020. The assessment process to determine the school's permanent accommodation needs is nearing completion. The provision of additional accommodation on the site must be carefully planned with consideration to the limitations of the site. While I understand the enrolment situation may result in some pupils not obtaining a place in their first-choice school, my Department's main responsibility is to ensure existing schools in the area can, between them, cater for the demand for school places in September 2020.

Deputy Brendan Ryan: Although I am grateful to the Minister of State for reading the reply that was provided to her, I have to say that every piece of it was complete and utter nonsense. A solution must be found for the children of Skerries for next September. The Minister of State must give the House an indication that she understands the seriousness of the matter. She must give parents some hope. There is no hope in the reply she has read. In accordance with the up-to-date and accurate numbers I have put on the record of the House, there will be a requirement for two additional classrooms. The three modular classrooms referred to in the Minister of State's reply are due to be delivered to the school in the new year. They will not provide additional capacity. They will relieve the pressure within the school from the previous efforts to push up capacity. Storage closets and the school hall are currently being used as makeshift classrooms. The things that are being done in the school hall and all over the school

represent last year's delayed response to the problems that exist. This is not new capacity and it will not deliver against what Deputy O'Reilly and I have raised. The children we are talking about do not have alternative options. It is nonsense to talk about different schools in different areas because there is no other option. Skerries is a school planning area in and of itself. It is not connected with any other area. The Minister and the Department must respond to the real crisis that exists in Skerries now. Skerries is a designated school planning area. We need proper planning and delivery. I urge the Minister of State to bring what we are saying to the attention of the Minister, Deputy McHugh. Based on the reply she has read, which I have described as nonsense, it is clear that we need to meet the Minister as a matter of urgency.

Deputy Louise O'Reilly: I agree that we need to have a meeting with the Minister as a matter of extreme urgency. The Minister of State has said that it might not be possible for children to go to their first-choice school. Deputy Ryan and I have outlined that they might not be able to go to any school. As Skerries is a school planning area of its own, they will go to the bottom of the list in neighbouring schools. The children in the catchment areas of those schools will be accommodated before the children of Skerries. The suggestions for dealing with the school accommodation crisis that have been made by the Minister of State will do no more than alleviate the current pressure. We need proper facilities and additional capacity to cope with the waiting list. We have already outlined that the children who are on the waiting list cannot be accommodated in the other schools because there is no space for them. It is not a case of saying that children cannot have their first-choice schools. The fact is that they might not have any school at all. What is needed is additional accommodation that will provide additional capacity, rather than merely alleviate the pressure on the school.

Deputy Mary Mitchell O'Connor: I will relay to the Minister that the Deputies wish to meet him. They referred to the need to provide additional capacity from next September. The information I have in front of me indicates that the Department is in ongoing direct contact with the patron of Skerries community college regarding capacity in the school. The Deputies have stated there are approximately 900 students in the school. The information I have is that the school has expressed a willingness to increase its long-term projected enrolment to 1,000 pupils and that the Department of Education and Skills will provide temporary accommodation on an interim basis. I take the Deputies' point that such accommodation will cater for existing pupils. I will ask the Minister to revert to them to clarify the matter and deal with their request to meet him.

Deputy Brendan Ryan: The problem is what will be done about providing additional capacity from next September, not in the long term.

Deputy Mary Mitchell O'Connor: I am aware of that issue.

Life Insurance Policies

Deputy Pat Deering: I thank the office of the Ceann Comhairle for selecting this important issue. I compliment the Minister of State, Deputy D'Arcy, on his work on the insurance sector. I raise an issue of which he is aware as I have previously brought his attention to it, namely, unfairness in the insurance sector. The issue needs to be highlighted at the highest level.

I refer to a married couple, George and Mary, who are aged 90 and 86 years, respectively, and effectively being penalised for living too long. That is a damning indictment of the aspect

of the insurance industry I wish to highlight. In 1984 they took out a whole-of-life insurance policy to provide for their funeral expenses and so on. In 1984 Mary was paying £50.79 for life cover to a value of £25,394. In 1989 George took out a policy at a cost £50.15, with a sum of £12,697 to be paid at the end of his life. The couple were planning for the future by putting in place a fund for their final days. They were doing the right thing which they were being encouraged to do. However, they have been crucified for doing so. Mary has paid £34,000 and George, £48,000. Mary is now paying €242.98 for cover to a value of €34,890, while George is paying €311 for cover to a value of €29,622. Each year they are given the option to increase their monthly payments or reduce the level of cover. If they decide to stop paying their premiums, they will lose every penny they have paid during the years. They have paid a significant amount of money in the past 35-odd years to provide more than adequate cover in their final days, including to meet funeral expenses and so on. They are being penalised for living too long.

This is an example of the price gouging seen in all segments of the insurance sector in recent years which extends to the public liability insurance issues, whereby companies have gone out of business because they were unable to afford to pay their insurance premiums. Under the whole-of-life policy system, those who are encouraged to do the right thing well in advance of their later years are being penalised for living too long. I ask the Minister of State to begin an investigation and give this issue the attention it urgently requires.

Minister of State at the Department of Finance (Deputy Michael D'Arcy): Last year the Department of Finance insurance policy team sought information from the Central Bank on the nature and workings of this type of insurance product. The Central Bank has advised that whole-of-life insurance policies are designed to provide consumers with life cover for their whole life. As long as the policyholder makes regular payments and the payments are sufficient to maintain the chosen benefits, under this type of policy a lump sum will be paid on the death of the policyholder.

Regular payments under the plan cover the cost of providing the chosen benefits. In the early years payments are higher than the cost of the policyholder's benefits, with the extra money paid going into the plan fund. However, protection benefits become more expensive as policyholders get older, with the result that payments into the plan begin to equal the cost of the chosen benefits. In the latter years of reviewable protection plans the cost of the benefits increases significantly. In order to keep the level of benefits at the current level of payments, the difference is made up from the plan fund.

In order to determine whether the consumer's regular payment, plus any fund which has been built up, is enough to cover the chosen benefits for the reviewable protection plan, the insurance company carries out regular reviews of plans. They may be completed every five, six, ten or 12 years, depending on the product involved.

During such a review, the insurance company may find that the consumer's current level of payments is enough to maintain the level of cover which the consumer wants. However, the insurance company may also find that the current level of payments is not enough to maintain the level of cover desired. I understand it is generally following these reviews that some people, particularly those who are more elderly, may find that their level of payments is being increased. This invariably places some of these individuals under increased financial pressure.

I encourage people who are dissatisfied with the outcome to go to the Financial Services

and Pensions Ombudsman. The Financial Services and Pensions Ombudsman Act 2017 was amended to provide for changes to the six-year rule for long-term financial products, which are products with a term of five years and one month or more. A six-year limit normally applies in all cases. This means the ombudsman will not investigate a case arising from events that happened over six years ago.

However, for long-term products, a person may now make a complaint to the ombudsman within any of these following limits: six years from the date of the conduct concerned; three years from the date at which the person becomes aware or ought reasonably to become aware of the conduct; where it appears to the ombudsman that there are reasonable grounds for a longer period that would be just and equitable in the circumstances. The time limit can be extended.

I know of these cases. There are too many of them. In my view there was a mis-selling of a product to people especially when they get older and when the review kicks in. On too many occasions I have seen these presented to me and in effect if the person continues paying it means that it would be so expensive the insurance company will take all of the product from the person in the next five-year period rather than pass on anything if somebody passes away which is the term of the actual product that the company sold. This is a very live issue about mis-selling of products and it should go to the Financial Services Ombudsman and Pensions Ombudsman.

Deputy Pat Deering: The Minister of State's last few sentences sum up the point I was trying to make. I may not have made it forcefully enough in the first place. There is inherent unfairness in what we are discussing. This couple have obviously worked hard all their lives. They are now aged 90 and 86 and at the end of their lives. They were planning for those end-of-life expenses. Most people approaching that stage of life like to have a certainty for themselves. They do not want to have to leave bills for those coming after them. They were planning for that and doing what they were told to do. Now, as the Minister of State accepts, they are being unfairly treated by an insurance company.

This is not an isolated incident. Many people in similar situations are being crucified as a result of living too long. They have paid in an enormous amount of money already - more than the cover they required 35 years ago. Now because they want to pay the same amount of money, they are being crucified for doing so. Going to the Financial Services and Pensions Ombudsman may be an option for them, but at this stage is it fair to ask a couple aged 90 and 86 to pursue this case through that process? There must be a fairer and more equitable way of doing so. At this stage in their lives, they want a bit of comfort and not to have to go through a process of hassle and hardship dealing with these people who effectively do not want to deal with them.

I thank the Minister of State for coming to the House to discuss the matter and accepting that there is an issue here. Is there a deficit in legislation that could be addressed to deal with this matter in future? In addition to this present issue, there are people who are younger than this couple and who may have to endure the same difficulty in coming years. That should be looked at from a legislative point of view.

Deputy Michael D'Arcy: If that elderly couple had set aside that amount of money in a deposit account, they would have been far better off. Unfortunately, on some occasions the product was the wrong type of product and it was mis-sold to people who believed that they or their heirs would at some point be able to have the benefit of the product in question. There is a solution which lies with insurance company treating elderly couples in a fair and equitable way. This is not something that pleases me much. I am the Minister of State with responsibility for

insurance. I have no powers to instruct insurance companies as to what to do. I do not believe, because the product was sold and the contract was signed many years ago, there is anything we can do from a legislative point of view. However, that does not mean that the insurance company is not dealing with an elderly couple in a very immoral way.

An Leas-Cheann Comhairle: Deputy Brassil wishes to give an explanation.

Deputy John Brassil: There was a misunderstanding. I had submitted a Topical Issue today relating to FEMPI cuts affecting pharmacists and it was accepted. Unfortunately, no Minister from the Department was available to take the matter. I got a phone call from the Minister's office about an hour ago asking me to defer the issue and I agreed to do so on the basis, first, that no further action would be taken until the matter got resolved and, second, that I could raise it again next week. That was agreed with the Ceann Comhairle's office. Unfortunately, that message did not get to the Leas-Cheann Comhairle's office. It is not that I am not looking to take the issue on; I most certainly am. In co-operation with the Minister it will be heard next week.

An Leas-Cheann Comhairle: I thank the Deputy for that explanation.

Consumer Insurance Contracts Bill 2017: Order for Report Stage

Deputy Pearse Doherty: I move: "That Report Stage be taken now."

Question put and agreed to.

Consumer Insurance Contracts Bill 2017: Report and Final Stages

Minister of State at the Department of Finance (Deputy Michael D'Arcy): I move amendment No. 1:

In page 5, between lines 21 and 22, to insert the following:

“ “continuing restrictive condition” means any condition, however expressed, that purports to require a consumer to do, or not to do, a particular act or to act, or requires him or her to act, or not to act, in a particular manner (and any condition the effect of which is that a given set of circumstances is required to exist or to be maintained or not to exist shall be taken as falling within this definition);”.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendments Nos. 2 and 3 are related and may be discussed together.

Deputy Michael D'Arcy: I move amendment No. 2:

In page 6, to delete lines 38 and 39 and substitute the following:

“

47	<i>No. ___ of 2019</i>	<i>Consumer Insurance Contracts Act 2019</i>	<i>Sections 10, 11, 12,12, 13 and 15</i>
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”.

”.

These amendments relate to section 3, amendment of Schedule to the Central Bank Act 1942. Amendment No. 2 is a technical amendment which aims to update section 3 so that it references the correct section numbers of the Bill that the Central Bank will have a role in supervising. The asterisk next to “12” on the amendment paper refers to the section being proposed for insertion by Deputy Pearse Doherty later on Report Stage.

Deputy Pearse Doherty: I welcome these amendments which bring clarity to the fact that the Central Bank Act 1942 will be amended as a result of my amendment No. 12, which will place a requirement on companies to provide details of premiums charged on all non-life insurance policies for the previous three years and in respect of claims that have been paid out.

Amendment agreed to.

Deputy Michael D’Arcy: I move amendment No. 3:

In page 6, after line 40, to insert the following:

“(2) With respect to the amendment effected to the Central Bank Act 1942 by *subsection (1)*, and that amendment only and so as not to affect the operation of the general law specified in *subsection (3)*, where a reference occurs in any section of this Act, specified in that amendment, to “insurer”, that reference shall be construed, where an insurance intermediary is acting on behalf of an insurer, as including a reference to the insurance intermediary.

(3) The general law referred to in *subsection (2)* is the general law, as it applies to this Act, whereby an act or omission done or made by an agent, such as an insurance intermediary, on behalf of an insurer is regarded as an act or omission done or made by the insurer.”.

Amendment agreed to.

Deputy Michael D’Arcy: I move amendment No. 4:

In page 7, line 19, after “sum” to insert “of compensation”.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendments Nos. 5 and 6 are related and may be discussed together.

Deputy Michael D’Arcy: I move amendment No. 5:

In page 7, lines 23 to 25, to delete all words from and including “(1) The” in line 23

down to and including line 25.

I propose an amendment to section 5 regarding regulation-making powers. Section 5(1) provides that the Minister for Finance may make regulations to give full effect to the Act. However, this provision serves little practical purpose because the Bill does not set out any principles and policies to provide the basis for the making of regulations. Such criteria are an essential legal prerequisite for making of secondary legislation as, first, they provide direction as well as limits as to what a Minister can do and, second, the provisions of the Bill are self-contained and do not appear to require or permit further elaboration in secondary legislation in order to have full effect. Furthermore, the policy intent behind this proposal as set out by the LRC to determine formalities in a consumer insurance contract such as prescribed notices, notifications and forms would be better achieved through existing Central Bank powers. For example, the Central Bank has powers under section 48(2)(f) of the Central Bank Enforcement Act 2013 to make provisions specifying the information to be given to customers by regulating financial service providers. I, therefore, propose to delete section 5(1) through amendment No. 5.

Deputy Pearse Doherty: I welcome the fact that section 5(2) will remain in amended form, which allows for the Central Bank to issue regulations. It has that power under the Central Bank Enforcement Act 2013 and this brings clarity on any potential issue that could develop that it also has these powers in this Act.

Amendment agreed to.

Deputy Michael D'Arcy: I move amendment No. 6:

In page 7, lines 26 and 27, to delete “or any other requirements related to, a consumer insurance contract as set out in this Act” and substitute “a contract of insurance or any other requirements related to such a contract contained in this Act”.

Amendment agreed to.

Deputy Michael D'Arcy: I move amendment No. 7:

In page 7, line 29, to delete “whether made under statutory authority or otherwise” and substitute “made under any enactment or instrument under an enactment”.

Amendment agreed to.

Deputy Michael D'Arcy: I move amendment No. 8:

In page 7, line 31, after “Services” to insert “and Pensions”.

Amendment agreed to.

Deputy Michael D'Arcy: I move amendment No. 9:

In page 8, line 14, to delete “from” and substitute “to”.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendments Nos. 10 and 11 are related and will be discussed together.

Deputy Michael D'Arcy: I move amendment No. 10:

In page 10, lines 27 to 36, to delete all words from and including “(1) Subject” in line 27 down to and including line 36 and substitute the following:

“(1) Subject to *subsection (3)*, in a case in which the consumer’s entitlement to cancel a contract of insurance is not governed by the European Union (Insurance and Reinsurance) Regulations 2015 (S.I. No. 485 of 2015) or the European Communities (Distance Marketing of Consumer Financial Services) Regulations 2004 (S.I. No. 853 of 2004), a consumer may cancel a contract of insurance, by giving notice in writing of cancellation to the insurer, within 14 working days after the date when the consumer is informed that the contract has been concluded.

(2) The giving of notice of cancellation by a person shall have the effect of releasing the person from any further obligation arising from the contract.

(3) The right to cancel a contract of insurance under *subsection (1)* does not apply where the duration of the contract is less than one month.”.

It is important to be aware that the bulk of insurance policies are covered by cancellation or cooling-off periods. For instance, all life policies are covered by the solvency II regulations and distance marketing regulations while cross-border non-life policies are also covered by the distance marketing regulations. The original proposal, therefore, from the LRC covering all life and non-life policies is not required and would be in conflict with aspects of the above maximum harmonisation regulations. Consequently, it was proposed to confine section 11(1) to face to face non-life contracts of insurance, that is, those areas that currently have no cooling-off period option. This approach avoids legislative duplication and more important prevents any conflict with EU law.

Section 11(2) sets out various scenarios where the right to cancel a contract does not apply. My officials have engaged with the Central Bank on this provision and I have been advised that in respect of subsection (b), when a contract is renewed on the same terms and conditions, it is a new contract and, therefore, a cooling-off period is also necessary in this case. Otherwise we weaken the rights of policyholders. With regard to subsection (c), the bank has advised that this provision is not aligned with existing EU law and its inclusion is likely to create more uncertainty than anything else as, for instance, preliminary insurance is not relevant in an Irish context.

Deputy Pearse Doherty: I agree with this amendment. It pares it back to just allow for the areas that are not covered by insurance contracts but are covered by the directives that have been transposed, and to deal with the face to face non-life insurance contracts. This brings clarity and I support the amendment.

Amendment agreed to.

Deputy Michael D’Arcy: I move amendment No. 11:

In page 10, line 37, to delete “avoids” and substitute “cancels”.

Amendment agreed to.

Deputy Pearse Doherty: I move amendment No. 12:

In page 10, after line 39, to insert the following:

“Renewal of contract of insurance

12. (1) In the case of a contract of non-life insurance, the insurer, when issuing a renewal notice to a consumer, shall provide the consumer with a schedule outlining the following:

(a) any premiums paid by the consumer to the insurer in the preceding three years, and

(b) a list of any claims that have been paid by the insurer to the consumer in the preceding three years.

(2) Where there has been any mid-term adjustment made to the policy in any of the previous three years, the information to be provided for the purposes of *subsection (1) (a)* shall be met by:

(a) the provision of an annualised premium figure for the relevant year(s) excluding fees or charges applied as a result of that adjustment, and

(b) a statement indicating that the annualised premium figure shown may not reflect the actual premium paid in the relevant year(s).

(3) The Minister shall by order appoint a day for the commencement of this provision.”.

Deputy Pearse Doherty: This is an important amendment. Some of the amendments we have dealt with had substance and others were technical or textual changes. This is one of the amendments of substance and there will be several others from the Minister of State and Deputy Michael McGrath later. This will require the insurer to notify a consumer in his or her schedule of any previous premiums paid by the consumer to the insurer in the preceding three years and the list of any claims that have been paid by the insurer to the consumer in the preceding three years. It also sets out what would happen in respect of a consumer only having cover for a portion of that period where an annualised premium figure would be provided. Regulations were introduced earlier this month that only cover motor insurance. This would apply to public liability as well. It also goes further than the regulations that are in place because it provides not only for last year’s figures but also over a three-year period. The Alliance for Insurance Reform has strongly argued for this. In my discussions with the Minister of State and on Committee Stage we addressed a five-year timeframe. We have been able to settle at this point on three years and I encourage the Minister of State to provide for the earliest possible commencement date for this. Does he have a view on that?

Deputy Michael McGrath: I support the amendment. We need to move to a point where there is much more transparency in the insurance industry. Consumers should be given much more information. It has taken almost three years of a programme of reforms to get to a point where, since 1 November, in the case of motor insurance, the renewal documentation now shows how much the person paid last year. I welcome the setting out the premium paid over the previous three years and, critically, the details of claims paid by the insurer over that period. For too long the process of claims being paid out by insurance companies has been cloaked in secrecy and policyholders have at times been the last to be told what has been done in respect of claims made against their policies. If we have a more open system, it will lead to better outcomes for all concerned.

Deputy Michael D’Arcy: I thank Deputy Doherty for this amendment and his constructive engagement with officials on its drafting. The Department has consulted the Central Bank, which has expressed reservations about the amendment, including the fact that it was likely to lead to additional costs for insurers and is complex insofar as it will apply to many different classes of insurance. The industry has also expressed its concerns about this provision. I do not agree with the Central Bank or the insurance companies.

To be very frank, when I first came into this office I thought the easiest thing to do for motor insurance was to put last year’s premium a couple of lines above it and I met nothing but resistance every step of the way and there was no flexibility on that. We are passing legislation here that obliges three years’ information on the premium and the awards to be given and I am very supportive of this amendment.

The Government understands the background to this proposal and is broadly supportive of this provision. We have to give time to the insurance companies to introduce systems to enable them to provide this information as this is not something that can be done overnight. Whether they are willing or unwilling is a moot point. The legislation will be passed and I hope that all Deputies will accept that I will move this along as quickly as I can.

Amendment agreed to.

Deputy Michael D’Arcy: I move amendment No. 13:

In page 11, line 35, to delete “20 days” and substitute “20 working days”.

Amendment agreed to.

Deputy Michael D’Arcy: I move amendment No. 14:

In page 11, line 39, to delete “the post-contractual stage of a consumer contract” and substitute “all stages subsequent to the entering into of the contract”.

Amendment agreed to.

4 o’clock

An Leas-Cheann Comhairle: Amendments Nos. 15 and 16 are related and will be discussed together.

Deputy Michael McGrath: I move amendment No. 15:

In page 14, line 19, to delete “less than €20,000” and substitute “less than €40,000”.

These amendments relate to section 16, which deals limitations on deferring payment of claim until completion of works, etc., in the case of property contracts. In essence, it relates to amounts being retained by insurance companies pending the completion of works and the furnishing of relevant documentation, invoices and so forth.

According to the research I have done, my understanding is that this practice of retaining payments in the case of household insurance property damage claims has only arisen in the past ten years. It grew out of commercial insurance policies initially where the amount retained was regarded as the difference between the reinstatement value and the indemnity value, namely, the value at which the property had been insured. In many cases, the amounts retained ended up

being a saving for insurance companies because individuals sometimes found they might not be in a position to furnish documentation to the satisfaction of the companies.

This relates to cases where there is a claim settlement amount. The amount that has to be paid in total is agreed following a process. The insurance company appoints a loss adjuster. The policyholder may well have his or her own loss adjuster. That is good practice, particularly for significant claims. There is then engagement between the insurance company and the policyholder, with the amount agreed. By further restricting the amount that can be retained by the insurance company, it will not be out of pocket because the liability is agreed.

The thresholds are set in the Bill as 5% of the claim settlement amount in a case in which the amount is less than €20,000 and 10% in a case in which it is €20,000 or more. Raising that figure to €40,000 is reasonable and is appropriate under the circumstances.

It is a pro-consumer amendment, and I make no apologies for it. We are coming at this from the perspective that the claim amount is agreed. The insurance company has signed off on the amount that must be paid. This is more about timing. I have seen individual cases where excuses were used and the full amount was not paid out. In some cases, it was never paid out. That is not good enough.

I hope the Minister of State and Deputy Pearse Doherty will see fit to support this amendment.

Deputy Pearse Doherty: I welcome the amendment. This issue was brought forward by the Minister of State on Committee Stage. The thresholds for the claim settlement amount are being increased to €40,000. In some cases, it will result in a large amount of retention, depending on the value of it. However, this is an appropriate move and I welcome the amendment.

Deputy Michael D'Arcy: This issue came to the fore when the Department conducted an investigation into storm damage claims. On too many occasions, insurance companies did not pay out all the agreed amounts. That is not acceptable. I welcome increasing the thresholds from €20,000 to €40,000 and I can accept the amendment.

The claims from Storm Emma and Storm Ophelia were analysed. Brokers stated that, on some occasions, up to 25% of the claims presented did not have not the full amount paid and that the retention amounts were never drawn down. That is not acceptable. If there is evidence of this continuing, I will not be slow in adjusting the thresholds again.

Amendment agreed to.

Deputy Michael McGrath: I move amendment No. 16:

In page 14, line 21, to delete “€20,000 or more” and substitute “€40,000 or more”.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendments Nos. 17 to 19, inclusive, are related and will be discussed together.

Deputy Michael D'Arcy: I move amendment No. 17:

In page 15, line 28, to delete “consumer”.

Section 18 sets out to remove the potential of abuse by insurers of the use of warranties in insurance contracts. In the past, a breach of warranty allowed insurers to avoid liability, no matter how minor the breach or even where it was not material to the insured risk. The best example is if there is a requirement for a burglar alarm on a property but it does not have one. If the house goes on fire, in those circumstances the insurance company has the opportunity of avoiding liability because there was a breach of the actual circumstances.

Legal counsel has reviewed the section and concluded its provisions appear to cover in broad terms what they are intended to achieve. Legal counsel, however, recommended that “continuing restrictive condition” should be defined. An amendment to section 1 included such a definition on this basis.

Legal counsel also recommended the section be strengthened. It observes section 18(4) provides that an insurer’s liability is suspended when there is a breach of a continuing restrictive condition, and that if the breach is remedied before the time the event occurs, an insurer’s liability should not be suspended. However, section 18(4) makes no reference to the fact that an insurer’s liability should not be suspended when the breach that has occurred is unrelated to the event or risk for which a claim is being made.

Amendment No. 20 is a technical change to facilitate amendment No. 21. Amendment No. 21 is designed to make it clear that if there is a breach in a continuing restrictive condition, an insurer’s liability should only be suspended when the breach is associated with the loss occurred. For example, an insurer should not refuse to pay out in the event of a house burning down, if the house alarm was not applied, as the house alarm is not connected to the fire which occurred.

Deputy Pearse Doherty: Are we dealing with amendments Nos. 17 to 21, inclusive?

An Leas-Cheann Comhairle: No. We are dealing with amendments Nos. 17 to 19, inclusive.

Deputy Pearse Doherty: The Minister of State referred to amendments Nos. 20 and 21. I might respond to them all.

Amendments Nos. 17 to 19, inclusive, are drafting amendments. I have no issue with them. They involve changes to terms such as “consumer” and substituting “an insurance contract” with “contract of insurance”.

Section 18 is important as it deals with warranties. These are the obligations by which a consumer must abide. We accepted earlier amendments on the definition of “continuing restrictive conditions”. These warranties can result in an entire claim being voided. The Minister of State gave a good example from the LRC report. An insurance policy may require a policyholder to have a burglar alarm in his or her home. The example is if the house burns down, be it due to lightning or an electrical fault, and the assessor notes there was no burglar alarm or it was a class C alarm as opposed to a class B alarm. While it had nothing to do with the fire, the insurance company would be within its rights legally, but not morally, not to pay out on any of the claim. The family then has lost all its possessions, even if it paid insurance for a long time.

Section 18 makes it clear that such circumstances will not be permitted in the future. It states that, where there is a breach of warranty, that it is only for that period and that section of the loss that will be suspended. I do not have an issue with amendment No. 20 but I am not sure

if it is required because section 18(5)(b) states any breach “shall only suspend the liability of the insurer in respect of that particular type of loss, or loss at a particular time or loss in a particular location”. In the case of a burglar alarm, if it is not operational and the house is insured for theft, it could be argued that it was not covered against theft, but if lightning strikes the house and it is burned down the insurance company cannot get out of paying the liability. This section is really important. As I said, I have no issue with the amendments. They tighten up and clarify the legislation. It is important on the legal advice that is available to the Minister that there is clarity because we do not want insurance companies to be able to wriggle out of their obligations to pay a claim as a result of an action that is negligible or has no impact in regard to the damage caused to the property.

Deputy Michael McGrath: Am I correct that we are speaking to all of the remaining amendments?

An Leas-Cheann Comhairle: Strictly speaking, we are dealing with amendments Nos. 17 to 19, inclusive.

Deputy Michael McGrath: Yes, but the Minister of State has already read into the record his note on the remainder of the amendments. On amendment No. 21, the key point is that the breach has to be relevant and, in effect, the suspension of the liability should not be allowed unless it is relevant and unless, as provided for in the Bill, the risk of a loss has occurred. If the breach has not increased the risk of a loss occurring then it would not be sufficient grounds for the suspension of the liability on the part of the insurer. In other words, a technical breach that is not directly relevant in practical terms and did not increase the risk of a loss event occurring is not sufficient grounds for a suspension of the liability of the insurance company. This is a sensible change and I support that amendment.

Deputy Michael D’Arcy: On amendment No 20, legal counsel were clear that it was required.

Deputy James Lawless: I support these amendments. I also support the Bill. I welcome the rebalancing from the insurer to the consumer, which is line with consumer law as it has evolved in the last couple of decades. The privity of contract provisions are welcomed also as they bring us into line with the UK jurisdiction in terms of some recent developments there. The disclosure requirements in terms of what is known as the small print or, legally, *Uberrima fides*, under which the consumer is obliged to disclose all information, can now not be used to trip up or arrest and block legitimate claims. The balance in this regard is now tipped via this Bill in favour of the consumer. I welcome that and I commend the Bill.

Deputy Brian Stanley: I support amendment No. 22. This is an important Bill. I commend Deputy Pearse Doherty on bringing it forward. As we know, insurance costs are a huge problem across this State for businesses, householders and motorists. They have been the cause of many businesses closing. Many of the provisions of this Bill will provide some level of comfort and security to people who need insurance cover to transact their business and to travel to and from work. There have been situations where insurance companies have used opt-out clauses to wriggle out of paying justifiable claims to customers. This Bill attempts to close off those loopholes.

While there is further work to be done on the insurance industry, I look forward to the enactment of this Bill. People are being fleeced by insurance companies. Sinn Féin has proposed

that the Government levies imposed on insurance premia over recent years be removed. We need to start lifting the burden on ordinary families, workers and small businesses that have been caught with huge premiums over the years.

Deputy Pearse Doherty: I did not intend to speak again but as I reflected on section 18, I realised that as we are on Report and Final Stages of the Bill this may be the last opportunity I will get to comment on it. The amendment to section 18 brings further legal clarity to the Bill. Section 18 sets out clearly the intention in regard to a loss. The example used was that of a house burning down, in respect of which, because it had no burglar alarm, the claim was nullified. Section 18(4)(b) provides that “if the breach has been remedied by the time the loss has occurred” - in other words, the burglar alarm was broken but repaired before the theft occurred - “the insurer shall (in the absence of any other defence of the claim) be obliged to pay any claim made under the contract of insurance”. It is hard to understand why we would have to legislate in this day and age for this type of situation. The example we have used is a contract in respect of which there was a warranty in place and an obligation on a consumer to, among other things, install a burglar alarm to protect him or her from theft; the burglar alarm was non-operational for a week or two following which it was repaired and the house was broken into and a claim was made in respect of damage to property. It is important to reflect that the reason this exists in Irish law at this point in time is because our insurance contracts legislation dates back to the 1600s. The laws that exists today in regard to the warranty and the breach of same and how it can nullify an entire insurance contract and a valid claim dates back to a court case that was adjudicated under British law in the 1600s, which involved the insurance of cargo as it travelled the high seas. This case is from where much of the insurance activity originated. The warranty in this case was that when the ship left port it had to have 50 crew on board. The ship left the port with fewer than 50 crew on board but it stopped in a near neighbouring port where it picked up additional crew, which meant the ship had in excess of 50 crew when it left for the high seas. The ship ran into trouble, the cargo was destroyed and lives were lost and the company was able to refuse to cover the liability because even though there were more than 50 crew on board, at a point in time the warranty had been breached, even though that had taken place well before then. This was happening in the 1600s. Unfortunately in 2019, insurance companies are still doing this and so we are using this Bill to modernise the law.

Amendment agreed to.

Deputy Michael D’Arcy: I move amendment No. 18:

18. In page 15, line 34, to delete “an insurance contract” and substitute “contract of insurance”.

Amendment agreed to.

Deputy Michael D’Arcy: I move amendment No. 19:

19. In page 15, line 35, to delete “insurance”.

Amendment agreed to.

Deputy Michael D’Arcy: I move amendment No. 20:

20. In page 15, line 37, after “is” to insert “, subject to subsection (5),”.

Amendment agreed to.

Deputy Michael D’Arcy: I move amendment No. 21:

21. In page 15, between lines 40 and 41, to insert the following:

“(5) *Subsection (4)* does not suspend the liability of the insurer if the fact that the breach referred to in that subsection has occurred has not increased, in the circumstances concerned, the risk of a loss that has occurred (being a loss for which liability on the part of the insurer is claimed by the consumer).”.

Amendment agreed to.

Deputy Michael D’Arcy: I move amendment No. 22:

22. In page 16, to delete lines 13 to 40, and in page 17, to delete lines 1 to 12 and substitute the following:

“19. In addition to applying to a “consumer” as defined in those Regulations, the European Communities (Unfair Terms in Consumer Contracts) Regulations 1995 (S.I. No. 27 of 1995) shall apply to a consumer within the meaning of this Act.”.

Amendment agreed to.

Bill, as amended, received for final consideration.

Question proposed: “That the Bill do now pass.”

Deputy Willie Penrose: As somebody who has dealt with contracts in a litigation environment, I should comment on this Bill. The Bill is based on a 2004 Law Reform Commission report. Many of the proposed reforms are non-controversial and they are very welcome. I compliment Deputy Pearse Doherty on bringing it forward. It rebalances the contract of insurance away from the insurance companies that are in the dominant position. To restrict their wriggle room is extremely important. While it is an excellent Bill, section 7 is a worry. I say this genuinely. It abolishes the concept of insurable interest. It means that in future, a claim by a consumer under an otherwise valid insurance contract cannot be rejected by the insurance company simply because the consumer did not have an insurable interest in the subject matter of the contract. Insurable interest may well be a difficult concept to pin down, but I think we all know it when we see it. It is the term used to describe the policyholder’s connection with the subject matter. For example, I can insure my own house against fire because, if my house goes on fire, I will suffer loss. However, if I insure Deputy Michael McGrath’s house against fire, I am either just placing a bet or I am preparing for arson. I have no insurable interest in his house and so, if I insure it, the policy is void under the law as it now stands. There are admittedly difficult cases at the margins and the rules about insurable interest may well, as the Law Reform Commission argued, have developed in a way that is confusing and sometimes illogical. However, there is a principle at stake here. The concern of the courts has been that insurance contracts can involve a high degree of moral hazard and should never resemble gambling or wagering. The Law Reform Commission considered but rejected the option of reforming the law on insurable interest. Instead it recommended what is here in section 7, namely, its abolition.

I have to raise two issues, otherwise I will be asking myself in 12 months’ time why I did not. They deserve serious consideration. One is the general policy question arising from the connections, and differences, between insurance and gambling. The second relates to a specific rule that prohibits parents from insuring the lives of their underage children for an amount that

bears no relation to any expenses they may incur. On the first issue, a wager and an insurance policy are clearly similar in that there is a sum paid to another party, with the possibility of a much larger payback depending on a future event that may or may not occur. The difference, however, is that with a wager placing the bet creates the risk, while an insurance policyholder is being protected against a risk to an interest which he already possesses, independently of the contract. In other words, whether or not one has an insurable interest is at the core of the distinction between a wager and a bet. The Law Reform Commission disagreed but it was not definitive on this point. The commission instead argued that while the approach of the common law and earlier legislation reflected the prevailing attitude in the 18th century that such activities were a significant social evil, in this State in the 21st century, gambling is now seen as an economic activity to be regulated in much the same way as other comparable activities such as financial services, including insurance. The commission argued that the Gaming and Lotteries Act 1956 is thus now regarded as an unsuitable legislative framework. It pointed to the fact that in 2013 the Government had published the general scheme of a gambling control Bill, to provide a system of regulation that aimed to “achieve an appropriate balance between, on the one hand, encouraging commercial gambling (including casinos and online gambling) and, on the other, protecting vulnerable consumer gamblers”. It said that the 2013 scheme proposed that gambling contracts would be in future legally enforceable, replacing the long-standing ban on enforceability of wagers. The commission concluded that:

Gambling is now recognised as a legitimate activity with significant economic benefits which can be dealt with through statutory regulation. These matters are seen as consumer protection matters rather than moral hazard issues and attest to the fact that any insurable interest requirement, as a legislative proxy for counteracting socially undesirable contracts of speculation, has no part to play in modern Irish law.

Although making gambling contracts legally enforceable was indeed provided for in the 2013 scheme, it is important to highlight that this proposal has not yet emerged in Bill form, let alone become law. There is a Gaming and Lotteries (Amendment) Bill 2019 currently in its final Stages, but that Bill does not make any amendment in this area of law. There is a cart and a horse here. In other words, a vital development that the Law Reform Commission presumed would be in place before its own report was acted on - as Deputy Pearse Doherty has done through the present Bill - has not in fact occurred. Nor do I believe, incidentally, that there is any reason to presume this or any future Oireachtas will in fact legislate to make gambling contracts enforceable or legislate with a view to encouraging commercial gambling which includes casinos and online gambling. I do not believe it will ever happen. It is too soon to say the Oireachtas agrees with the commission that the 18th century views on gambling as a significant social evil are outdated and that gambling should be instead viewed as a legitimate economic activity with significant benefits.

We are amending insurance law by removing the requirement for an insurable interest in an insurance policy. However, we will have retained the rule, in section 36 of the 1956 Act, that says that gambling contracts are still legally unenforceable. What will be the law? Does either the sponsor of the Bill, Deputy Pearse Doherty, or the Minister have a view as to the legal effect of enacting this Bill while section 36 of the Gaming and Lotteries Act remains in force? The Law Reform Commission did not have a view on this, because it presumed that section 36 would have been repealed by the time their proposals came to be considered. Even though the requirement for insurable interest is removed from insurance law, is there not a risk that an insurance policy taken out on a subject matter in which the policyholder has no insurable inter-

est will continue to be considered a wager under the Gaming and Lotteries Act? We pass law reform measures to clarify the law. Passing this measure, in these circumstances, just makes the law more obscure.

With the latitude of the Leas-Cheann Comhairle and the House, the second point relates specifically to children. The Life Insurance (Ireland) Act 1866 introduced the rule that life insurance cannot be taken out where the policyholder has no interest in the life of the person insured. The law recognises that an individual has an interest in insuring his or her own life, the life of a spouse and, in some cases, the life of an employee. The law has never recognised that parents have an insurable interest in the lives of their underage children. This is not just down to a purely economic argument that the death of a child is not measured in terms of financial loss. It is based on the reality that children are vulnerable and, if they are more valuable dead than alive, then they are vulnerable to being killed if there are insurance proceeds to be claimed from policies on their lives. The law has prohibited not just life insurance but also payments from benevolent societies, trade unions and so on, to parents on the death of minor children, except to cover reasonable funeral outlay and expenses. This Bill proposes to disapply the Life Insurance (Ireland) Act 1866. It seems there will be no longer any requirement for the policyholder to have an insurable interest in the life of the person whose life is insured. In other words, there will be no requirement that the policyholder would suffer any financial loss as a result of that death. We must remember that life insurance policies are not an indemnity under which one claims compensation limited to the actual financial loss suffered. Instead, life insurance policies are entered into for lump sums. It seems there will be now no limit to the amount for which one could insure the life of a dependent minor child. What is more, as I read it under this Bill, I still could not profit by insuring another person's house against fire, because the indemnity rule would still limit me to a claim for the economic loss I suffered on its destruction. However, life insurance is not governed by the indemnity rule. Even though I as a perfect stranger could not insure another person's house, I could insure another person's child. Why is that a good thing? Most parents would be appalled at the notion that we are changing the law here to allow strangers to speculate on the lives of children. Any parent who discovered such a policy would, I think, notify the Garda. They would regard it either as a most distasteful bet or as a threat. Why should we change the law so that, as a result of transactions entered into by parents or by strangers, a child who is a financial burden when alive becomes a financial asset when dead? Usually, we change the law on foot of popular demands for change. Who has called for this change? What interest group is behind it? What need does it meet? It seems to me to be a step that is worrying. The scrutiny report on this Bill stated, "In respect of life assurance, if someone is prompted to murder to recover a life assurance policy, they are unlikely to be deterred by "insurable interest"." That is quite clearly missing the point, with respect. The point is that no one can be prompted to murder to recover a life insurance policy if such a policy is not permitted in the first place.

I ask the Minister of State to consider those points. It is an excellent Bill but I am genuinely worried about section 7. It may have consequences which are definitely not anticipated or intended by Deputy Pearse Doherty or by the Minister of State. Perhaps it might be worthwhile to run it through the Office of the Attorney General to see what he thinks, particularly in the context of a measure that the Law Reform Commission anticipated would have been implemented prior to the passage of this Bill, which would have dealt with this anomaly. I say this in a constructive way and congratulate the Deputy on the Bill progressing at the speed it has.

An Leas-Cheann Comhairle: Before the Minister of State comes in, I do know that Dep-

uty Penrose had hoped to request the recommittal of section 7.

Deputy Willie Penrose: Yes. I apologise, I was late.

An Leas-Cheann Comhairle: I think we were running early as well. That has to be done at the commencement of Report Stage. The Deputy has had his opportunity and perhaps the Members may take it on board in the other House.

Deputy Michael D'Arcy: In response, certainly we will look at it. We have legal advice on this from the Office of the Attorney General. They are quite satisfied with what we have in respect of section 7, that there must be an economic interest. Section 7(2) states:

Where the consumer is required, because the contract of insurance is also a contract of indemnity, to have an interest in the subject-matter of the contract, the interest required shall not extend beyond a factual expectation either of an economic benefit from the preservation of the subject matter, or of an economic loss on its destruction, damage or loss that would arise in the ordinary course of events.

We are satisfied that the section is covered. That said, I will bow to the Deputy's legal knowledge and ask that the matter is run through in conversation again.

I thank Deputy Pearse Doherty. This Bill took longer than anticipated to complete, but we have good legislation. I have been fair to both Houses and all Members on the issue of insurance. We are going through a difficult period in the insurance sector in Ireland and I could not have got this legislation through without the co-operation I have received. We have the Insurance (Amendment) Act 2018, the Central Bank (National Claims Information Database) Act 2018, the Judicial Council Act 2019, had changes to sections 8 and 14 of the Civil Liability and Courts Act 2004 and a change to Central Bank rules and regulations within the last month. We now have this Bill and there is more work to be done.

We will continue to improve the insurance sector on every occasion we have an opportunity to do so. There were parliamentary questions to the Minister for Finance earlier today. We expect to move towards the establishment of the personal injuries committee shortly. Responsibility will then move from this House for the guidelines. I am clear that they will be lower cost, lower impact guidelines. Two thirds of all personal injury claims in Ireland are for sums less than €26,000 and they are the claims that are doing damage. There are too many occasions on which people present innocuous claims and seek large amounts of money in damages. That era has to end. I know that I have the full support of every Member of this House, as well as of the other Chamber, in trying to bring it to an end. One of the reasons I am doing this is for people who have been impacted on by injury, damage and loss. I refer to having a properly structured insurance sector in this jurisdiction in order that they will receive fair and adequate compensation. I am not referring to people with a bruise or a scratch or who have suffered a little knock.

Deputy Pearse Doherty: I thank all of the Deputies for the contributions made on the Report and Final Stages of the Bill. In taking on board the comments made by Deputy Penrose, there are provisions regarding indemnity which deal with all non-life insurance policies. They fall into the indemnity insurance category, where there has to be an economic interest in the contract. While a person might not have an insurance interest, he or she must have an economic interest in a case. There is that protection in reference to some of what was suggested by Deputy Penrose. Further scrutiny will probably be required, although this issue did not arise at any stage of the pre-legislative scrutiny process and has not been raised prior to today. An

amendment on an earlier Stage would have allowed us to tease it out further.

I welcome the support of the Deputies present and their respective parties for the legislation. It is important legislation which deals with issues such as an insurable interest. It will ensure, for example, that the interpretation of a contract of insurance will be to the benefit of the consumer in a case where there is confusion. It will also ensure issues such as the warranties we discussed will not provide a way for insurance companies to wriggle out of paying legitimate claims. The Bill will also ensure the consumer will no longer have to volunteer information and try to second-guess what the industry is looking for. The Bill places the requirement on the industry to ask the questions and an obligation on the consumer to answer them honestly. In cases where there are minor discrepancies the Bill will ensure claims cannot be completely invalidated. One such case involved damage to a property which had four bedrooms. In the insurance contract the property was described as having three bedrooms. As a result of providing what could have been perceived up to now as fraudulent information, the insurance company did not pay. That was completely unjustified and immoral, but the Bill will resolve such issues. It also deals with issues such as renewal notification in seeking quotations. This will help people to shop around and look for better value. It also deals with a crucial issue for sectors such as the soft play sector which are finding it difficult to obtain insurance cover. We saw where they were able to come together. It took a lot of work for them to try to find out what claims and premiums were being paid. Under this legislation, all of the different organisations will be able to pick up last year's renewal notification and see what premiums were paid in the last three years and what the quotes were.

I again thank Deputies for contributing to the debate, both today and on previous occasions. I also thank the Minister of State, Deputy D'Arcy, for his engagement on the Bill. He has mentioned that it is a long time since the Bill commenced its journey. It is and it would be remiss of me not to point out that it was one of the pieces of legislation that were being held up by the lack of a money message. However, where there is a will, there is a way and where we can come together and pass legislation, it will be to the benefit of consumers. During his time as Minister of State, Deputy D'Arcy has been nothing but helpful in dealing with this legislation, as have his officials. They engaged with me several times and my staff. I mention Pól McIlvenny and Declan O'Farrell who have been instrumental in making sure the legislation will be passed. I also thank Peter Boland from the Alliance for Insurance Reform who is keeping us on our toes in dealing with this issue, rightly so.

The legislation was originally authored by the Law Reform Commission, but it has changed since as we, the Minister of State and Deputy Michael McGrath made some amendments. It is all for the better for them. I commend the work done by the Law Reform Commission and during its early engagement with my office. I thank everybody who has been involved so far. I am glad that this is my second item of legislation to be passed in this House and I hope into law. Both Bills are aimed at protecting consumers. This legislation, in particular, is very important. It will protect and enhance the ability of consumers to obtain better value in seeking insurance contracts.

Question put and agreed to.

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

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

An Ceann Comhairle: Deputy Mattie McGrath was in possession when the debate was adjourned, but níl sé anseo anois. I, therefore, call Deputy Healy.

Deputy Seamus Healy: I welcome the opportunity to speak to the Bill. I also welcome the measures contained in the Bill such as the Christmas bonus, the increase in the living alone allowance, the 35,000 hot meals to be provided for school children and other similar provisions. What is contained in a Bill, however, is not always what is most important and this Bill is a classic example. What is not included in it is very important. It will, effectively, implement a freeze on social welfare payments and the national minimum wage. It will implement the measures included in a budget that was deeply regressive, cut the living standards of the poorest families in society, is socially unjust and will widen the gap between rich and poor. The excuse for doing this in the past, of course, was austerity. The excuse this time is Brexit. There is, however, no justification whatsoever for implementing a freeze.

Many independent organisations, agencies and individuals confirm that there is great need in society and that money is available to address them. Social Justice Ireland, for instance, has described the budget as a betrayal of the most vulnerable in society. It is worth reading a small paragraph of its analysis. It states:

Budget 2020 failed in its basic task to protect the vulnerable. While TDs will see their salaries rise by about €1,600 in the coming year (€30 a week) many of Ireland’s most vulnerable people will see their welfare payments remain unchanged.

Among other things they will face additional increases in the cost of food - [and] public transport as a result of increased carbon tax.

Social Justice Ireland also states the poverty gap has widened as a result of the budget and as a result of the implementation of the measures in this Bill. It states:

One in every six people in Ireland lives with an income below the poverty line (15.7% of the population). Based on the latest CSO data, this corresponds to approximately 760,000 people. Social Justice Ireland has consistently pointed out that a lesson from previous experiences is that the vulnerable in our society get left behind unless welfare increases keep pace with increases elsewhere in the economy.

Social Justice Ireland calls for an increase of €9 per week in social welfare payments across the board to keep in line with cost increases.

The ESRI states in its commentary that the budget had a greater impact on the incomes of poor households. It has calculated that the budget will reduce the incomes of the poorest 10% of households by 3%. Mr. Michael Taft, a trade union economist, explains that pensioners will, as a result of the budget and the fact that there is no increase for pensioners in this Bill, be less well off to the tune of €168 per year. He states that keeping pace with inflation and what the Government has forecast to be cost of living would require at least €3.22 more per week. Government inflation forecasts are 0.9% in 2019, 1.3% in 2020 and 1.4% in 2021. Therefore, it would take a minimum increase of €3.22 per week for pensioners to maintain their current standard of living.

We know already that middle and low-income families and social welfare recipients struggle daily to make ends meet. They have hardly two cent to rub together at the end of the week. Any additional costs whatsoever, such as costs associated with an unexpected illness, bereavement, Holy Communion or confirmation, puts them into debt and puts serious pressure on low-income families.

We know from many agencies that circumstances are very difficult for the low-income families. The ESRI and CSO have pointed out that there are 760,000 living below the poverty line. We are aware that there are 110,000 working poor and 137,000 working on the minimum wage. There are 230,000 children living below the poverty line. Some 28% of the population experience fuel poverty, and 44.5% of lone-parent families experience deprivation. We are aware that the lowest 10% of income earners pay the same percentage of their income in tax as the wealthiest 10%. Therefore, it is shameful that the Government has frozen the incomes of these poorer families. Worse still, it is not just a freeze but a cut to the income of pensioners, social welfare recipients and those on the minimum wage. There is no justification for that.

There is money available to pay increases to the affected groups. The Social Insurance Fund is currently in surplus to the tune of €1.4 billion. Only yesterday, the Minister for Finance, Deputy Paschal Donohoe, told us that Ireland's fiscal position for 2019 would be better than the 0.2% budget surplus he forecast about a month ago. He went on to say he would deliver a budget surplus of in excess of 0.5% in 2020. Therefore, the money exists.

Ireland is one of the richest countries in the world. In fact, it is the eighth richest. Recent studies shows that the top 10% of wealthy people in this country own 58.4% of all wealth. The top 5% own 46.4% of all wealth, and the top 1% own 27.3% of all wealth. It is worth thinking about that. These figures prompted the well-known economist David McWilliams to propose a wealth tax. He stated wealth tax revenue of anything from €2 billion to €20 billion could be collected on a sliding scale, depending on whether a tax of 0.5% or 5% is imposed and the category for which it is introduced. A minimum of €2 billion in wealth tax revenue would be available to the Government if it were prepared to make exceptionally wealthy people pay their fair share of tax. Of course, the Government chose to support very wealthy individuals through the assignee relief scheme. Some €28 million was available, meaning individuals could gain up to €130,000 per year in tax relief.

Studies shows there are 2,055 super-rich individuals in this country. This is the fifth highest proportion in the world, ahead of the United States, the United Kingdom, Germany, France and Japan. We have 421 super-rich individuals per 1 million of the population of the State, yet there is no wealth tax. The financial assets of the richest 10% in this country are now worth €50 billion more than at the peak of the boom, which was in 2006. Again, there is no taxation of these super-rich individuals. We hear regularly about broadening the tax base. I suggest to the Minister that it is about time we broadened it to force the super-wealthy individuals to pay their fair share of tax and support society generally.

The figures I have given show there is no justification whatsoever for cutting the income of pensioners, social welfare recipients and workers on the minimum wage. We know what they need. The Government has the money and a means of getting money to make a reasonable payment available to poorer families. It is worth reminding the House that this Bill not only freezes the income of poorer families but also cuts it. I call on the Government, and Ministers of State Deputy Finian McGrath and Deputy Halligan in particular, to introduce a supplementary budget to do the right thing, to give at least the increase that Social Justice Ireland is looking for, €9

per week, and ensure the minimum wage is increased accordingly. What has happened in the budget and what will be implemented in this legislation is unacceptable. There is a great need out there and the Government has the money and the wherewithal to tackle the situation and to give reasonable increases to families that are poor and families that are under pressure every day of the week.

Deputy Tom Neville: I welcome the Minister's budget. I wish to highlight some of the measures being introduced in it such as the extension of the hot school meals scheme to 35,000 additional schoolchildren. The living alone allowance payment will increase by €5 per week for people with disabilities and pensioners living alone. Some 370,000 households will benefit from the extra €2 for the fuel allowance payment per week. Eligibility for the household benefits package will be broadened for people under the age of 70 to allow for another adult to reside in the household. The earnings disregard for working lone parents in receipt of the one-parent family payment or the jobseeker's transition payment will increase by €15 to €165 per week. Carers will benefit from an increase in the number of hours they can work or study outside the home from 15 hours to 18.5 hours. The carer's support grant of €1,700 a year will continue to be paid.

I very much welcome that the Department of Employment Affairs and Social Protection is to commission a research project to examine funeral poverty in Ireland and the wider economic impact of bereavement. Could the Minister indicate the timelines and when the report will be completed? Could she furnish us with the findings of the research as soon as possible with a view to the policy that will be put in place on the back of it?

Other measures I wish to highlight in the time available to me relate to help for those seeking work. A total of €2.5 million is being provided to target specific job activation and training supports for groups that are most distant from the labour market or have challenges entering the workplace. In particular, it is intended to develop returnships for women who have been out of the workplace for a prolonged period, usually to raise a family or care for a relative, and to help them to participate once more in the workforce. I very much welcome the initiative, which is about trying to get people to return to work and to remove the barriers to work. The Minister is well aware of the number of times I have raised the issue in the Dáil. A €10,000 grant was provided about two years ago for employers to take on anybody aged over 50 who was long-term unemployed. I continue to raise the issue of older people between 50 and 55 years in the workforce who face discrimination in trying to get work. We must try to break the barrier to them accessing work. As employers or employees, we as a culture and society must step up to combat that, in particular now that we have reached 4.8% unemployment, effectively, full employment. We must grow the existing productivity in the economy and in society that is not being fully tapped into.

The Department of Business, Enterprise and Innovation attended a committee to discuss workers becoming unemployed and those who might be unable to continue with their current occupation, such as manual labourers, for example, those in the construction industry. When they reach a certain age their bodies are simply not able to retain the physicality required but that is all they know as they might have been doing the job for 15 or 20 years. We must help and advise those people to retrain. They are not used to academic-type work but they have developed brilliant physical and manual skills. We must help that sector to diversify. A man who is 50 or 55 years of age who has worked on a building site for the past 30 years still has another 15 to 18 years work, or even longer if he wants to continue. Some workers might still have a young family to rear. We must create the opportunities and options for those people, in particu-

lar if we are trying to attract them into apprenticeships in the wet trades so that there is career advancement when their bodies get older and they are not able for such manual work. That will add to the attraction of apprenticeships as well. I would like the Government to look at this area in the next six to 12 months and perhaps commission a study or report into it. I learned today at the Joint Committee on Climate Action that education and training boards are working on this area, especially in the context of a just transition for people who have been working in manual jobs for 15 to 20 years. A study is required on how to help such people to transition to other areas of employment, which could be used as a blueprint and to attract people into those roles and to give them some hope. Men in their mid-50s call into my office who say people will not hire them because of their age. That is not on. We must change that, keep shouting about it and combat it. I look forward to some of the new initiatives that will be put in place in that regard. I thank the Minister for the grant of €10,000 for the long-term unemployed that she introduced in recent years.

Deputy Dara Calleary: I wish to share time with Deputy Lawless.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Dara Calleary: I welcome the opportunity to speak on the Social Welfare (No. 2) Bill. I will pick up where Deputy Neville left off and speak about older people, in particular older men, who are being given no option as companies change models. We see it not alone in the midlands but all over the country as companies close and restructure. They are the target for redundancy but they still have so much to give. There is a need for a special effort in that regard. We must talk much more about it, as it is not talked about enough. I support any initiative the Minister will take in the area.

I ask the Minister to keep under review throughout 2020 the inability to give the full €5 this year because of the danger of a no-deal Brexit scenario. If we get through 2020 with some kind of long-term deal in place we should re-examine the measure. Most people will have some small increase in income during 2020 but, unfortunately, pensioners and those on social welfare will not have an increase.

I welcome the very targeted increases in specific areas. The Minister has been committed to such an approach for some time. They will make a difference. I acknowledge that the Minister has brought a sense of practicality to the role, which is evident in a number of initiatives. That was not necessarily the case with some of her predecessors.

While we have had disagreements on this in the past, I acknowledge the Minister's role in assessing the pension review and the 2012 changes. We are making some progress but not enough. Many people are still being left short of money that they were expecting at this stage of their life. However, I acknowledge that the Minister has brought a particular focus to the issue within the Department. The difficulty is that a lot of people are arriving into the situation now still unaware that they are affected by the changes. People are coming to retirement age now who do not realise that the change happened in 2012 and it is now affecting them. Many people are coming up to pension age budgeting for a certain figure and finding that it is a lot less. A whole new cohort is coming in every year and people are incredibly frustrated. They share the frustrations of those who went before them. They took time out for family reasons and other reasons to support the State, be it to look after children or parents and now they are being penalised by the State for having done that. That is something the Minister needs to keep a focus on because I suspect that if she was not there, her officials would hope it would go away.

I welcome the Minister's focus but we will keep on her case in regard to the issue as well.

Given that the amount of weekly payments has fallen and given that the numbers are falling, I ask the Minister to consider assigning extra people into the appeals section. At this stage appeals are still taking six or nine months and it is incredibly difficult for people who may be waiting on a payment. The notion that they can go to the community welfare service does not work for quite a number of them because they may not have access to it. They may not want to do that, or they may not have the wherewithal to do it. We must address certain appeals, for example, for carer's allowance or the domiciliary care allowance, to ensure they can be addressed more quickly and efficiently than is currently the case. I refer in particular to people who find themselves in a difficult situation. I am aware of a number of cases where carers are expected to give up their job before they get a decision, which leaves a gap that could mean they are potentially left for weeks and even months without an income. Consequently, they will not make the decision to give up their job.

5 o'clock

One then finds that the person people want to care for is using general hospitals, primary care services and even home help services when somebody is willing and able to care for him or her at home. The restriction of having to give up a job or wait for an appeal to be heard causes issues in that regard. I ask the Minister to look at that issue, with particular reference to carer's allowance and the domiciliary care allowance, with a specific initiative related to appeals. The move from carer's benefit to carer's assistance means that the process still does not look at mortgage or rental payments which will knock many out. Mortgage payments account for a substantial part of people's incomes, people who do not have a choice but to make either mortgage payments or pay rent. We need to apply flexibility in that regard. If there is to be a particular focus in the Department this year, it needs to be on carers. Some initiatives are welcome. The Minister has increased the working allowance, a measure I welcome.

Too often the Government operates in different silos, with the Department of Health doing one thing and the Departments of Employment Affairs and Social Protection and Education and Skills doing others, with no co-ordination between them. I make this point every year and it is not political. The system has been designed to frustrate those who most need it to help them, whether they are carers or parents of children with special educational needs. We need to break down those silos and make difficult journeys much easier. The State should help to make a difficult journey much easier, except that there are all of these barriers in place which are age related and stupid and need a practical focus. If we do anything in 2020, we should focus on how we can help carers. The work they do is phenomenal and saves the State a lot of money in the health service and other areas such as education. The entire State apparatus should come together with an all-of-government focus on carers in 2020 to look at the blockages the State can remove to make the lives and journeys of carers easier, whether they are caring for older people or children with special needs. At least, that would show that the State recognised the role they were playing.

We had hoped to raise the issue of community employment scheme supervisors. I gather from some correspondence we received on Friday that there seems to be a difficulty in the talks. It has been communicated by the unions that the information was not shared at the appropriate time. I would appreciate it if the Minister looked at this issue because I know that she has taken an interest in it. Supervisors of community employment schemes do a considerable service for the State in providing skills, passing on talent and giving opportunities to people who might

otherwise not have them. It comes back to what Deputy Neville said. Many participating in schemes are people who the market, for want of a better word, has left behind. We are giving them a chance to use their skills and talents. How can we expect supervisors to do this when at the end of their career and contribution, all they receive is a common State pension that everybody else receives without giving of his or her time the talents and the benefits of his or her work experience? There has been a Labour Court recommendation and a Dáil vote on the matter. I received a reply to a parliamentary question from the Minister this morning, that she is looking at the Workplace Relations Commission's recommendation. I ask her to look at what happened last week that led to the communication from the union. I am conscious of the need not to become involved in negotiations, but the communication came directly from the union involved.

I know that the Minister is familiar with men's sheds which are funded through the Minister, Deputy Ring's Department, the Department of Health and the Department of Employment Affairs and Social Protection. We need to find a home for them. Given the work they do in providing skills and community support, I think that home is the Minister's Department. I know that many people want the issues related to housing to be moved to her Department. The support and skills provided at men's sheds are significant in keeping people out of health services, keeping them involved in society and supporting communities. Many who come off schemes and many who are working come to the men's shed. There is a role for them in the context of the provision of social protection. Men's sheds are doing this in a way that was never envisaged and in a way community employment schemes used to do so. I encourage the Minister to be proprietorial by taking ownership of men's sheds and making sure she is given a budget to allow them to grow to achieve their potential.

An Ceann Comhairle: I am more familiar with the dog house than the men's shed.

Deputy James Lawless: I have been in both at times.

As Fianna Fáil is aware of the existential threats of Brexit to the economy and the nation, we are facilitating the passage of the Bill and related legislation. We have stood up to that challenge and provided stability and for continuity at a time when it is needed, which is in stark contrast to our counterparts in neighbouring jurisdictions, including the North and elsewhere. This is the fourth budget under the confidence and supply agreement and I expect it to be the last. It testifies to Fianna Fáil's responsible and mature approach, something which is not always reciprocated by those on the other side of the House. Some of the trivial social media activities in which the Government has engaged lately are not becoming of a Government party, least of all one facilitated by the Opposition, but so be it. We will have that battle in the new year.

The Bill will give effect, among other things, to an increase in the national minimum wage which was deferred in the budget in anticipation of a no-deal Brexit. We think we are beginning to move slowly towards some deal or arrangement and that perhaps that precipice has been avoided. While there is that threat, it is important that we mitigate it. In its most recent bulletin the Central Bank projects that number in employment will be 73,000 lower in 2021, with the rate of unemployment forecast to rise to 5.8% in 2020 in a no-deal scenario. These are the reasons it is important that we provide for this and act accordingly. However, if and when the threat of a no-deal Brexit is removed, the Minister should immediately act to implement the recommendations of the Low Pay Commission which covers many people in public services, including many front-line public servants, those in the emergency services and other professions. It is critical that that be done as soon as it is financially feasible to do so, if a no-deal

Brexit comes off the table.

There are many aspects of the Bill with which we are not happy. It was not our budget and we would have liked to have seen many things changed. We are disappointed that there are no primary welfare payment increases for pensioner couples, carers and people with disabilities. We welcome the increase in targeted measures such as the living alone allowance, the fuel allowance, the qualified child increase and the increased income thresholds for the working family payment and the one-parent family payment. My colleagues who held this brief were pivotal in making the case for these measures. However, overall it is not a pretty vista. Unfortunately, after nine years of Fine Gael in government, we are in the midst of crises in housing provision, healthcare, transport and education services. Some 10,000 people are living in emergency accommodation, more than 500,000 are awaiting an outpatient appointment, 760,000 are at risk of poverty, while 105,000 children are classed as living in consistent poverty, with almost one in five classed as experiencing deprivation. Unfortunately, that is Ireland in which we live after nine years of Fine Gael in government.

We must be mindful of those who are often called the working poor. It is important when we put in place welfare supports that we recognise many of those who are in work but living on the breadline. They are the ones who are making the effort to get up in the morning to go to work, arrange childcare, then pay their bus fare, for transport, diesel or whatever else and who often have little to show for it. A recent article in *The Irish Times* discussed being on a good wage but still broke. It typified much of middle Ireland, where people are making their best effort in getting up in the morning to often travel long distances to work, yet it seems that at the end of the month they have pennies left, if they have not gone into an overdraft. It is the job of any welfare and enterprise system to support them and ensure they will have something to show after a day's work. Otherwise, there will be significant frustration and disillusionment if one ends up in that trap.

On an ancillary note, I am conscious that this is Science Week. We are talking about the Social Welfare (No. 2) Bill 2019, but we must look at the bigger picture in discussing economic planning and activities. I have said repeatedly that we have not met our targets in promoting innovation, investment and research and development. We are nowhere near the 2.5% of GDP target the Government set in Innovation 2020. We are closer to a figure of 1.4% of GDP. If we take away the private sector element and look purely at the public funding of research and development, we are at just under 0.6%, and Mexico is the only country that lags behind us in public financing of research and development activities.

I mention that in the context of this debate because, traditionally, in the post-industrial age - Ireland went straight from the agricultural to the post-industrial age -our economic strategy for the past 40 or 50 years has been to develop a knowledge economy and advanced innovation to differentiate ourselves not on the grounds of manufacturing or minimal employment costs, but rather by positioning ourselves at the higher end, with an educated workforce and a particular offering that adds value to make this an attractive location for multinationals, as well as our indigenous businesses and others, to invest in. That investment drives economic growth and dividends, which, in turn, feed back into public services and a healthy Exchequer, high-quality employment and high employment levels, as well as providing more resources for those who need help. It is something we need to address, therefore, for many reasons. I hope the Minister takes the message back to Government that, unfortunately, for all that our economic strategy is pinned around it, our innovation strategy and innovation spend are nowhere near where they need to be.

Deputy Calleary mentioned CE schemes, to which the Minister has made some reforms in the past couple of years. Many of us on this side of the House repeatedly raise the issues faced by people on these schemes, in particular the difficulties with JobPath, Turas Nua and other companies that came into the system. Those companies were perhaps bringing a private sector approach to a more complex problem or challenge, and the experience of many of those schemes was not positive. The experience of CE schemes is invariably positive but some of the replacement or successor schemes have not been so positive.

I am reminded of a particular individual who came into my clinic on one occasion. He had been on a CE scheme and was looking to get onto a further scheme, but had been unsuccessful in doing so and was being pushed onto JobPath and different work reskilling programmes. While these might be eminently suitable for certain people, having reviewed this person's papers, I concluded he qualified for a long-term, ongoing payment in perpetuity and did not need to go on a scheme, given his medical history and his general circumstances, and he could, therefore, avoid the stress involved. He turned to me and said he wanted to work, he wanted to be on a scheme and he wanted a supervisor on a Monday morning telling him what work to do. He wanted the dignity and the structure that came with that. Financially, he would have been at a slight disadvantage by remaining on the scheme rather than taking the long-term payment, but it was his preference to have a structure and a working environment where he could positively contribute to his community and his town by working on the project the scheme was undertaking. It is important to recognise that mindset and it is a challenge the Department must recognise and reward in regard to the design and implementation of these schemes.

Deputy Maurice Quinlivan: I wish to share time with Deputy Ó Snodaigh.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Maurice Quinlivan: My contribution relates to the minimum wage section of the Bill, given the Minister is missing a key opportunity to raise income levels for workers. The Government's handling of the minimum wage question in this year's budget was disappointing. The total absence of information and the conflicting accounts from the Minister and the Taoiseach about what the Government was going to do on the minimum wage was very unhelpful to workers. It was regrettable that the Government decided to defer a decision on the minimum wage, citing Brexit as the excuse. This simply is not good enough and that excuse did not fool anyone.

Thousands of workers look to budget day to get a small break and, for many, the only thing they expect is an increase in the minimum wage. To leave that out, and for the Minister for Finance to not even mention it in his budget speech, was insulting to low paid workers. It should never have happened and should not be repeated. If the Government decided not to increase this, it should tell people on budget day, not leak it, avoid it and then have conflicting accounts of the approach. This left people in limbo, not knowing if they were getting a much-needed increase in their wages. It was very unfair and I would ask the Minister to look at how this was handled. The Government's decision not to increase the national minimum wage in budget 2020 was a slap in the face for the 137,000 workers who currently earn the minimum wage. There will be no postponement of rent increases, no stop to significant insurance costs or no delay to the carbon tax, but it seems the Government does not care if people can afford this or not.

The excuse of Brexit does not fool anyone. Legal protections are currently in place for companies that can show they cannot afford to pay the national minimum wage. Brexit is not

the issue here; it is a disregard for those on the minimum wage. The wealthiest workers in the country were, of course, rewarded in this budget with the extension of SARP, helping rich executives pay less tax. This horrible tax scheme permits highly paid executives avoid hundreds of thousands of euro in tax. The contrast in the Government's treatment of millionaire executives and that of minimum wage workers could not be more stark.

Research from Social Justice Ireland shows that more than 100,000 workers are living in poverty in 2019. OECD statistics show Ireland has the third highest rate of low pay in the 36-member organisation, with 23% of the workforce on low pay. The low pay economy is totally unacceptable and is something that should be urgently addressed.

I was glad the Government did not oppose the recent Sinn Féin motion on the living wage a few weeks ago. The support of the Minister for our motion was much appreciated. As passed by the Dáil, it condemned the Government's decision not to increase the national minimum wage and called for the living wage of €12.30 per hour to be introduced. I hope the Minister intends to follow the instructions of the Dáil, although I will not hold my breath because the Government has not done that on many other issues.

The Minister and I will disagree substantially on this point but I will make it regardless. Sinn Féin does not accept that workers should be forced to wait, year in, year out, for the Government to throw them a few crumbs from the table when it is dishing out the cash. This year, the Government did not even manage to do that. This is not the way to treat people, in particular low paid workers. The minimum wage structure has failed in this State and the Minister should at least acknowledge this. How could the minimum wage laws here be considered a success when more than 100,000 workers are living in poverty? Why does the Government think it is normal for workers to live in poverty? Is that the kind of economy and society we want? I certainly do not. Some people will say, "Yes", but the people I represent, and the party I am a member of, totally reject that approach.

We want an economy that works for the people and for our society, and our current system is not delivering that for everybody. Sinn Féin has proposed a plan to introduce a living wage of €12.30 per hour, with appropriate supports in place for those businesses which may not be able to afford this change. Our plan would see an immediate move to the living wage as it is unacceptable to keep kicking this can down the road. Who are we to tell workers on the minimum wage that they must wait longer to get paid a wage that they can get by on? People are either for the living wage or they are not. It is time political parties put their money where their mouth is and committed to delivering for low paid workers.

Our proposal for introducing a living wage includes an exemption for those financially vulnerable businesses that can show the Labour Court they genuinely cannot afford this transition to the living wage. We do not believe this clause will be used widely as most SMEs value their workers and already pay their employees the living wage and much more. A similar provision currently exists for the minimum wage and it has never once been used by any business. However, this exemption is important as it will safeguard businesses and jobs in those SMEs that genuinely find themselves in difficult financial circumstances. In our discussions on this, we wanted to make sure no business was affected where it genuinely could not afford to pay a decent living wage to its employees.

A Eurofound report from 2018 showed that implementing a living wage could play a significant role in offsetting the rise of in-work poverty across the European Union. Proper wages and

the eradication of precarious working practices must be the essential foundations of economic growth and productivity. Sinn Féin wants Ireland to become the first country in the world to introduce a living wage on a legislative basis. I encourage the Minister to examine the Government's approach to low pay, recognise how regressive and unfair it is, and commit to introducing a living wage for workers.

Deputy Aengus Ó Snodaigh: Ba mhaith liom an deis seo a ghlacadh chun labhairt faoi cheist an chosaint shóisialta mar a ghlaotar air anois. Tá ceisteanna ríthábhachtach ann nach bhfuil sa Bhille seo gur chóir go mbeadh ann. Ba chóir go mbeadh muid ag déanamh an deis a thapú tacú leo siúd atá ag brath go hiomlán ar leasa shóisialta nó ar liúntais leasa shóisialta. Níor thapaigh an tAire an deis sin an uair seo.

In this Bill, we should be addressing key elements of the welfare code and trying to ensure that, for those who are weakest or most dependent on welfare, we would take the opportunity to address those issues. We have not gone far enough. We did not take the opportunity. I will raise a number of these issues.

One issue that should have been addressed is the diet supplement. One can receive a payment towards it through the supplementary welfare allowance, but, like many other cuts under the previous Government, this one has been continued into this term. The Minister for Social Protection in the previous Government, Deputy Burton, cut the diet supplement in total. It was reintroduced in a strange way rather than brought back as a stand-alone supplement that could address specific needs on a case-by-case basis. Instead it has clogged up the supplementary welfare allowance system.

Another area where a lot more could be done is CE. We should have used that opportunity, especially given the increase in employment. A cohort in our society is dependent on CE to get the training to go back into work, yet there is still a legacy cut to the training and maintenance allowance for CE participants. Participants on CE schemes can appeal to try to get the extra €500 or so per participant. That is not good enough. It should be automatic, especially given that many of the courses the groups overseeing CE participants are trying to fill, whether a safe pass, manual handling pass or something else, cost more than the current rate. They end up sending in a note looking for the extra funding. It is usually given but, given that there is an understanding that the cost will be higher for the courses that will give the participants the skills to go back to work, given the times we are in and given the fact that, as far as I can see, there seems to be a reduction in the numbers on CE schemes, the cut should be reversed.

Deputy Calleary raised the issue of CE supervisors. This is the legacy of the previous Government and those that came before it, not the Minister's. The position of CE supervisors has never been fully addressed. The State set the hours and the rates and they could not get any overtime, yet no one ever made proper provision for pensions. I know there have been discussions. I have not been involved in them because I did not want to stick my tuppenceworth into the middle of them. By the looks of it, though, the discussions are now faltering again. I hope the Minister and her Department will provide the required proposals that the unions were awaiting and that the issue can be addressed. It is a pity it has not been addressed because this Bill could have contained those provisions. That is the idea behind the Social Welfare Bill. Once again, we have missed an opportunity, a phrase I have used a lot in this debate.

A change made a number of years ago has resulted in cases in which the parents of children who are 18 years of age and who are still at school do not get child benefit. This is ridiculous. It

might have been fine 20 years ago, when the vast majority of secondary schools only provided for five years of education. Virtually every single school in the country now offers a transition year, which means that children are in school until 18 and 19 years of age, yet their parents receive no child benefit for them, although they are regarded as children in many ways.

A key instance of discrimination that I have found horrific over the years concerns social welfare payments to those aged under 26. I still believe that the cuts made in this regard amount to discrimination. The Irish Human Rights and Equality Commission should have made a finding to the effect that the fact that young people were not in receipt of full social welfare payments on an equal footing to others amounted to discrimination on age grounds. That still continues today. I acknowledge the changes the Minister has made and that there is, I hope, a gradual move towards equality once again, but it is not close enough. For tax purposes, people aged 18 paying all their taxes are treated as individuals. For social welfare purposes, those living at home see their parents' income taken as means rather than the parents' own means. Many people are stuck because of the housing crisis, but even those who are not necessarily stuck but who are at home are now saying, "If I can get HAP, I will get my full payment." That is the change that is happening. It should not be one or the other. If one is 18 years of age, one is an adult in the eyes of the law. That should be for all purposes, including social welfare payments. One should not be dependent, based on the social welfare code, on one's parental income. That should change immediately. If anyone, whether a parent or whoever else, has too much income, he or she should be taxed appropriately. The child should not be penalised. There is nothing to prove that parents will give to their children the difference between the full rate and what a claimant gets while living at home, whether it is €112 or, when it is means-tested, less than that. There is nothing to say that the parents are making up the shortfall between the full social welfare rate. In fact, it is probably the opposite; they are probably trying to encourage the young person out of the home.

Another cut made, which continuously comes up, was to the clothing allowance. There are people going to community welfare officers about this. I understand some of the logic behind getting rid of it, but most of the old people I have talked to in recent years have been adamant that it was one of the payments they fully respected, understood and utilised, especially coming up to key occasions, whether it was additional heavy clothing for wintertime or a change of clothes come Easter.

We must do a lot more to protect older people who are living alone and who are dependent on the fuel allowance. Fuel poverty in my constituency, in particular, is horrendous. Week in, week out, I have been knocking on doors and I find people who have a plan. For example, they will stick on the heating for an hour at 8 o'clock and, in the meantime, they have to sit there shivering away, hoping they do not catch pneumonia or the like.

A lot more could have been done; it has not been done this time. I hope there will be a supplementary social welfare Bill in the near future that will address some of these issues.

Deputy Caoimhghín Ó Caoláin: Sa bhuiséad chaill muid deis iontach freastal ceart a dhéanamh ar gach saoránach atá faoi mhíchumas. Sa Bhille seo níl aon athrú air sin. Is mór an trua é. Budget 2020 was hugely disappointing in its missed opportunities and limited ambition for those citizens living with a disability, and I will address this area in particular.

The disability services budget did not start off as a balanced budget. There was a deficit of €16 million, and there is a deficit of more than €30 million hanging around the necks of the or-

ganisations that are publicly or part-publicly funded and audited. Other pressures exist as well. Nothing is allowed for demographic pressures this year. How are we to ensure that people with disabilities, their families and others are catered for?

In today's Bill there is maybe an opportunity to reverse a mean and ill-advised decision taken in the course of the summer recess to scrap the rehabilitative training allowance - only maybe. That it should be reversed is beyond challenge. The allowance should be reinstated from whatever quarter, be it the Minister's Department or another Department. In the grand scheme of things, €3.7 million is what it would cost to restore this payment but the value of the allowance is in the independence it gives to individuals who are in charge of their own budget and indeed of their daily lives and that is what that payment was designed to assist in the first place.

My colleague and the chairman of the Oireachtas disability group, Senator John Dolan, summed up the importance of the rehabilitative training allowance in contrast to basic disability allowance. He surmised:

Disability allowance is an allowance to keep body and soul together for these people. The rehabilitative allowance is to respect and support the commitment of people to undergo learning to move into employment independence in the community and away from reliance on the disability allowance.

Where are the extra training provisions and opportunities that were given as the reason for scrapping the allowance in the first place?

There is also a long waiting list for home support services. It simply cannot be claimed that the Government is seriously providing for citizens with a disability while many who have already been assessed and qualify are still waiting. The waiting list should be cleared immediately.

The carer's support allowance should be increased to €2,000 and the home support services waiting lists should be processed and cleared entirely. Sinn Féin called for an increase in the carer's allowance and benefit by €5 and an increase of €9 in the blind pension, invalidity pension and the disability allowance. Nothing in the scope of this Bill takes account of the continuing damage that is being done by the years of cuts to the networks of support that exist for those with disabilities. As I said earlier, we did not start on a par with the economy as a whole and if there is to be any improvement in the lot of those with a disability, the Government must recognise that ambitious and meaningful measures are needed to make rights real for our disabled citizens.

I urge the Minister to recognise the important role that she and her Department can play and the opportunities that are opened up by her position at Cabinet. I urge her to take note of the serious deficiencies that are affecting an important and special section of our society.

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): I thank all of the Deputies who contributed yesterday evening and today. I am grateful for the positive comments they have made about the small number of initiatives that are in the budget and the changes that they will effect. I thank those who spoke today and yesterday.

I attempted to reach the most vulnerable people with the small amount of money I had. Everybody has mentioned how disappointed they are that this year's budget is different to what we

have seen over the past number of years. We have, as the economy has recovered, been able to give back to the people who potentially suffered the worst effects of pay freezes and cuts over the preceding few years. I wish this year was different but it is not. It is what it is. I attempted to try to take a small amount of money and spread it to the people who would be most affected because of certain changes next year. That is why we concentrated on the living alone allowance for those people who have only one income, as opposed to some pensioners who have two, but we all recognise that we would have liked to have done an awful lot better. It does not take much time to spend the €140 million available. I acknowledge what the Deputies have said and I hear it.

I will talk about some of the particular issues that were raised between last night and today and will try to respond to them. Deputy Curran welcomed that we have moved away from a practice in the past number of years of introducing increases at the end of March, as opposed to what was historically something that would have been brought about at the beginning of January. I did that this year to acknowledge, as everybody else has done in the past couple of days, that any of the positive or negative tax changes that are brought in commence on 1 January. We should be attempting to make social welfare rates changes happen at the beginning of January and I think the only reason that they started coming in later a number of years ago was because it would not have been possible give people the €5 increase they have come to welcome and accept in January over the past number of years. We were trying to juggle balls and come out with the best possible outcome. It is a good idea for that practice to go back to January and I hope that happens, no matter who is privileged enough to be in this position next year, and it could be any of us.

Deputy Brady raised concerns over the outstanding issues about adoptive leave that had not been carried in the Parent's Leave and Benefit Act 2019 that we passed a number of weeks ago. At that time, my colleague, Deputy Stanton, indicated to the House that work was under way to include those amendments in the earliest possible item of legislation to be brought forward to the House. This is it. I mentioned in my Second Stage speech yesterday that the amendments are currently being drafted. If they are ready to be brought in on Committee Stage next week, I will bring them. If they are not ready for Committee Stage, I would ask the House's indulgence that I could bring them on Report Stage, although I do not like bringing amendments on Report Stage because it seems as if it is sneaking things in at the end of a Bill. I would make an exception in this case because it is so hugely positive and it is well accepted by all of us that it is something we want to do. Consequently, I ask Members' indulgence to bring amendments on Report Stage, if they are not ready for Committee Stage. That is to remedy the legislative defects that existed in a previous Bill.

Almost everyone who has made a contribution in the past couple of days has spoken about the minimum wage. I do not know whether there is a misunderstanding as to what I said, which happens a lot, or people are being deliberately mischievous. The Government decision was to accept the recommendations of the Low Pay Commission in their entirety. That is exactly what we did two or three weeks ago in Cabinet. A recommendation of the Low Pay Commission was, in the event of an orderly Brexit situation, to introduce an increase in the minimum wage to €10.10. When I have knowledge that we will have an orderly Brexit situation, that is exactly what I will do. There is not one person in this House who can guarantee that, despite all of their protestations, particularly those from Sinn Féin. Sinn Féin Deputies give the impression that they think they are the only people who care about people on low wages. That is genuinely not true and others can attest to that. We will bring the minimum wage up to €10.10. We are only

four years into a five-year programme to bring the minimum wage to €10.50. The increase in the minimum wage will only happen when I get knowledge that there will be an orderly Brexit. Everybody seems to think that we are in limbo now but just because the prospect of a no-deal Brexit on 31 December is off the table, that does not mean it is off the table for good. The Government accepted in their entirety the recommendations of the Low Pay Commission. We will increase the minimum wage to €10.10 when we have the knowledge that there will be an orderly Brexit.

I listened carefully to Deputy Penrose when he talked, last night, about the amendment that is in this legislation to enable me to bring forward an order. In particular, he expressed his concern that the amendment, as written, means that we could change the Low Pay Commission legislation every year thereafter. That was never my intention. This is an exceptional year and I hope the country never again has to face making decisions in the uncertainty created by Brexit. With the acceptance of Deputy Penrose and all the Members of the House, I will change the amendment I have brought forward in the legislation on Committee Stage so that it is fundamentally clear that this is a once-off and will not reoccur in coming years. That was never my intention. I hugely respect the Low Pay Commission, which was introduced and established by the Labour-Fine Gael Government, driven by then Deputy, now Senator Ged Nash. We would never want to undermine any future deliberations of the commission. I will agree that with Deputy Penrose to ensure we are all okay with that.

Deputy O'Dea spoke yesterday evening about the cost of disability research that I have undertaken arising from the few bob we got last year. I genuinely hoped we would have an interim report well in advance of this year's budget so that I could start to give a signal and a sign to all of those people who are living on fixed-income disability allowance or invalidity payment and we could start the ball rolling. The interim report will probably not be ready for another couple of weeks. It has not been possible, therefore, to get it to make any changes to it. The interim report will be ready in a number of weeks. A Deputy suggested that we are not serious about the report because it is being put on the long finger. I want the report, which will include a national survey of 30,000 people who are living with disabilities, to be as comprehensive as possible because I do not want some expert to do a desktop survey, which says that people with a certain disability should get a certain amount and that people with a different disability should get a different amount. I want to hear about the lived experiences of people who are living with physical disabilities and are thereby incurring additional costs because they need extra technology. I refer, for example, to people who incur additional transport costs because they cannot just hop on a bus. The lived experience is more important in any qualitative research. We will get that information next year when we survey 30,000 people. I am adamant that everyone will see the interim report in due course. I hope we can all go in the same direction as we consider what any future Government should do, and hopefully will do, to change the related payments for people who are living on disability allowance and invalidity payments.

A number of Deputies referred to the research on the reduced rates of jobseeker's allowance. I appreciate that it is long awaited. I still have not received it. I am nearly embarrassed at this stage to have to keep saying the same thing. I am informed that the research will be with me very soon. When it arrives on my desk, there will be no speed lost in turning it around and giving it to the joint committee. I was keen to try to signal an intent. I know we have had differences of opinion here over the years. I have not changed my views. I believe that people between the ages of 18 and 22 should not be on the live register. They should be in training or in employment experiences. There are various ways in which such people can be brought into

retraining or reskilling programmes. Their needs can be reasserted in a variety of ways that are better than sitting at home in receipt of an equal payment. While I appreciate that equality is terribly important, we should have more ambition for our younger people. We should not say that they should be given the same payment as a 40 year old and be done with it. I want to signal my intent regarding the direction we hope to go in.

The maintenance review is a complex area. Deputy Brady spoke yesterday evening about the money I have ring-fenced for research on future conditions and on the future management of maintenance payments. The people who have gone through the current system will say how heartbreaking it is to go through it. That is why we need to change it. I am not 100% sure what the best outcome will be and I am not sure what we should change it to. Many Deputies are of the view that the establishment of a maintenance agency would fix all of the problems currently experienced in our courts. If we were to establish such an agency, all it would do is move the adjudication rows that are currently happening in our child and family courts from one agency of the State to another. I have said on a number of occasions that I do not have the authority to establish a maintenance agency because such an agency would be under the remit of the Department of Justice and Equality. I have the authority to establish a system, however. Approximately 60% of the maintenance cases that are currently before our courts involve a fight about the movement of a portion of a social welfare payment from one side of the table to the other. We all recognise that people on social welfare are probably living at a minimum standard of living anyway. I hope to research what that minimum standard of living should be, to determine what the minimum maintenance payment should be in respect of children under and over the age of 12 and to set a bar, perhaps in the form of a set of rules or guidelines. Legislation may need to be passed by the Oireachtas. We can determine that after the research has been done. I hope to be able to announce who will do that research in the next couple of weeks. I genuinely hope everybody will support me in this regard.

Deputy Calleary spoke about changes that were made recently. They are not so recent anymore; they were made in 2012. We all know how devastated people were as a result of those changes. The interim arrangements we made satisfied many women, but they did not satisfy some of the men. There are very few people left to be adjudicated on. I have always said that we will keep them open. There will be continuous confirmation and communication with those people, as long as they give us the information we need to do a recalculation for them. We have done a tremendous volume of work. I am close to bringing a memorandum to the Cabinet. I expect to be able to do it in the next number of weeks. I will seek the permission of the Government to give all Deputies the new suggestions for the total contributions approach that I will propose for 2020. I genuinely hope they will see that I want this State to have the fairest system it can have. Any new system that is announced will have to be adjudicated on by every Member. Deputies will be able to propose amendments to it if they wish. I want a system that treats everybody equally. The number of contributions that people make to the social insurance scheme should be directly proportionate to what they can take out of the scheme. I acknowledge that there are gaps in people's lives. This is a caveat that we must all make in the common good. The gaps to which I refer emerge from the lived reality of having to look after our children or parents at certain times. In the past, we were able to give people credits for being on the live register, but we never gave them credits for caring. A change is fundamentally needed in this regard. The memorandum will be introduced in the coming weeks. I hope the Deputy will like it. He will give constructive feedback on it. We will change it if needs be. Deputy Calleary also mentioned the application time for carers' appeals. This matter has probably not been the subject of a parliamentary question. It might be helpful if he were to ask me

to provide these details as a response to such a question. We have added significant resources to our carers' section in recent months. I have stood here over the past couple of years as Deputies have asked me about appeals times and application times. Even though we have a 12-week timeframe from the point of application for carer's allowance to the point at which a decision is made, unfortunately it has never been 12 weeks. It has always been 17 weeks and it has gone to 26 weeks on appeal. Two significant things have happened in recent weeks. As a result of the achievement of some efficiencies in one scheme - we were able to move people from that scheme into the carers' scheme - the turnaround time for carer's allowance applications has decreased to seven weeks. I will shoot myself in the foot next week because it will go back up again. There is a direct correlation between the number of people who are administering the applications, the number of medical assessors, which has also increased significantly in recent weeks, and the outputs. We still have a little work to do on appeals because it is genuinely difficult to get people to provide the information in the exact way that is required. Perhaps we could help people by telling them what kind of information we need, without putting words in their mouths. There is a body of work that could be done to help make the application process more simple. We have done some work with the Carers Association to make the form more simple. It would be helpful to get the message to the carers. We might do that next year.

I met representatives of the men's sheds movement a couple of weeks ago. I would be shot if I tried to take them over as well. Our collaboration with this incredible organisation has allowed us to reach particular men of a particular age, to whom we might never have had access. While they might not be particularly in search of work, they still need social inclusion and may need other ancillary services. We might not reach the younger men who are learning from the older fellows because they might be on a long-term payment. Anybody who wants to be activated, retrained or reskilled should have such options, and knowledge of those options, made available to them. We are working closely with the men's sheds to bring that information to them.

At a meeting this morning, we signed off on the interdepartmental group review that I established eight or nine months ago with a view to making changes to the CE scheme and, potentially, some other schemes such as the rural social scheme and the Tús scheme, which may be honed or owned by a particular Department. The report was signed off this morning with a number of recommendations. It has to go to a Cabinet sub-committee in the next couple of weeks. I will publish it at that stage. If I say I am very pleased with the recommendations that were given this morning, I hope that will give hope to Deputies who know what I tried to achieve before I set up the interdepartmental group with regard to the changes that are coming. Over recent years, Deputies have been asking me to make changes to the restrictions associated with the old rules, which did not reflect the people we were serving and working for. I hope this approach brings about a change in how we work with people as we go forward.

I have been told in recent days that the talks between a number of unions and two representatives of CE supervisors have broken down. I want to state clearly that the talks, with which I have engaged, absolutely have not broken down. I can only assume the suggestion that they have broken down represents an attempt by the unions to help me in some way in my negotiations.

Deputy Dara Calleary: I do not think they have broken down, but there seems to be a significant difficulty.

Deputy Regina Doherty: Genuinely, that is not the case. We said we would not discuss

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this matter but that is neither here nor there. I am in negotiations with the Department of Public Expenditure and Reform. This is a legacy issue. I do not mean that to be disrespectful to anyone in the Chamber. It is obviously my responsibility; I happen to be the person in this seat right now and I will do everything I can to resolve the matter. I have made a commitment to community employment scheme supervisors that I will ensure I get a solution that is acceptable to them and to us. I am not there yet but I am not far off. If they are trying to be helpful, that is great but the talks have not broken down and I will not give up until I have exhausted everything I can do. Usually, I do not give up until I get my own way.

Several Deputies expressed disappointment at the lack of across-the-board increases for all of the people whom I and my Department have the privilege of serving. I share their disappointment. It is a pity that we are in a situation whereby we must stall what has been the practice in the past couple of years of increasing payments across the schemes. I know how difficult it is for people to live on that single income on which they are entirely reliant. Several Deputies made a correlation with the fact that many Members of this House or the Seanad have received increases in their salaries in recent years. There is nothing stopping any Member of this House gifting back such increases to the State. If any Deputy wishes to do so, I will gladly take it and spend it well through my Department. Nearly every Member on this side of the House has gifted back the FEMPI-linked increases in recent years, as have many other Members. Any Deputy who drew a direct correlation with such increases while contributing on the Bill and who wants to gift back the increase is very welcome to do so.

Question put and agreed to.

Social Welfare (No. 2) Bill 2019: Referral to Select Committee

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): I move:

That the Bill be referred to the Select Committee on Employment Affairs and Social Protection pursuant to Standing Orders 84A(3)(a) and 149(1).

Question put and agreed to.

Provision of Accommodation and Ancillary Services to Applicants for International Protection: Statements

Minister for Justice and Equality (Deputy Charles Flanagan): I am pleased to have the opportunity to make a statement to the House on the matter of supports for international protection applicants. I wish to reflect on the fact that the international humanitarian laws by which we are bound as proud and active members of the United Nations have their origins in horrendous conflicts, not least the Second World War. That gargantuan conflict began on this Continent and resulted in tens of millions of people being persecuted, displaced, starved and killed. The passage of time and the success of the European Union in bringing peace to this part

of the world may have contributed to an occasional complacency or ambivalence to the plight of those fleeing conflict, but we need to honour both our commitments to those seeking asylum and their origin.

The EU has developed its own body of law dealing with these issues. Ireland, like other countries, is obliged by EU and international law to examine the claim of any person who comes here and claims international protection, also known as asylum, under clearly defined grounds. These grounds relate to a well-founded fear of persecution for reasons of race, nationality, religion, political opinion or membership of a particular social group or where the person would be at risk of suffering serious harm if returned to his or her home country. Sadly, each of these grounds arose not from theory but, rather, from real-life situations endured by people in their home countries.

Once a claim is made, a legal process begins. While that process is in train, we offer a range of State services to applicants without means, including accommodation, food, health services, utilities, educational provision for children and so on. In general, these services are offered in centres which have over the years allowed for the swift provision of services to applicants. In the past, many applicants did not avail of the services on offer, but that has changed in recent years. I wish to make clear that there is no obligation to accept the offer and there is no restriction on an applicant's freedom of movement within the State.

Some Deputies will remember the context of the introduction of direct provision 20 years ago this month. The then Government opted to move from a system of allowances whereby applicants essentially fended for themselves with financial help from the State to a centre model. The reasons for the move included the prevalence of homelessness among applicants and the vulnerability of many, including to human traffickers. Since the introduction of direct provision, more than 65,000 people have been helped by the system.

It is no surprise that at the moment of its creation the system was not perfect. Indeed, it had many flaws. Through the years, many people have blithely called for its abolition or repeated untrue rumours about the nature of the direct provision. I am not aware of anyone who has proposed a workable alternative for service provision but I am open to engaging with anyone from within or outside this House who wishes to so do. The Government and its predecessor have focused on identifying and systematically addressing the flaws in the direct provision system to ensure we provide the best possible services to applicants in the best possible way.

Direct provision is a guarantee of shelter, food and a place of safety to a person who claims international protection on the basis of a well-founded fear of persecution for reasons of race, nationality, religion, political opinion or membership of a particular social group or where the person would be at risk of suffering serious harm if returned to his or her home country. Any credible alternative put forward to replace the system must be capable of providing the wrap-around services that applicants need on arrival when seeking protection in a strange country where they may not know the language, customs or law. Recognising the complexity of their needs, a range of supports and services for international protection applicants are delivered under a whole-of-government approach.

Last year, our reception system was placed on a statutory footing for the first time when the Government decided to opt in to the recast EU reception conditions directive. The directive brings with it a series of standards and rights for applicants which we are now legally obliged to deliver. I am pleased that we can now be confident that our services are on a par with those

in other EU countries. In fact, in many instances, our services are much better. Opting in to the directive built on a concerted effort, through a working group chaired by Mr. Justice Bryan McMahon, to tackle many of the shortcomings in direct provision. I wish to take this opportunity to thank him for his dedicated work, along with all those who assisted him on the working group. I wish to acknowledge the leadership shown by the former Minister for Justice and Equality, Alan Shatter, and the former Minister of State, Senator Ó Ríordáin, in beginning that process. Arising from the McMahon report, significant improvements have been introduced in recent years, such as the roll-out of independent living whereby applicants can cook for themselves and there are private living spaces for families. In addition, residents now have access to the services of the Ombudsman and the Ombudsman for Children.

In line with the EU directive to which I referred, access to the labour market is provided for applicants who are waiting nine months or more for a first instance decision on their protection application. This means that applicants can become economically independent, giving them more options in respect of their accommodation and living arrangements. To date, I have granted more than 3,400 labour market access permissions to eligible applicants and further applications are being approved every day.

In addition to the improvements being made to living standards and conditions, we are speeding up the processing of protection applications. I accept it needs to be quicker. We continue to strive to improve matters. My Department is taking all reasonable measures to achieve this while acknowledging that the processing of applications is complex and that each application deserves and receives an individual assessment.

The International Protection Act 2015, steered through the Oireachtas by my predecessor, Frances Fitzgerald, introduced a single application procedure for the first time. This involves all elements of a person's protection claim, including refugee status, subsidiary protection status and permission to remain, being considered together rather than sequentially, as was previously the case. The aim of the single procedure is to help to reduce waiting times and to ensure that we identify at the earliest stage possible those who need our protection and those who can safely return to their home country.

From time to time, cases of applicants who have lived in an accommodation centre for many years crop up in the media and are understood to be the norm, but this is far from an accurate picture.

6 o'clock

Where an applicant has been in a centre for many years, there is generally a complex set of reasons which include, for example, where an applicant has received a negative decision on his or her application, or a series of negative decisions, and is exercising his or her right to appeal, often through the courts, which can take some time. An applicant who has received a negative decision may be a family member of another person or persons with a live application and we do not split up families.

While it is our wish that those granted permission to remain will move on from centres in order that new applicants will have access to service provision, there are more than 700 people with status or permission to remain continuing to live in centres. My Department is assisting them to access mainstream housing with the support of organisations such as Depaul Ireland and the Peter McVerry Trust. We are making some progress in that regard.

Continuing to accommodate people who are no longer in the protection process, combined with a 60% increase in the number of applicants this year, is placing considerable strain on the reception system. As a result, a considerable number of people are being accommodated outside the centres in commercial hotels and guesthouses on an emergency basis. This is not satisfactory; it is a situation I want to see phased out as soon as possible. Accordingly, it is essential that new direct provision centres be opened in order that the full range of services can be delivered in a structured manner to persons seeking international protection.

I am keenly aware of the dissatisfaction expressed by communities that hear through the rumour mill that a centre might be opening in their area. If the contractual arrangements are not finalised, many feel frustrated when the Department is unable to comment publicly. The Minister of State, Deputy Stanton, and I have spoken to many people who find themselves in this situation. The common concerns expressed relate to service provision in the areas of education, health, transport and so on. Where a centre is opening, it is the responsibility of the Government to ensure provision is made for any additional service required. We need to communicate clearly and promptly with communities on these issues to provide them with the reassurance they need. I remind communities that direct provision centres are not new. They are located all over the country and community relations are harmonious in all of the locations. I am very familiar with the centres located in my constituency.

I was very disappointed to see demonstrations outside premises which were due to house asylum seekers. I understand those demonstrating may believe they are sending a message to the Government, but I ask them to be conscious that it is not only the Government that is listening. The women and girls who were to be given shelter on a temporary basis are also listening. Every person in the country from a minority background is listening. Far right anti-immigrant activists are also listening and looking for opportunities to incite fear and hatred, as far right groups have done throughout history. I appeal directly to all of the people, including those who have the opportunity to speak up, to show support for asylum seekers and refugees and the local communities that are being asked to welcome them.

As part of our continued commitment to improving the lives of asylum seekers in the State, the Minister of State, Deputy Stanton, and I have recently published new national standards for accommodation centres. An interdepartmental group chaired by a deputy Secretary General of my Department has been established to ensure all Departments are proactively delivering on their responsibilities. The second group is a consultative group chaired by Dr. Catherine Day, former Secretary General of the European Commission. This group which is being established will advise on the implementation of the new national standards. It will also identify good practice in other European countries, examine international protection and migration trends and advise on developing positive relationships between local communities and the systems in place to support asylum seekers. I look forward to seeing the outcomes of its important work.

I welcome this debate and look forward to hearing the contributions of the Deputies opposite. I assure them that I will be very happy to engage with them on any alternative or improvement they might suggest. Ultimately, this is a serious and complex challenge. We all need to work together to ensure best practice obtains within the State.

Deputy Jim O'Callaghan: I welcome the opportunity to speak in this important debate which is timely as it is important that the House have a debate about the issues concerning direct provision which, unfortunately, have very much been in the news for negative reasons in recent times. It is also important to have a general debate on migration into the country. It is not

something we usually debate, but it is important that we debate it. Politicians have a significant responsibility in this area, not just in respect of direct provision but also in respect of the issue of immigration in general. Unfortunately, the population at large has limited information on the international protection system. As the Minister said, when limited information is available to the public at large, those who want to stir up trouble will use the absence of information to pursue their own agenda and for their own political advantage.

On the issue of migration in general, in 1840 the population of the island of Ireland was over 8 million. Today it is about 6.5 million. The country has gone through a remarkable transformation in the past 170 years when we consider how it was transformed from being a destitute, impoverished, agriculture-based country into what it is today. It is still a post-colonial country, but we have established independence which has been a success. Although the vast majority are not wealthy, the country is wealthier than the vast majority of countries. That has consequences for us, very many of which are to our advantage.

In the past 170 years the country was plagued by emigration. Families were torn apart, with children having to leave the country to gain employment. They were economic migrants who went all around the world. We have also seen this happen in more recent times. As a result of the economic collapse about ten years ago, people were forced out of the country. It is a tragedy to see people leaving. However, as this becomes a wealthier country, we need to recognise that more people will want to come here. Our membership of the Single Market has transformed the level of wealth of the country. Since the 1960s we have moved on a different economic path, but our membership of the Single Market from the early 1990s transformed the country and made this a much more competitive economy and a more attractive place for people to come to. For that reason, many people from other European Union countries come to work here. As we have seen to a large extent with Polish people who have come here, many of them will go back to the country from whence they came after they establish themselves here. One of the great benefits of the European Union is that it helps countries to move up.

This debate is about something different from the migration that occurs within the Single Market. We are, as the Minister outlined, discussing the international protection regime. It should be brought to the attention of the public that we have international obligations. Even if we did not have such obligations, we would still want to ensure Ireland was a place to which people who were being persecuted could come. They should be able to arrive in the country in the knowledge that they would receive protection from the State because of the respect we had for sheltering people suffering from persecution. People who are departing countries where they are being persecuted do not necessarily have to travel to an impoverished country as a port of first call. If we were leaving this country for reasons of persecution, we would not choose to move to a country where our chances of having a better life would not be that strong. We know that under the Dublin convention, when people arrive in a European Union country, they must claim international protection in the first place they land. Obviously, because it is the most peripheral country in the European Union based on where the people who are migrating are coming from, to a large extent, Ireland will not face the large numbers of people who are seeking international protection as other countries in the European Union. However, those who arrive here as their port of first call are entitled to seek international protection. As the Minister said, many people say they believe the direct provision system is inhumane and abhorrent and that we should get rid of it, but we need to bring to the attention of the public at large that when somebody arrives in this country - for instance, this month 300 people will arrive in our ports and claim international protection - we have an immediate obligation to provide him or her with

shelter, accommodation and sustenance. Unfortunately, the reality is that we are unable to immediately provide them with accommodation in houses or apartments. We would create huge social upheaval if Irish people saw that people who came in from outside would immediately be housed whereas people on the housing list here have to wait years to get accommodation. We need to have a system in place to provide people accommodation. We have seen this issue develop over the past 20 years. A legitimate criticism of the Government is that it has not prepared adequately for the increasing number of people coming here, which was apparent to anyone looking at this issue. Let us keep the numbers in proportion and realistic as last year, 3,600 people arrived in Ireland seeking international protection. This year, I suspect the number will hit 4,000.

When people arrive here we have an obligation both to give them shelter and accommodation and to process their applications. One reason for the problem in this country is that when people arrive, they stay too long in direct provision centres because their applications are not being processed quickly enough by the Government. We need to speed that up. People go to the international protection office, then they are entitled to go to the international appeals office and sometimes there are judicial reviews. One way of speeding this up would be not to have the perennial delay caused by the Minister for Transport, Tourism and Sport, in refusing to appoint judges, which would enable us to have these matters dealt with quickly. I and other Members of this House visited direct provision centres last June and July. For people who are there for the long term, over a year, they are unfair and inhumane. If people could be kept in direct provision for a short period and have their applications processed quickly, they could move on into a hopefully functioning housing market and there would be no difficulty. In every country in Europe, people are initially kept in reception accommodation areas. There is no way out of that.

The State, however, needs to up its game in several particular areas. We need more State accommodation. It is farcical that the State is travelling around the highways and byways of Ireland looking for old hotels to see if they can be converted into direct provision centres. We need to recognise that this is going to be a long-term issue, that we need to provide State accommodation and we should be building our own accommodation or using State accommodation for people seeking international protection. Mr. Justice McMahon recommended that in 2015, when he produced his report on this matter. If we do not do that, people will continue to look for emergency accommodation in hotels. If we are going to go around the country looking for locations and if we are going to avail of accommodation in hotels, we need to provide local communities with information about it. Part of the reason is that people in Ireland are very fearful of change. No matter what the change is, they fear it. If it is explained to them and if they see other centres and how they have worked so effectively, they will lose that fear of change and adopt this and recognise the benefits of it. We also need to recognise that there have been great successes when direct provision centres have been started up in towns.

We also need to engage more with the public at large. There are many who want to help people seeking international protection and we should recognise that and see how they can be used to provide accommodation on a smaller scale. I condemn the intimidation that has been meted out to individuals who have sought to engage with the Department of Justice and Equality to provide direct provision centres in hotels or accommodation that they own. That intimidation and harassment has happened. We need to be very careful about it. We need to unite in this House to say that type of behaviour is unacceptable. We also need to state bluntly that there is a level of racism in this. We cannot get away from that. I am not saying it is emanating from local communities, there are people who try to stir it up, but it exists. We need to inform people

that they have nothing to fear from new people coming in, just as other communities around the world benefited enormously by our ancestors arriving on their lands.

Deputy Martin Kenny: I am glad to speak on this issue which has been very much in the headlines in the past couple of weeks. It has activated the minds of many people around the country and has unfortunately divided communities. Much of that is because of misinformation or the absence of information in many cases. We seem to have a society where sometimes the less reasonable, the less forthright and the less prepared a person is to engage in civil discourse, the more that is seen as some kind of a virtue. That is a sad reflection on where we are. We need to be able to recognise that we have to work together as communities, as Government and as public representatives to find solutions to problems and that is what I hope we will be able to do with this.

One problem is mixing up asylum seekers and refugees. People do not know which is which. They talk of them as if they were interchangeable. Refugees already have the right to stay here. They have been processed before they came here and they will be permanent residents. I know instances of this in my area, such as in Drumshanbo, where there are refugee families who have lived in houses in the town. They will be permanent residents in those areas. That happens in many places around the country. Asylum seekers are different. They are people who arrive here and then go to the authorities and say they wish to see political asylum because they were abused or persecuted because of their political or religious beliefs in the country they were in or because there was a war in that country. In many cases those people are unable to fend for themselves and we have international obligations, as the Minister stated, to deal with that. They are not permanent residents. They cannot be given a permanent home, they have to be given a home for the time it takes to process their application.

Direct provision has evolved over the years. Many of us have been critical of that model. One of the key criticisms of it is its privatisation. It is an opportunity for a set of people to make a lot of money from providing such models. I have seen many cases over the years where families lived in one room in an old hotel. As has been said, Mr. Justice McMahon made it clear in his report that this was inappropriate and should not happen and we should move to a better system. I support that and I know from discussions with the Minister and the Minister of State, Deputy Stanton, that it is happening and there is a move to bring us in that direction, that the asylum seekers would have own-door accommodation, be able to cook for themselves, would have a sense of privacy and would be able to live like normal families. They also, however, need to have services. Many need to acquire language skills. They need to be at least close together, if not in the same area. There is also the question of value for money. The Department has to be sure it can provide the accommodation at the best value for the taxpayers' money. That is all appropriate and correct.

The big issue that most communities have is that they do not know about it until it happens. We are told, and it would be useful for the Minister to clarify this, that is because this has to be done under European procurement rules so that the contents of the contract cannot be divulged until the contract is signed, that it is private. Communities do not know that a direct provision centre for asylum seekers will be provided in their towns until the contract is signed. If it is the case that we cannot do it any other way, we need to have transparency at least from that point forward. There should be a system for how the Department and the providers will communicate with communities, how that will be worked through and how the various sectors, particularly the HSE, the doctor in the local town, the schools, transport providers, are ready immediately to say exactly how and where this is going to work. There are also concerns that the number com-

ing to an area may be very large. People should come on a phased basis, rather than all coming together, so that communities could see that services are being raised to the level needed to meet the people coming in. In many rural communities, people feel their services are already under pressure and are not able to cope. For many years, they have been trying to get additional services such as SNAs for schools and reduced waiting lists in hospitals. There are many services of which rural communities feel they have been deprived down through the years. When they see new people coming into their communities, they are encouraged by people from the far right to believe this will put further pressure on services. Most of us who would stand back and logically look at this would accept that in most cases supply follows demand. If one increases demand in an area, supply will follow. It is up to the Government to ensure that happens.

The McMahon report has been spoken about on many occasions. If we can provide the kind of services referred to in the report, we would have a way forward out of this situation. The key point is transparency. Negotiations and discussions in this regard need to be transparent and clear. Sometimes communities are led by fear and it often happens that unreasonable scenarios are put to them that do not exist. I have had experience of that myself, as Members will be aware. We have a responsibility to recognise, however, that if people have genuine concerns, they are addressed. It makes it difficult to address those concerns if communities are brought along a direction of protest and blockades as we have seen. That is a disappointing and regrettable situation we have seen occur in many places around the country.

The reality for most people who have experience of asylum seekers in the community has been positive, like it was positive when Irish people went to Australia, England, America other countries. It has been the same for people from other countries coming here. Today I spoke on the phone to a man who does not know me from Adam about pricing a particular item. He told me he has several foreign workers in his business, they are the best workers he has and he is delighted to have them. That has been the experience of most people. However, we see circumstances turn ugly in many cases. Sometimes the reason it turned ugly is that little seed of racism planted among people to be afraid of the foreigner. We all need to stand up to this. In many places, it is not the people in the community who have done this; this is led by a small handful who put out these lies and nonsense. They are the ones who drive it forward, bringing people to boiling point in communities. They do things, which are not just regrettable but irresponsible. All Members have an obligation to stand up to this and ensure it does not happen.

We must ensure that, while the rule of law extends everywhere, it does not finish at a town's boundary where a small cohort will decide that it will rule the town. Society, this Parliament and the Government must ensure that does not happen. There should also be negotiation, dialogue and reasonable civil discourse. That needs to be brought about as quickly as possible.

One improvement is the fact that, after nine months in the country, asylum seekers have a right to work. That is a positive development and has helped a great deal. We need to examine the issue of the time taken to process asylum applications. It can take a long time, particularly if the asylum seeker is unsuccessful the first time and there has to be an appeal.

If we are going to move out of this situation, we all have to work together. That means we have to be responsible. We must also recognise that those responsibilities just do not fall to those of us who stand up in a community and say we have to be reasonable. They also fall to those who are in government and putting these policies forward. I am not being critical of the Minister, Deputy Flanagan, or the Minister of State, Deputy Stanton. However, they and the Department have fallen short in dealing with these situations adequately. That has been

the experience in many places. The Minister will acknowledge that, to put it mildly, mistakes have been made in the past. While those mistakes need to be learned from, it does not mean we should be back down from bullies. That cannot happen anywhere. As far as I am concerned, it should not happen in my area.

Deputy Brendan Howlin: According to a spending review, published by the Department of Justice and Equality in August, 39 direct provision centres are in operation. Seven of them are State-owned but all the centres are managed by private contractors. Recent statistics show that we had just under 3,000 applications for asylum in 2017 with just over 5,000 people living in direct provision with an average length of stay of 23 months. I welcome the fact that the average length of stay has reduced from a height of 48 months on average in 2013 and 2014. However, there is still more to do to further reduce the time people spend in this system. It is also the case that the average may mask more lengthy stays in direct provision experienced by a small number of people.

A more recent phenomenon is that hundreds of people who have been granted refugee status are nonetheless still living in the direct provision system because they cannot secure alternative accommodation. This was referred to by the Minister in his opening statement. It is clearly due to the crisis we face with the lack of affordable housing throughout the country, especially in larger towns and cities.

My main concern with direct provision is the reported variability of standards and conditions. Some direct provision centres are clearly working well with those living in them well integrated into the locality in which they are based. There is much interaction between local communities and these centres and I have knowledge of such cases. Other examples, however, have come to public attention where people have described the most depressing experience of living for years in unsuitable and inadequate conditions, not least for children growing up in the system.

One organisation that has extensively examined the issue is Nasc, a migrant and refugee rights organisation based in Cork. One of Nasc's major complaints is that important recommendations to improve direct provision, which have come from various reports instituted when my party was in government, are not being fully implemented. Nasc has called on the Department of Justice and Equality to implement key recommendations on asylum decision-making, backlogs and waiting times. Additional judges were appointed today, which might address this issue to some extent.

Nasc has sought the full implementation of recommendations relating to the provision of kitchens and living spaces in family centres. It has called for the development of national standards and the establishment of an independent inspectorate body, essential to ensure a minimum level of standards across all direct provision centres. I welcome the Minister's comments on the two groups that will work in this area, with the second group under Catherine Day to be established imminently.

Nasc has sought to progress the establishment of multidisciplinary vulnerability screening in line with the EU reception conditions directive and the McMahon recommendations. This would ensure access to the labour market is effective, including access to education and training for asylum seekers. It is important that people in direct provision centres can avail of further education to maintain and enhance the skills they have.

While I acknowledge conditions in some direct provision centres have improved, the system as a whole remains inadequate. The challenge to the critics of direct provision, a challenge put down by the Minister earlier, is always to describe what they would replace it with. There are three options. The first is to continue with the current system with variable conditions provided by different private operators in different locations, which is not a real option.

The second option is to halt direct provision altogether and to put asylum seekers into the housing market or into social housing. This would not be an appropriate response at this time, given the massive strain under which the housing system is throughout the country. It might incur a greater cost to the State in paying private rents as part of this approach and would inevitably give rise to tensions locally when persons on long waiting lists were dislodged.

The third option which, as far as I am concerned, is the only viable option is to consolidate the current system in a more uniform national scheme, with stronger, independently monitored, standards and frequent inspections to ensure those standards were being rigidly adhered to. It would make sense for a single entity or agency to deliver such a standardised service. It could be done by expanding the remit of an existing public agency or creating a new public agency to do this work.

It would be interesting to know how much of the cost of €78 million of direct provision in 2018 went directly to those delivering direct provision accommodation. I am uncomfortable with the notion of there being a profit-making approach to providing services for people who are fleeing persecution. We should bring this to an end. It is inappropriate that providers of direct provision accommodation have a strong incentive to maximise their profits. It should be a not-for-profit service, where all incentives would be aligned to promote the human rights and best interests of those seeking asylum in the country who naturally include many people who have suffered traumatic experiences and, potentially, suffered unspeakable abuse and violence. There is nothing wrong in principle with the direct provision of accommodation for asylum seekers, but what is needed is continued improvement of the experience of everyone who spends time in the system. State-led delivery of the service seems to be the best way forward, on property that is State owned, staffed by people who are State employees operating a system which is rigidly monitored under uniform State rules and independently vetted.

In the time remaining to me I want to quickly raise two other issues of concern, the first of which is the right of asylum seekers to work which, unfortunately, remains restricted. A person must be waiting for at least eight months, meet other criteria and - this is the real bugbear - renew the permission to remain every six months. I understand the need to ensure the asylum process is not seen as a route for illegal migration into Ireland, but these restrictions make it very difficult for asylum seekers to gain good employment. Employers will be wary of employing persons whose right to work expires every six months and must be renewed. I ask the Minister of State to examine that measure.

The second concern relates to the long-term process involved in gaining Irish citizenship. Recently, the Taoiseach welcomed the fact that 120,000 people had become Irish citizens in the recent years. I, too, welcome it. New Irish citizens come from a wide variety of backgrounds and include persons in the United Kingdom with Irish ancestry, some of whom have explicitly sought Irish citizenship because of Brexit. The vast majority make a valuable contribution to our society, economy and cultural life. I have previously called on the Taoiseach to examine the unfair costs involved in adopting Irish citizenship. I ask the Minister of State to take note of the following. Descendants of Irish grandparents can gain a passport for €278, even if they or their

parents have never set foot in Ireland, whereas foreign nationals who have been working and paying taxes here for years must pay €1,125 to complete the process of naturalisation. I genuinely believe this is unfair and unjust. The lower cost should apply to all new citizens. This is one example of an unfair roadblock for refugees and asylum seekers on the road to attaining full Irish citizenship for themselves and their children. It should be remembered that these costs are multiplied by the number of family members seeking citizenship. The cost to the State would be negligible in lowering the cost to €278 for everyone. It is an important point of principle on which I hope the Minister of State will concede in his remarks in response to the debate.

Deputy Bríd Smith: Médecins sans Frontières recently stated we were facing the worst displacement crisis since the Second World War. More than 60 million people across the globe are fleeing conflict, poverty and persecution, either within their home countries or in fleeing abroad. According to the UNHCR, in 2015, 1.2 million people made it into the European Union by sea routes, while 3,771 went missing at sea or died in trying to get to it. A total of 85% of arrivals in the European Union come from the world's top ten refugee producing countries. Some 7.6 million Syrians have been internally displaced, while a further 4.1 million have fled to Egypt, Iraq, Jordan, Lebanon and Turkey, the countries that have been bearing the brunt of the refugee crisis since the start of the civil war in Syria in 2011. Some 394,000 Syrians have sought refuge in Europe since April 2011. In Iraq the advance of the so-called Islamic State resulted in over 400,000 Iraqis seeking refugee status. We can add the collapse of society in Libya, economic implosion in many other states, the war in Yemen and the increasing driver of economic and conflict-based migration that is climate change. In the years ahead we will witness more of the same.

The scale of the misery, suffering and death spread across Africa and the Middle East is immense. We need to have this discussion in that context. I do not want to dwell on the reasons for it, but suffice it to say many of the wars and conflicts on the planet, as well as much of the economic ruin and devastation from which people are fleeing, have their roots in the machinations and intrigue between rival powers and the interests of western powers. The weapons used often come from the west, with the profits amassed by the arms industry often finding their home to the west. I make these points to focus this discussion where it belongs.

Some 61 million people worldwide are refugees, which is astonishing. It is true that not all of them are fleeing war, but, as we know from our own history, they are torn and displaced and find themselves as strangers in a strange place. That is the context in which we are discussing the fate of 6,000 inhabitants of direct provision centres in this country. They make up 6,000 of the overall number of 61 million worldwide. How does the Government and the system react? According to Fintan O'Toole, the direct provision system is a form of limbo, a cruel and shameful system, a system in which people are isolated and removed from any meaningful interaction with wider society, largely a for-profit system operated privately which yields huge profits for a few. For the people inside the system, it is a form of incarceration.

I want to deal with the lie that 80% of those seeking asylum and refugee status here are bogus. It comes from a statistic that 60% of asylum seekers receive a negative verdict on their first application for refugee status, but that does not mean that they are bogus or false. Rather, it means that the first response of the Irish system is to deny the application. I have some experience of people who fall into this category. They include a Sudanese doctor and former member of the Sudanese Communist Party who fled persecution for his political beliefs and Christian background. His case was well known, as was he. It was referenced in a UN report on the persecution of the political opponents of the Sudanese regime. His application was refused. It was

genuine, but the Irish system ruled against him in his first application. That is just one example of what some say are bogus applications.

Across the country there are voices that are misinformed, but I have empathy with them because of the way in which direct provision centres were to be opened in the past few months. Across rural Ireland, in particular, resources have been depleted, particularly for medical care services, schools, bus services, post offices and the Garda. People living in rural Ireland feel abandoned. Direct provision centres, crucially, are being opened without on-site medical services being available. The Minister asked for ideas on how we could approach the issue differently. In every direct provision centre there should be a medical centre for the people who live in it. On top of this, there must be consultation with local communities, but it does not seem to happen in advance. The Minister of State is smiling and I know he will come back on this but I think it is important. There are others out there who are full of hate and vitriol, who try to spread misinformation and who try to normalise their own prejudice and hatred. I am not directing my message to them because they do not want facts. They only want to misinform and pluck out selected information that can back up their fanatical claims that we, the Irish nation, are being replaced and are under threat and that our culture is disappearing. This is dangerous rubbish. A classic example is that recently one of these people proclaimed that we do not have a housing crisis or a health crisis but that we have an immigration crisis. Let us take that to its logical conclusion. The reason more than 100,000 people are in housing need, more than 10,000 people are homeless and tens of thousands who are routinely on trolleys is immigration. In one fell swoop, history is rewritten. The crisis never happened; austerity never happened; Seanie FitzPatrick and his buddies in Anglo Irish Bank never drove the economy over the edge; Lehman Brothers never went bust and never brought the entire greedy banking system down with it; and we never paid off €64 billion in debt for the sins of bankers, developers and financiers. Equally, they say, the health crisis was not caused by the cuts imposed, the beds taken out of the system by previous Governments under Fianna Fáil and Fine Gael or the support given by Governments for privatised health care and for building a two-tier health system where those with money can be treated and survive while those who have not suffer. No, they say, the problem comes from others, those of different colour or religion who come here for myriad reasons. It is easier to point at them than to identify the wealthy, cosseted and privileged in this country who have done very well, thank you, out of the austerity years. At a stroke, this narrative absolves the foreign investors, vulture funds, our native Irish rich, the bankers I mentioned, cuckoo funds and I could go on and blames the immigrants. We have to stop allowing this narrative to develop.

This is not what Ireland is about. The people of Ireland are notoriously welcoming and decent. Those who wave the Tricolour and hold up the Proclamation while saying they believe in these myths and these myths are true annoy me. They do not have any idea or they decide to forget what has inspired this country and what has driven us from being oppressed by the British empire, a global system where the blood never dried and the sun never set. We inspired others to take up arms against that empire in India and in the African nations. If Connolly and Pearse and their solidarity were shown to oppressed people, then waving the Tricolour and the Proclamation for a culture of fear is absolutely abominable.

We need to take into account in this discussion that there are some Members who were involved in Governments that drove our services into privatisation, who drove down what was available to the people in a democratic and open way, and who are now saying that others are to blame. This is a very dangerous move. It hinges on the debate in respect of direct provi-

sion. We have to treat those who need our refuge, sanctuary and support as is our obligation, We have to get it right and do it right. We have to talk to people in isolated rural areas who are fearful of the consequences for their own services and their own towns and cities. Unless we do that, we will have a battle on our hands but the first battle is for the truth. That is why I wanted to say that my remarks are addressed to the decent people out there, not those who wish to peddle their lies and filth. They are not worth it. There are many tens of thousands of decent people out there who will get it when the finger is pointed at those who are to blame - the very wealthy and the Governments that back them up, which increase inequality and leave the people homeless and lying on trolleys without any real care about them, without making any real difference over the years they have been in power. I address that to the Minister of State and his Government. Shame on them that they have not made any dent in the housing crisis or the health crisis and that they have allowed this vitriol to become the common parlance of a minority. I know the vast majority out there get it because when they spend nights in the emergency department, they see black nurses dying on their feet with tiredness, coming off a 12-hour shift and being as kind as anything to their friends and loved ones. That is what they see and know and that is what we have to stand for.

Deputy Catherine Connolly: I am sharing time with Deputies Pringle and Joan Collins. I understand the Minister of State has a difficult job to do and my comments are not directed at him personally. Direct provision was introduced as an emergency measure 20 years ago in 1999. It not only continues but has been embedded as a permanent structure. They are not my words but those of the Ombudsman for Children, Dr. Niall Muldoon. He said:

“While we can, and will, do everything we can to raise awareness of the issues and improve living standards for people in the Direct Provision, Government must consider the long term future of this system. As the 20th anniversary of Direct Provision approaches, it is now time to consider alternatives and bring an end to this emergency measure.”

I endorse those comments. The Minister began his contribution with some good points but figures and facts are notably lacking from it. Deputy Howlin cited 39 direct provision centres. I have a figure of 38 and other Members have others. The system is surrounded by secrecy. We have the direct provision centres and then we have the people in emergency hotels. We do not know those figures. I would have thought, in the interest of openness and accountability, that the Minister would have set all of that out in his contribution. There is a feeling that giving information will make matters worse and I am of a completely different persuasion. Information is empowering and enabling; that is what we need. The figures are not overwhelming. What is overwhelming, as was said earlier by Deputy Martin Kenny, is the privatisation of the system and the profit being made by companies and hotels. That is what is shocking. I welcome the statement that the Minister welcomes ideas from us. I think that is a start. It has never once been said by any Minister for Justice and Equality and certainly not by the Department, otherwise known as the Department of secrecy. They certainly never put their hands out and said they have obligations nationally and internationally and they want our help. Even at what I described as the worst meeting of my life in Oughterard, people came up to me and said they would give the shirt off their backs. The challenge is to take that at its best and say, “Yes, we want to work with them.”

The system has gone on too long. Deputy Bríd Smith referred to the background. This has been the greatest displacement of people since the Second World War. Approximately 65 million people have been displaced. In our country we are talking taking in tiny numbers as though they were impossible. It is important to give the figures. My colleague from Galway

West has a habit of giving the wrong figures or choosing figures to suit an argument. In 2017, there were 2,926 additional asylum seekers. That increased to 3,673 in 2018 and, up to the end of September 2019, the figures I have are 3,762 in addition to the number who were here. It is hardly overwhelming. Part of the problem is that the system is not fit for purpose. It has gone on too long. People with refugee status are in direct provision centres but cannot get out. That is almost half the number of those in emergency accommodation. There are solutions to this.

I have ten seconds left and I am going to use them to deplore the question asked with a particular purpose by Deputy Grealish in the Chamber. It is step two in what seems to be an orchestrated campaign.

Deputy Thomas Pringle: I support the comments made by Deputy Connolly at the end of her contribution. The commitment in many communities in Ireland to welcoming refugees was honoured last month when Ireland won an award from the Global Refugee Sponsorship Initiative for the community sponsorship Ireland programme. This pilot scheme follows the Canadian example, which has resettled more than 300,000 refugees over the past 40 years through community-led initiatives. Unfortunately, much uglier scenes have dominated the headlines in Ireland. Protests against the opening of direct provision centres, which hide their deep-rooted racism behind claims of concern for the well-being of asylum seekers, are a disgrace and it is our duty to call them out. However, we should not allow the actions of a few small groups to take away from the incredible work being done in many communities. Fears surrounding the opening of direct provision centres are unfounded. I remember that concerns were raised in 2000 when a new centre was to open in Donegal town. I was at those public meetings and we decided we would have a welcoming committee to meet the asylum seekers. Not only were there no issues during the lifespan of the centre, but many of the residents went on to set up home in Donegal and make positive contributions to the community. The best way to counter-act racism and hate is for the community to come together and welcome refugees.

Direct provision itself is unsuitable for anything other than a short stay. People on the left and right of the political spectrum are calling for an end to the system of direct provision, arguably for different reasons. We need credible alternatives, however. As the Government spending review shows, the number of people exiting direct provision accommodation is not keeping up with the rate of new arrivals. A 40% increase is predicted for 2019. Some 800 people, roughly 12% of residents, have had a decision on their status but cannot leave direct provision due to rental prices being at an all-time high. Ireland's obligations under the reception conditions directive to carry out vulnerability assessments within 30 days of an asylum application being made have not yet been implemented. As of July 2019, not a single person has been identified as being vulnerable through a formal vulnerability assessment, despite the asylum population including victims of human trafficking, torture, people with HIV and those suffering from post-traumatic stress disorder caused by living in war zones. Not one of those people, however, has been classified as being vulnerable according to the Department of Justice and Equality.

Four years ago, the McMahon report of the Working Group on the Protection Process and Direct Provision recommended the establishment of an independent investigation body which would carry out unannounced visits to centres. To date, this has not happened. The 1,531 asylum seekers in emergency accommodation, of which 290 are children, are in an even more precarious situation. The Refugee Council has reported food shortages and an inability to access medical cards and the weekly allowance. Some asylum seekers have been suddenly moved out of their accommodation to accommodate weddings in the hotels in which they have been housed. Others cannot access liaison services, which are essential for navigating an unknown

system. The Government's ongoing focus on temporary solutions has allowed this already dysfunctional system to grow to the point where it is now just not fit for purpose. The Minister of State has to examine what he is doing to deal with this problem as well.

Deputy Joan Collins: The remarks made by Deputy Grealish at a meeting in Oughterard in September, when he referred to economic migrants from Africa as “spongers”, and his contribution during Leaders' Question yesterday, where he implied that remittances going from Ireland to Nigeria could be the proceeds of crime and fraud, are an absolute disgrace. This is dog-whistle racism. The members of the Rural Independent Group should be disassociating themselves from his remarks rather than backing them up. It is outrageous that Deputies in this Chamber are prepared, in order to further their own political careers, to whip up fears on these issues, pander to racism against migrant youths and peddle myths regarding asylum seekers. In that respect, they are no different to individuals such as Rowan Croft, Justin Barrett, Gemma O'Doherty and others who are seeking to use concerns about direct provision to build a far-right anti-migrant movement.

One of those individuals, a certain Gearóid Murphy, has been in Oughterard, Lismore, Lisdoonvarna and Rooskey. Murphy openly promoted the fascist ideology of the “great replacement”-----

Acting Chairman (Deputy Bernard J. Durkan): The Deputy cannot name individuals.

Deputy Joan Collins: I think people should know who these people are.

Acting Chairman (Deputy Bernard J. Durkan): I appreciate that, but the Deputy can make indirect reference.

Deputy Joan Collins: The “great replacement” is a lunatic conspiracy theory that goes back directly to the Nazi party. It claims there is a plan to replace the white population in Europe through the dilution of national identity and the promotion of multiculturalism. This is absolute madness, but also very dangerous.

On direct provision, the Movement of Asylum Seekers in Ireland, MASI, has described direct provision as a shame on Ireland, comparable to the Magdalen Laundries. When direct provision was introduced, it was claimed that it was meant to be a temporary measure for six months. If that was the case, it might be tolerable. The average stay, however, is three years and eight months. This is extremely damaging for the more than 6,000 people condemned to live in these conditions, especially children. The special rapporteur on child protection has called for direct provision to be phased out and for asylum seekers to be integrated into the community.

The Minister for Justice and Equality earlier called for us to come up with proposals. I will respond directly and state that the Independents 4 Change are ready and able to meet the Minister at any time to put forward ideas for solutions. I refer to solving the housing and health crises and issues faced by rural communities. We will most definitely come up with proposals and I would love to meet the Minister and sit down with him for an hour to put these proposals forward. I am sure my colleagues would as well.

I have one other point, but I think I have run out of time.

Acting Chairman (Deputy Bernard J. Durkan): I ask the Deputy to make it quick.

Deputy Joan Collins: I want to address our policy on visa applications, which is linked to

our migration policy. I invited a person from Pakistan over to Ireland two years ago. His visa application was, however, refused. It was stated that the visa documentation submitted was deemed to be false and there was not satisfaction that the event to which the person was invited would take place. All the immigration section had to do was ring me to find out if that event was taking place. That was not done and this person's application for a visa and entry to the country was refused on that basis. I wrote to the Minister for Justice and Equality and the Minister for Foreign Affairs and Trade about this issue. I would like a reply, because it is a disgrace that people are being treated this way.

Deputy Mattie McGrath: The system of direct provision for asylum seekers is almost 18 years old and from the beginning it has been a cause of significant controversy and debate.

Deputy Lisa Chambers: It is 20 years old.

Deputy Mattie McGrath: Gabh mo leithscéal. I have figures that state it is 18 years. We learn something new every day.

Deputy Fiona O'Loughlin: The Deputy is two years out of date.

Deputy Mattie McGrath: I am not out of date at all. Can I continue please?

Acting Chairman (Deputy Bernard J. Durkan): Go ahead.

Deputy Mattie McGrath: Among the issues raised most frequently are the duration of stay in direct provision, the impact of this on family life and children, issues around oversight and monitoring and the question of a right to work, which thankfully has been changed recently. In 2015, the Joint Committee on Public Service Oversight and Petitions stated that the system is not fit for purpose and recommended that it should be replaced. The latest available annual report by the Reception and Integration Agency, RIA, which oversees the direct provision system on behalf of the Department of Justice and Equality, reveals that the number of single males seeking asylum and availing of the offer of accommodation stands at 55.66% of the total applications. There is also clear evidence that the number of children consigned to these facilities is unacceptably high. We have our own children spending their childhoods in hotels and emergency accommodation and we have children who have fled or who have arrived here with their parents spending their childhoods in these direct provision centres. It is simply not good enough.

I want to state emphatically that from a humanitarian perspective we are duty bound to offer whatever assistance we can to those genuinely in need of asylum and further to ensure that those who enter the direct provision system are treated with dignity and respect. That is of paramount importance.

The human person must be at the centre of all our laws. If people are genuinely fleeing persecution and seeking refuge here, then we should extend our compassion and put into action the principles that we spend so much time talking about. It is absolutely appalling to read reports that some children are spending almost their entire childhood in these centres or in the direct provision system. This must end. While our humanitarian duty is clear, however, so also is our duty to the security of the State. The issue of oversight and monitoring and how the application process is managed is critically important. We cannot bury our heads in the sand and pretend that our asylum system, just like those in most other European countries, is not open to abuse and violation. Most systems can be violated and undermined.

There are those who will seek to enter this State through the asylum system and who will not have our best interests at heart. We must not of course confuse these people with genuine asylum seekers, but we must not be so innocent as to believe all applicants are genuine. We have seen the figures for those that have been refused. They are high from many countries, reaching almost 97% and 98% in some cases. The direct provision system, as part of the overall asylum process, certainly needs to become more robust even as it seeks to become fairer. That might be a challenge, but the system must be robust and fair. The number of asylum seekers accommodated by RIA in December 2015 was 4,696.

7 o'clock

That was already an increase of 332 persons, or 7.6%, from the same date in 2014. It was also the second year-on-year increase in seven years. The RIA spent €57.025 million in respect of the accommodation of asylum seekers in 2015, an increase of 407% on the 2014 outturn. As I understand it, however, there are about 6,100 people in direct provision. This is four years after the Fine Gael-Labour Party Government's own working group report on direct provision made numerous recommendations on how to make the system more humane. Several years later, nothing of significance has really changed so the Government needs to examine its own record. It made recommendations and had a working group report but, as with many other reports, it is gathering dust on a shelf. That is not fair.

A second reception centre was established in Borrisokane quite recently. I salute Councillor Joe Hannigan, the public and all the others involved there on their engagement in this regard. The centre was landed on them without any notice, which is part of the problem. We are a very welcoming people. It is Ireland of the thousand welcomes. People in the main want to be fair, responsible and respectful and help in any way they can. The concept of meitheal still exists. The centre was landed on the individuals and a public meeting was held. Some people tried to infiltrate it and they were not wanted or welcome and were sent packing. This could be held up as a model of how to do things right, not that the people wanted that. The building was new but left idle and it is now being used. The families are being integrated. In Ballaghaderreen in Roscommon, which I mentioned, there were difficulties and disquiet at the start. The Foróige group, among others, got involved and had a wonderful project to integrate the teenagers and other younger people. It won a national award for it. *Ní neart go cur le chéile*. That is the way to do it. There is a heavy hand, however.

I have to be very critical of how the Department of Justice and Equality, whose Minister and Minister or State are the figureheads and leaders, has operated. There is a cloud of secrecy. I do not accept the argument about contracts and tenders. There are contracts and tenders for every project. We are duty-bound to have them. Why is this so different? Why does there have to be secrecy? Secrecy only develops rumours and falsehoods. Different things get said and they grow legs, as the Minister of State knows. It is better to be upfront with people. Ask and you shall receive. People will offer support. There will be those with worries but they can be allayed and discussed.

On behalf of the Rural Independent Group, I will take up the offer of the Minister, Deputy Flanagan. I was not here when it was made. We are willing to meet the Minister, talk to him and engage. Every Member, in any House, has a right to ask questions. If we lose that right in this House and the other, God help us. A Member must be allowed to stand up and ask a question when he has figures supplied to him by the World Bank. We are right in this Chamber to ask those questions without being shouted down and being called racist. That is outrageous.

It is an attack on democracy from the great liberals who tell us they know everything and who want everything. I defend Deputy Grealish in that he is 100% right to ask a question here. The Ceann Comhairle allowed him to do so. We are elected here for that purpose. The people can be the final arbiters, and anybody else after that. There should not be bully-boy tactics whereby one is called all kinds of names.

Mr. Justice Bryan McMahon, who chaired the working group on direct provision, appeared before the Oireachtas Joint Committee on Justice and Equality and made the very points I have made. During the committee debate, he stated that in 2018 there was a definite trend representing an increase in new applications, averaging more than 300 per month. He also noted at the meeting that those who have received positive decisions about leaving direct provision are obliged to continue to live in the centres. That is not fair. As was noted, there are between 700 and 800 trying to transition out of direct provision but who cannot do so. Owing to the shortage of accommodation, the RIA is obliged to provide emergency accommodation outside the centres. That is a costly business owing to the housing crisis, as we all know. It costs in the region of €99 per night per person to accommodate those who cannot be accommodated in direct provision centres.

As the migrant crisis continues to show no signs of abating, we can be sure that the costs and the number of applicants within our asylum process will remain similar and more than likely increase in the coming years. What is most depressing is that this has been going on for years. The Government has foisted direct provision onto communities with little or no meaningful communication. That is the problem. The Department of Justice and Equality only seems to engage after the fact and then wonders why people are so annoyed and frustrated. The Minister of State is from a rural area and knows how communities tick and work. It is a matter of bringing them with us and of engagement.

As far back as December 2015, I asked the then Minister for Justice and Equality, Ms Frances Fitzgerald, whether she would address concerns around the designation of a hotel in Clonea Strand as an emergency reception and orientation centre. It is not far down the road from the Minister of State. The concerns were brought to me by locals who were deeply frustrated by the lack of engagement with them before this decision was made. There is no other reason. The people wanted general information and consultation. As part of the reply I received, I was told that, in such cases, potential centres are assessed from a number of perspectives, including access to local amenities, the provision of State services and the suitability of the accommodation for its particular purposes. Putting individuals in some of the places they have been put lately without services and without telling the locals flies in the face of that. There was not a single mention of local engagement in the reply.

The designation was for a refugee centre so it is not strictly the same as the asylum centres but I note how important it is that we bring communities with us when attempting to make progress in a matter that is fair to all concerned. I salute the people of Carrick-on-Suir, who have had a centre for 18 years, and the committee. There were many problems at the start. The residents were incarcerated in the centre, a big gated building. It was a case of them and us but Bridgewater House and many individuals, including Martina Walsh, have engaged with the residents and embraced them. We meet them now as they integrate into the community. They have been well treated and respected, as they should be. They are human beings. We need to put in the support services and we cannot just foist them on people.

Deputy Catherine Martin: This is Ireland in 2019; this is direct provision. Direct provi-

sion is parents sharing bedrooms with their children, it is kitchens running out of food and it is hotel signs stating, "Use the back stairs and do not enter public areas." This is Ireland; this is 2019.

To say direct provision is appalling, or to say that it is a disgraceful way to treat human beings, does not adequately capture what this system is doing. It is so much worse than that. It is stories of real people and their experiences, not statistics. Direct provision is hotels shipping people off to another location for a weekend so they can make more money by hosting a wedding. It is mothers and daughters walking five miles on a dangerous road into town to purchase essential sanitary products. It is gay men being forced to share a bedroom with homophobic males. There are families in direct provision limbo, some for over eight years, with children who were so young when they arrived in Ireland that they do not remember life outside direct provision. Eight years is an entire childhood. This is 2019. This is direct provision in Ireland.

This system is a clear example of Government "anti-policy" at its worst. What do I mean by that? I mean it is a system that exists because of a failure to make any decision to do otherwise. Direct provision was always meant to be a "temporary measure", a hasty response to an issue that demanded a far better and comprehensive solution. There is nothing temporary about what direct provision has become - in essence, a lengthy period of detention for people who have committed no crime, who have no greater desire other than to live safely without violence and persecution.

Just as we look back in horror at some of the institutional abuse the Irish State perpetrated in the past against some of our most vulnerable, we will, I firmly believe, look back 30 years from now and hang our heads in shame at how we sentenced vulnerable men, women and children fleeing unimaginable situations to what one asylum seeker described as "worse than prison", adding that "at least in prison you have your release date." Dr. Margaret Wheatley, at a recent talk in UCD, summed it up when she said all that people want is to earn, learn and belong. Limiting asylum seekers' opportunities to work takes away their dignity. Their access to education is sporadic and limited, and life on €38.80 per week in remote rural areas prevents any chance of belonging or getting to know the local community. This is not the Ireland I know. There is no céad míle fáilte in direct provision.

I find it unbelievable that we, as a country, which is so familiar with the concept of leaving these shores to find a better life across the world, have let this happen. Asylum seekers are invisible and excluded from society. The process of separation and exclusion leads to othering of these people and creates a "them" and "us". We, as a country, are warehousing people: asylum seekers who have survived torture, sexual violence, inhumane and degrading treatment, who came to our country seeking refuge. They have been stripped of any right to privacy, private family life and the right to unrestricted work. Where are the psychological supports for the survivors of torture or sexual violence? Where are the suitably qualified translators they so badly need? Where is the access to legal representation to help them navigate through the exhausting, harrowing process of seeking asylum, and why does the process take so long?

People living in direct provision should be supported to access the community in order to form social and economic ties. We must support communities that host asylum seekers and we must create opportunities for asylum seekers to socialise and make connections with the local community. That will tackle racism and fear of the unknown that is present among some communities in Ireland and will prevent a language of hate taking hold. We must support the direct provision centres themselves, through ensuring they have adequate education and childcare

facilities, healthcare, shops and amenities. We must make transport more accessible. The often long distance between direct provision centres and towns and cities means that transport costs can be a significant barrier to accessing the local community and engaging with local people and employment and education opportunities. Transport services to and from direct provision centres should be cheaper and more frequent. Given that asylum seekers only receive €38.80 a week, they should be entitled to free public transport. Free and regular English classes should be provided in direct provision centres to facilitate integration in the community, and as a means to address the isolation and marginalisation perceived by many who seek asylum.

The EU directive on reception conditions for asylum seekers refers to the need to provide an adequate standard of living, but asylum seekers are being crammed into bedrooms in order to maximise profit for the private owners or landlords, as they are paid per head rather than on adequate space per person. Where are the inspections of premises to ensure safe, clean, warm, living conditions? Surely the Department of Housing, Planning and Local Government should have a role in this regard. Access to education is limited in direct provision. Schools are not free in Ireland. There are costs relating to transport, books, uniforms, or any other number of fees and charges that parents of school-goers have to face on an ongoing basis. How can parents afford to send their children to school when they are denied the right to a steady job? The lack of ability to work and study results in asylum seekers becoming deskilled, bored, depressed, and when mental health issues develop there is little or no access to mental health supports. Permission to work must be extended, and made less restrictive, as that would allow people to leave direct provision centres. We have a duty to process applications for asylum in a timely manner. No one should be waiting even a fraction of the time it takes but many asylum seekers live in direct provision for years and years. That is wrong, and it must end.

We should never tolerate or defend the use of inflammatory, divisive or dangerous language from any Member of our national Parliament inside or outside this Chamber. I am reminded of a poem that is mounted on the pedestal of the Statue of Liberty in New York that is often quoted by those who recognise the value of compassion and empathy for those who live in more fortunate countries when we think of our obligations to those fleeing from disaster:

Give me your tired, your poor,

Your huddled masses yearning to breathe free.

We do not just need direct provision to end, we need to overhaul the entire asylum-seeker process and to bring dignity, respect, safety, empathy and kindness into how we treat those who come here to this country, fleeing from persecution and terror, and to treat them with the very basic decency to which every person should be entitled.

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): This morning I presented Teastas Eorpach na Gaeilge certificates in Ollscoil na hÉireann Mhá Nuad and I announced €500,000 for a period of three years. On my way back I passed the EPIC museum on the quays, which tells the story of the contribution of Irish emigrants across the world. It is a reminder of how emigration is intertwined in our history. It is the story of every Irish family, or certainly the story of mine. Like a lot of people in Connemara, I have uncles in Boston, New York, Los Angeles, Perth in Australia, London and Manchester. Irish people were not always universally welcomed in any of those places. Emigrants took the risk of the coffin ships, as they were, because the alternative, namely, staying here, was worse. The opportunities were not there. We are all aware of the very tragic history of the Famine. We do not want to repeat

that history.

Direct provision has been with us for 20 years. It started off as an emergency because there were no alternatives. Even during the most recent recession people left this land to improve their lot. There are varied but common reasons people leave their country of origin. Some people are afraid because they have received threats to their lives because of their sexuality or for some other reason. Religious persecution is another reason. People leave because there is no choice. They face no future in their country. They leave in order to protect their family, as many Irish left to better their families.

We have international responsibilities to people seeking asylum, as the Minister, Deputy Flanagan, the Minister of State, Deputy Stanton, and I have highlighted as well. We have provided places for them. We have also granted refugee status in conjunction with our international responsibilities. My recent experience of the plan to provide direct provision in Oughterard was one of the most difficult issues of my political career. I have said that on many occasions. The debate generated widespread concern and polarised opinion. As the Minister of State, Deputy Stanton, is aware, there was an information vacuum. No clarity or definitive information was provided. In Oughterard it was planned to use a 60-bed hotel and to have five residents per room, which equals a total of 300 asylum seekers. A rumour went out that the rooms were being subdivided so therefore the 300 became 600. There was a strong rumour announced on local radio that there would be 300 single young men coming. All the rumours and lack of information do a disservice to people who avail of the services and also to communities. The main concern in the community I represent is the unknown and as we know, nature abhors a vacuum.

I have had discussions with the Minister of State and I am aware that his hands are bound in terms of the sensitivity of contract information and procurement. At the same time, the situation must be examined in order that clarity and information can be provided. Deputy Connolly was with me at the meeting in Oughterard, which was well attended, and I was unable to provide clarity on numbers and where the residents would come from. First, I could not state with certainty that an application had been received from the hotel. Second, I did not know if the contract would be awarded successfully. Third, I did not know the numbers that might come. Fourth, I did not know where they might come from. Fifth, I did not know what the profile would be in terms of families and ages. Any community deserves to have that information. I know it is a very difficult situation for the Department and for the Ministers involved due to the sensitivity of the procurement process and contractual issues.

I visited the direct provision centre in Lisdoonvarna. As it turned out, I visited a week earlier than I was expected due to a misunderstanding. In effect, I came unannounced. I saw a comfortable, relaxed setting, with kids home from school in their uniforms as with any children of four or five years of age, dancing, playing and doing whatever else they do on their way home from school. When one considers the number of Irish missionaries who went abroad to educate people, we have people coming to this country who deserve to be educated too. We heard from management that up to 30 people from that centre are out working in various areas in the community. We heard that the people who were against the centre when it was first being talked about are now employers of residents.

People wait too long in direct provision in certain circumstances. I acknowledge that the system has been refined and is leading to faster decisions. There are also people in direct provision centres who have been processed and their applications are complete. Talking to

colleagues, there are plenty of other positive examples from across the country of where this has worked, including Ballaghaderreen, Macroom, Wicklow and other places too. No system is perfect. I have received information regarding poor standards in another direct provision centre, which I am following up with the Minister of State, Deputy Stanton, and the Minister, Deputy Flanagan. There can be no excuse for poor facilities when State money is provided. The impact in that case is not on the community in general but the residents. I have concerns in the case of one direct provision centre which I have passed on to the Minister of State. I know he is looking into the matter. There have been considerable improvements across direct provision centres. We have increased and improved standards, as outlined in the McMahon report, the recommendations of which have been wholly implemented.

An issue that is often raised by individuals is alternatives. An alternative is not evident. I commend the community programme that the Minister of State has announced to look for houses and such in a variety of communities. That is to be welcomed and may be a success, but it represents small numbers in what is, in many cases, an emergency. An immediate response is required. There may be a weekend or a week in which we suddenly need to find accommodation for up to 100 people. It is not realistic to expect to find houses for all of them in various small communities, or even large communities, throughout the country. The community programme is, however, a worthwhile approach. If it works and it provides stable, integrated accommodation for asylum seekers and refugees, it should be explored. The Minister of State has piloted that in his own area and that is to be welcomed.

Many people feel that asylum seekers and refugees should be offered a house immediately, as soon as they arrive and present. That could happen in an ideal world. I think Sweden tried this. If we did that in the morning, it would have two effects. It would offend people who are on the housing list. There has always been a housing list and politicians deal with the issue every day. If everybody who came into this country got a house ahead of those on the list, it would cause significant problems. It would also act as a pull factor, as the Department calls it, possibly encouraging more people to come to the country.

I commend the Minister of State, Deputy Stanton, on doing a difficult job and on the advice he has provided to me and those who have faced communities that are, in some cases, up in arms. In my recent experience, there seemed to be a view that I could click my fingers and a direct provision centre would be cancelled, as if it was that simple. As I explained on radio, if that was all it took to prevent the establishment of a direct provision centre, the whole system would collapse around our ears. On the basis that I supported, understood and spoke about our international responsibilities, I was accused in an email of being in some way complicit in people trafficking and sex trafficking. I refute that insinuation. People leave their countries because they want to improve their lives and those of their families and children. They want to create better lives for themselves. We have an international responsibility to do the best we can. I acknowledge the work that the Minister of State and Department are doing on a difficult issue. The system has been with us for the past 20 years. It is not perfect but standards will continue to improve. I am sure the Minister of State has implemented the recommendations of the McMahon report. I hope the community sponsorship programme, which seeks to find accommodation in individual houses in various communities, will be a success.

Acting Chairman (Deputy Bernard J. Durkan): I call Deputy O'Loughlin.

Deputy Bríd Smith: Can I make a point of order?

Acting Chairman (Deputy Bernard J. Durkan): There is a point of order.

Deputy Bríd Smith: I understand there is a rotation system in operation, where we have a speaker from Fianna Fáil followed by a speaker from Sinn Féin, a speaker from the Labour Party and then a speaker from our group. I do not mind anyone coming in to make a contribution to this discussion because it is an important issue. I want it to be noted that I cut short my preparation for this debate to be here on time and protect my slot. Having respected the order of the House, I do not accept Deputies arriving late and expecting to be given equal treatment in making a presentation. If I had known that was allowed, I could have prepared myself better and used information that I had to exclude from my contribution. I am willing to allow the Acting Chairman, if he asks our permission, which he does not seem to have sought, to allow Deputies who have come in late to speak. However, he should note for the future that if this happens to a member of our group, I will expect the same respect to be shown.

Acting Chairman (Deputy Bernard J. Durkan): I assure the Deputy that I am drawing from a list that is in front of me. I call on each speaker and party in turn. I have not changed anything. I also intend to contribute to the debate. I am sorry for that intrusion, Deputy O'Loughlin.

Deputy Fiona O'Loughlin: I have been here since the debate started. I do not know who Deputy Smith was referring to.

Deputy Eamon Scanlon: It was probably me. I am a little late but I have a speaking slot.

Deputy Fiona O'Loughlin: Deputies often follow proceedings in their offices, as I did while preparing to come to the House to speak. I will share time with Deputy Lisa Chambers.

Direct provision is an unnatural setting. Living in direct provision significantly interferes with the right to have one's private family life protected. Gandhi wrote:

The true measure of any society can be found in how it treats its most vulnerable members.

There is no doubt that those who come to this country seeking asylum are very vulnerable. The current system of direct provision centres was established 20 years ago on a temporary basis. It is now long past its sell by date and it must be changed to reflect the country we live in today. We are talking about men, women, boys and girls. There are children who need and want to live their lives with dignity and respect, to be able to dream and to have a far better quality of life than they currently have.

There are approximately 1,500 asylum seekers in emergency accommodation. Approximately 300 of those are children. They reside in hotels and bed and breakfast accommodation where they can be shipped like cattle to alternative accommodation to make way for various events being held in the hotels. They grow up in bed and breakfast accommodation and hotels where they must adhere to curfews.

Deputy David Stanton: Not at all. There are no curfews.

Deputy Fiona O'Loughlin: As families and individuals, they are barred from having visitors.

Deputy David Stanton: That is not true.

Deputy Fiona O'Loughlin: That is what I hear. Basic services such as laundry facilities, access to healthcare, nappies and baby formula are not being provided in some of these places. The deputy secretary general in the Department of Justice and Equality has admitted that the use of accommodation was sub-optimal as it is not possible to impose standards in the same way as in direct provision centres. I was told by somebody in Fáilte Ireland recently that many of these centres are still registered as hotels with Fáilte Ireland, which is causing another problem in regard to inspections and so on. In addition, it is three times the cost of keeping someone in direct provision.

The experience of those living in direct provision centres also leaves much to be desired. I appreciate national standards for accommodation were published in August 2019. It is unfortunate it took so long to do that and that these standards will not be legally binding, which they should be, and they should also be subject to monitoring.

There are currently 770 people living in direct provision who have been adjudicated as having valid claims for asylum. They cannot move out of direct provision as there is nowhere for them to move to due to the failure of the Government to supply social housing units to support vulnerable families and individuals. This also applies to many Irish people, who cannot get their own homes. Asylum seekers are spending far too long in the system which was designed in 2000 to be a short-term, interim provision. Some 35% of people living in direct provision have been in the system for more than three years. Increased resources are needed for the hearing of asylum applications and appeals. This will reduce the delays experienced by people waiting on a final decision, which will mean less time spent in direct provision. Ireland has a moral, legal and political imperative to examine the claim of any person who comes here and claims asylum under defined grounds, which is important.

I want to turn to specific issues. On the right to work, following a decision of the Supreme Court that ruled that laws banning asylum seekers from working were unconstitutional, the Government introduced a procedure to enable asylum seekers to access the workplace. The restrictions placed on this right are far too burdensome and need to be looked at. Furthermore, the inability of asylum seekers to obtain a driver's licence impacts on this right and this needs to be examined.

Access to third level education is also an important issue that needs to be reformed. Residents of direct provision are entitled to have access to primary and second level but they are required to pay non-EU fees if they wish to attend third level. I spoke recently to the principal of a primary school that had four new children and the principal made the point these children needed extra help, support and resources, which are not available. We need to look at that as well as at third level. This needs to change and, at the very least, the residency requirements should be reduced from five years to three.

The need for consultation with communities is important. Proper consultative mechanisms should be put in place with communities in advance of decisions to open direct provision centres in an area. Locals often have genuine concerns about the ability of the area to serve additional people and these should be openly addressed, for example, in regard to GP availability, school places and so on. The secretive way the Department of Justice and Equality approaches the tendering process heightens concerns and must be addressed. Both asylum seekers and communities must feel they are being supported by the State.

I want to refer to playing politics with asylum issues. Immigration has never been a party-

political issue in Ireland, nor should it be, but sadly we see that creeping in. It is important that all discussions on the challenges that Ireland and Europe face with immigration are held in a respectful and factual manner. The Minister, Deputy Michael Ring, called recently for a national debate on asylum seekers but I have seen no sign of him coming into the Dáil for this national debate, even though we are representing the people who are coming to us and talking to us about their issues and concerns. The Taoiseach's comments in the *Irish Independent* last week, in effect blaming migrants from Albania and Georgia with fake documents for the rise in the numbers seeking asylum, were bizarre and, as the Immigrant Council of Ireland has described it, "clumsy at best". Those comments were very unfair. The comments made by Deputy Grealish in this House this week and at a previous open forum meeting are certainly very questionable. His figures on money leaving this country have been proved factually incorrect and I believe he was wrong. There is an onus on all of us to show leadership in this regard. The Government must handle our international responsibilities in a far more open and consultative manner, given recent events in Moville, Oughterard, Ballinamore and Achill, as well as the arson attack on Deputy Martin Kenny's car.

As a country, Ireland has done well in avoiding the far-right agenda of "them" versus "us". Politicians and the media have all played a role in ensuring this and we need to continue to do that.

Deputy Lisa Chambers: I thank Deputy O'Loughlin for sharing time. There is consensus on several issues. We all accept we have international possibilities, we all feel genuinely for people coming here seeking refuge and we all know it is a difficult task and that there not an easy alternative to direct provision, so we agree on those things.

In particular, I want to raise with the Minister of State and put on the record the issue that occurred in my constituency in Achill. It has been very difficult for the community there. I agree with the Minister of State, Deputy Kyne, that the information vacuum caused huge problems. The way the community and every elected Member in County Mayo found out about the emergency accommodation was through a Facebook post. That is not acceptable and we can do better than that. The information changed. It took us a number of days to get information on basic questions such as who was coming, when they were coming and what was the constitution of the group. It went from being 30 men to 13 women to 25 families. When there is changing information and information coming through Facebook, when there is a lock-down in the Department, when basic questions are not answered, people get worried and scared and that vacuum is filled with fear.

I hope we learn from that mistake. Consultation with communities is paramount and it has to happen. The current process employed by the Department is not working. If it continues to do things the way it has done them in Achill, it will have problems everywhere else as well. The community there feels aggrieved by how it has been portrayed in the media and how it has been treated by the Department. The lack of consultation, transparency and honesty with the community has created divisions, hurt and anger. I hope we will learn from this.

I want to put on record that the people of Achill are the most welcoming people. It is a tourism destination. I travel there almost on a weekly basis. They are the kindest, most welcoming people one will ever encounter and they will open their hearts and their homes. However, what has happened in the community is a direct result of the Department's mishandling and mismanagement of this issue. I hope we never see the like of it again anywhere else in the country.

Deputy Bernard J. Durkan: Like others, I am glad to have an opportunity to speak in this very important debate at this crucial time. Like many in this House, I have been dealing with immigrants for at least 20 years now. We came through the original phases of direct provision accommodation which, unfortunately, were not even up to the standards we have now; they were worse and there was much more serious overcrowding.

We have an obligation to deal with the situation that is presented to us in the way we would like to have our situation dealt with if we were in their position. We should remind ourselves of that at every single opportunity. There is not a household in this country that has not had relatives of one generation or another overseas in various countries across the globe. If there is one nationality that should be in a position to assess the situation better than all others, it has to be the Irish, who have been everywhere. All of our relatives, including both my parents, were emigrants and had little going for them. They left this country as economic emigrants, I might add. There is a lot of criticism of economic immigrants nowadays. What do we expect people to do? Do we want them to starve where they are or do we expect them to seek out something better? We need to remember that we have a social, political and humanitarian obligation to do the best we can, to address their issues and to see if we can make them welcome, in accordance with the céad míle fáilte for which we are so famous.

From time to time people will say “I am not a racist - but”. I am a little tired of hearing that phrase. I am glad to say, however, that when one explains matters to the people who have such views they seem to take on board and understand that there are people in less fortunate positions than theirs and that there but for the grace of God go the rest of us.

One of the most difficult situations I ever had to deal with concerned victims of the war in Somalia, young women and men of all ages, from kids to teenagers, who were violently abused and mistreated in the course of that war. How did the war start? A smart guy got hold of a radio station, a communications centre, and poured out hatred for about a year and a half until he ignited a fuse and the war started. Some 500,000 people, many of them women, were massacred in the aftermath. That is a lesson to us.

If we need more lessons, let us go back in our European history to the first half of the 20th century and remember what happened during that period. Fear was generated - that was the first thing: fear of the unknown, fear of what might happen and fear of others. It turned out in the final analysis that 70 million people were put to death in order to prove or disprove a point. This was an appalling reflection on humanity and proved again and again, if it needed to be proven, that man’s inhumanity to man knows no bounds and still continues.

I am not condemning anybody. I say to those who have different views that they should not have those views. People will say that some people speak out but that they have to say what everyone else thinks. This is not true. If they are saying what others are thinking, those thinking along those lines should not be doing so. They should read their history. What an appalling history.

I think back to some of these cases. I remember the cases of those who were subject to electric shock treatment and whose veins on their arms and legs had protruded in a grotesque way because of that treatment. Young women who had been brutalised and raped and left on the streets came to us in this country when our system was not so well prepared. Some of them departed again because the process was too long and too tedious and they could not wait. Some of them ended up on the streets of London and starved. Some of them ended up back in the

countries whence they came and got AIDS and died.

If we were ever to assess our response and what it should be in such a situation, all we would have to do is look at ourselves and ask ourselves how we would like to be treated if we were to come into a strange land and were starving and had no friends. Would we be treated with suspicion? If so, how would we deal with that? In the years I have spent in this House I have visited many of our immigrants, as I am sure everyone else here has done. I have witnessed poignant situations, heart-rending in some cases.

I will refer incidentally to one thing I was glad to be able to do something about. When the various people were being assessed by the tribunal for admission I discovered that for some unknown reason one person came up again and again as never receiving favourable consideration. I tabled a Dáil question about the matter and discovered in the reply that one person was responsible for assessing 1,500 people, not one of whom merited favourable consideration. I asked myself how that could be. Fortunately, that person was relieved of that post, and that is as it should be.

The point I wish to emphasise is that we are where we are and we have come through difficult times. We came through the economic crisis just gone and many difficult times in previous economic crises, and I have no doubt but that we will have economic crises in the future. We should think again about whether or not we have always responded in the way we should have done. Direct provision is not ideal. It is a means of holding the situation for the moment. It cannot be otherwise because we have only come through a serious recession ourselves. Direct provision is not what it should be, but I would still like it to be in accordance with the best the Irish could offer at any given time. I had occasion not so long ago to meet a group of European parliamentarians who were ill-disposed towards refugees and immigrants and not in any way empathetic even to the children washed up on the shores, the dead babies. I had to remind them that I remembered the time when they themselves were refugees, which was not so long ago. It is no harm at all for civilisation to remind itself, all of us, collectively and individually, that such times can visit anyone. Unknowingly, we can find ourselves in such situations over which we have no control.

I thank the Acting Chairman for giving me the opportunity to say these few words by switching positions. I hope we treat the people who arrive on our shores sympathetically and in a humanitarian way. Whenever they go back to where they came from, whether or not they wish to go, I would like to think they would say they were treated well by Irish people and that if they had to go back again, they would go without fear.

Deputy Éamon Ó Cuív: I am glad to have an opportunity to speak on this issue. When the controversy in Oughterard arose I happened to be on the other side of the Atlantic. I was actually on a small tour that brought me to many places where we met the sons, grandsons and great-grandsons of people who had emigrated to America and who have done well since in their communities but who were not always welcome.

We must start at the beginning in this debate and see what we agree on. I take it that everyone agrees we should honour our international obligations and the laws we have adopted, which include the European laws on this matter. Once one agrees to go down the way of law, one must stick to the law. Everyone who claims asylum has the right to due process and it is not fair or right to prejudge anyone's individual case. There are a lot of processes involved when it comes to asylum: subsidiary protection, humanitarian leave to remain, the international

tribunal and so on. In addition, someone who is dissatisfied with all the decisions made all the way down the line can go to the courts for judicial review. I welcome some steps that have been taken to speed up this process, and the Minister's predecessor joined it into one process, but we must also recognise that the asylum seeker, or the person who comes here looking to stay here, has the right to use all the processes, including the courts, and that no matter how much one telescopes that, it can take some time. It is important that at all levels of the process we provide adequate resources, including in the courts. We need to be able to ensure there are no delays, including in the courts, that are created by the State. In that way we will give everyone decisions as speedily as possible.

Another argument has characterised this debate. It would be fair to say that many communities say that direct provision is not a solution. People involved in anti-racism networks and so on say direct provision is not the right answer. We must respond to the way the world is and not the way it should be.

Two groups of people keep coming into my office on Mondays. There is no conflict between the groups. One group is comprised of local, indigenous people who have been in the area forever and are on the housing lists but cannot get houses and are winding up in hotels and bed and breakfast accommodation. The other group is asylum seekers who are looking for starts in this country. We all get on famously well. The reality is that we are now trying to deal with this crisis in the context where there are not enough houses no matter how things are re-jigged. It is hard to see how we are going to accommodate the number of people looking for housing. The issue of displacement and who gets displaced is one we must confront. It is one for which I do not have a Solomon answer but I will come to it again. The hardest part of my week, every week, is listening to people on all of the housing issues.

There are also a large number of people in direct provision who have legal leave to remain. That raises two issues I would like to touch on tonight. The first is why we are unable to house those people. The second is an issue I intend to pursue the full way. At least two people have come into my office with stamp 4 permission to remain. They have gone to the local authority in Galway city and been refused, under some housing circular, permission to go on the housing list, or even to go on the housing list for HAP. I have read the circular and it is well written in the sense of being totally ambiguous. My reading of it is that these people are entitled to be on the housing list. We are now taking this case to the Ombudsman and will take it further, if necessary. We need clarification on whether one is entitled to go on the local authority housing list when one has a stamp 4 visa. Can the Minister of State come back to me after this debate and tell me "Yes" or "No" on that question? Galway City Council is telling me that one has to wait four years to go on the housing list.

We have set up wondrous systems in this country and I do not mean that in a complimentary way because those systems often create terrible problems. A system of bidding is going on. The Minister of State will say that, for commercially sensitive reasons, he cannot tell anybody what everybody knows, namely, that the Department received a tender for a hotel or guest house to take asylum seekers. The information has quite obviously got around the relevant town way ahead of the Minister of State making an announcement and when everybody in a town knows, the Minister of State officially does not know yet. Such a system is broken and we must think of another system that does not upset procurement laws but deals with this issue.

The other things we have not done well are communications and community consultation. Community services in health, education and transport could actually be a boon to the greater

community if they were handled correctly. For example, there are plenty of places in my constituency where there is no transport for locals, let alone for asylum seekers, to the largest towns and cities.

I read the Minister's speech carefully and noticed that a consultative group has been set up to be chaired by Catherine Day. One of the things I worry about are consultative groups made of those who are, in day-to-day life, quite insulated from the problem, do not live in the areas where this is likely to be a matter of contention and are not competing, on the ground, for scarce resources. That exacerbates this problem.

When I came home from the United States of America, just before the problem in Oughterard was resolved, I proposed that a forum would be set up for four months to come up with an agreed report to look at alternatives to direct provision. It would also focus on community relations and better consultation. I suggested that forum would have a chair appointed by the Minister of State, or we would accept the present chair. It would have representatives from the Department, the Irish Naturalisation and Immigration Service, INIS, the Reception and Integration Agency, the Irish Human Rights and Equality Commission, the Immigrant Council of Ireland, the anti-racism networks and representatives of the CEOs of the various counties because housing, and public housing, is a big issue here. The forum would also have representative local authority members to be selected by local authority members groups and representatives from the community sector to be selected from those registered with the various local authorities around the country. This would not be a huge group and would be set up to look for written submissions and, where appropriate, would bring people in in a concentrated effort to make oral submissions. People from non-governmental organisations, NGOs, local authorities and the State would be around a table, rather than it being decided only on the State side. They would then be tasked with facing up to the realities and making recommendations on the actual realities of the world, not some ideal world where things are not as they are.

That forum would be given four months. At that stage, I was suggesting it would be completed by the end of January because this was two months ago. I made this proposal available to the Minister of State and to my party leader. Setting up a group that does not represent all the diverse approaches to this issue that are out there from responsible groups will not get the buy-in that we need to get a national conversation and buy-in for a solution. Something that is led and controlled by officialdom will not get that buy-in. I put my proposal back on the table this evening. We can give out all we want in this Chamber about the way the world is but the problem is to come up with workable proposals that might actually get buy-in from the vast majority of the well-meaning people of this country.

Deputy Michael Collins: I am grateful for the opportunity to speak on this matter. Over the past number of months, several of my colleagues and I have been the subjects of a campaign by a number of people to discredit us and twist our words for their own gain. I respect their right to free speech, outlined in Article 40.6.1° of the Irish Constitution. I also ask those people to respect our rights. I assure the House I am not trying to undermine public order, or morality, or the authority of the State and I would hold these people to the same standards.

In 2019, it is expected that this Government will spend €120 million on direct provision, an increase of €78 million on 2018. As with many other endeavours undertaken by the Government, there is nothing to show for the amount of money being spent. A large portion of this money will be spent on people seeking international protection who must be housed in emergency accommodation due to the lack of direct provision centres. This is currently costing the

Irish taxpayer €500,000 per week. The many genuine cases for asylum that are being housed in direct provision centres have inadequate facilities where overcrowding is the norm. Direct provision is not a natural family environment. Residents live in confined spaces. Children often have to share communal bathrooms with grown men and women. Staying for long periods in a confined living space can lead to depression and mental health problems. The Government seems to think, in all aspects of Irish society, it is okay to cram people into a system that is bursting at the seams, from direct provision centres to our overcrowded schools and hospitals.

8 o'clock

Recent statistics show that over half of all asylum applications are from people who come from safe countries. The Department of Justice and Equality is concerned that many of those who are making asylum claims in this State are from safe countries. A spokesperson from the Georgian Embassy has said that Georgia is safe and stable. Asylum applicants from such safe and stable countries are overstressing the direct provision system. In 2016, the then vice-president of the EU Commission, Frans Timmermans, confirmed that 60% of migrants to Europe come for economic reasons and are not fleeing war or persecution. He also stated that, as a way of ensuring genuine asylum seekers and refugees are supported, economic migrants should be returned as quickly as possible. These people should be applying for work visas. They should go through the proper channels as Irish people do when they are travelling abroad for work.

The Minister indicated that he welcomes this debate. He has appealed for it to be thoughtful, respectful and factual. Most of all, he is asking for these matters to be debated in a spirit of compassion and understanding. We have to be compassionate. We have to understand the concerns of communities where it is proposed to locate direct provision centres, for example with regard to the strain that is being put on local services like schools and GP practices. These issues need to be addressed during a period of consultation with local communities in order to find a solution that is acceptable for everyone in the community and for those who may be joining the community through direct provision. As public transport is a significant issue in rural Ireland, it should be one of the major factors when a decision is being made on whether to open a direct provision centre. People who are seeking asylum in this country must have their needs cared for adequately. At a time when many GP practices and schools are turning people away because of staff and funding shortages, it should be possible to identify immediately those areas that are unsuitable for direct provision centres. The Government needs to give the people in the centres the support they need.

The Minister of State with responsibility for equality and integration, Deputy Stanton, visited an accommodation centre in Clonakilty recently to get a sense of how the centre is working and to see, *inter alia*, how the new on-site shop is operating. His visit resulted in a protest because the people who live in the centre were not informed that it was happening. They wanted to discuss several issues with the Minister of State. Could a meeting not have been planned with the people who live there? Could the Minister of State not have taken the time to listen to their concerns? If not, what was the point of the visit in the first instance?

Deputy Michael Harty: The operation of the direct provision system has been virtually unchanged for 20 years. It is run by civil servants in the Department of Justice and Equality who impose a top-down approach. I propose that this should be reversed and that a bottom-up approach be taken instead. Many non-governmental organisations and community organisations would be willing to assist the Department in devising a more humane and acceptable method of dealing with those who seek asylum. When a direct provision centre opened in Lisdoonvarna,

County Clare, 18 months ago, there were similar protests to those that have occurred in recent weeks. That centre has settled in and is now very successful. It is supported by the local community. The people in the centre are integrating into Lisdoonvarna. Many of them are working in Lisdoonvarna. The recent placement of 24 male asylum seekers in emergency accommodation in Milltown Malbay has not been as satisfactory a situation as the Lisdoonvarna case. They have been put in a commercial hotel with no facilities for them. Nevertheless, there is a welcome for asylum seekers in County Clare and there is an opportunity for them to be supported.

I have detected a change in the past 18 months. People's attitudes seem to have hardened. I propose to the Minister of State that a forum on asylum seeker accommodation should be established comprising people on the ground, representatives of non-governmental organisations, local authorities, the Irish Refugee Council, advocacy groups and community organisations and other people with an interest and expertise in this area. I ask the Minister of State to consider this proposal seriously. I know from my engagement with him in the case of Lisdoonvarna that he is open to new ideas. If we engage with communities and take a bottom-up approach rather than a top-down approach, there will be much greater acceptance of asylum seekers in small towns and small villages where there is a surplus of accommodation which could easily be brought up to a suitable standard. I suggest that asylum seekers could rotate through such locations as they achieve their status or otherwise. The expertise that is needed is available. The challenge for the Minister of State is whether he can deliver on it.

Deputy Danny Healy-Rae: I am glad to get an opportunity to talk on this topic. We have had direct provision centres in Killarney and Kenmare for many years. Many of these people have come and gone. They have moved on. I have a problem when too many of them are crammed in together, which is something I have seen. Some of the situations are very tough. Problems arise when a whole family is put into a room. The Minister of State needs to cut his cloth to suit to his measure. If he tries to bring too many of them together in one place, the local services will be unable to cater for the people who are already there and the people who are coming. In such circumstances, there will not be adequate provision for anyone.

We need to discuss how these people can be managed fairly and humanely. I have had conversations and I have helped various people along the way. The big problem for many of them is that they have nothing to do. Many of them would like to work. That is another issue and another problem. Discussions are needed when it is proposed to bring big groups of people into small rural places. Problems will arise if there are not enough doctors or schools. It is not just about acquiring a building, putting a lot of people into it and saying they will be all right. That is not fair on the immigrants who are coming or on the communities they are arriving into.

We have multidenominational people from all over the world in Killarney. I have to mention the Bangladeshi people who are playing a positive role in the town. They are working and living in the community. Many of them came around 1998 and are proud to be Irish citizens now. They say "I am a Kerryman". They are playing their part. They love to work. They are positive in the community. I have to praise them as highly as I can because they are great people. These very good men, women and children are playing an important role in Killarney.

There is one other problem. We are talking about bringing people into local areas, but the opposite is happening as well. People who have jobs and skills are being sent home even though their employers want to keep them. It is very wrong that they are being shoved out. I know three of them at the present time. Their employers want to keep them, but they are not being allowed to stay. It is hard to understand what is going on when things like that are hap-

pening. There should be some facility to try to assist those people to remain. It should be done more quickly than at present. I know an employer who has said he cannot replace a man if he is deported. There is a need. They do a certain kind of work. They have certain kinds of skills. Those people should get the chance to remain.

Deputy Eamon Scanlon: I would like to share time with Deputy Troy.

Acting Chairman (Deputy Bernard J. Durkan): Is that agreed? Agreed.

Deputy Eamon Scanlon: In light of recent events in Moville, Oughterard, Ballinamore and Achill, I believe the Government must handle our international responsibilities for accommodating asylum seekers in a far more open and consultative manner. I condemn unreservedly the attack on Deputy Martin Kenny's home, his person, his property and his wife and family. Proper consultative mechanisms need to be put in place with the local community before it is decided to open a direct provision centre in any area. To bring people along and get buy-in from them, one must keep them apprised of what is going on. Locals have genuine concerns about the ability of their area to serve additional people and those concerns should be openly addressed in full. Consideration must be given to GP availability, school places and other such matters. The secretive way in which the Department of Justice and Equality approaches the tendering process heightens concerns and must be addressed.

I am most familiar with the situation in Ballinamore because it is in my constituency. It was proposed to put 130 asylum seekers into a town with a population of 900 without any consultation. Local people were concerned by the proposal and worried about the capacity of the facilities and services in the town. It is important to point out that refugees were previously housed in Ballinamore. There were more than 40 of them in the local hotel. They integrated into the community, got on well with it and were warmly welcomed. They moved on for various reasons. The building in which they were housed was not particularly suitable, so they moved to other places.

The direct provision centre in Sligo has a significant number of residents. As a previous speaker mentioned, the asylum seekers get citizenship and move on and it works out quite well. Ten such families have moved into my home town in recent times. They have been very well received and go about their business. Their children go to school and play for local football clubs. The families are well and truly integrating into the community. That is the way it should be. It is the best way to go. There have been no issues or concerns. Everybody is happy enough with it.

We should establish a consultation process between local communities and the Department of Justice and Equality in towns where it is proposed to situate new refugee accommodation. That should happen before the procurement process begins in earnest. Detailed plans should be provided to the local community to include details of how infrastructure such as GP hours, school places, etc., would be improved to accommodate the increased population.

Increased resources should be provided for the hearing of asylum applications and appeals. That would reduce the delays experienced by people awaiting a final decision and would mean less time spent in direct provision system. That would reduce the cost to the State and the impact on asylum seekers. We should extend the remit of the Ombudsman to include the power to assess the administrative functions of the asylum application process. That is long overdue and should be done as quickly as possible.

Deputy Robert Troy: This debate is timely. Gandhi once wrote that the true measure of a society can be found in how it treats its most vulnerable members. History will not be kind to Ireland when it comes to this period. It will show that we treated some of the most vulnerable people in the most inhumane manner through direct provision. It will show that we, as a society, did not always show humility and, in some instances, were far from welcoming. We have seen examples of full-blown racism at public meetings, from various people and online.

We must remember that asylum seekers are fleeing war, persecution, torture and rape. They do not come to Ireland on holidays. They do not come here for €21.60 per week or to live in shared accommodation, often with strangers. They come here out of necessity and, often, in order to save their lives. I ask Deputies to think back to 2 September 2015, when a three-year-old Syrian boy named Alan Kurdi who drowned in the Mediterranean Sea made global headlines. He was photographed face-down on a beach. We have a moral duty to offer a safe haven and a céad míle fáilte to refugees who, for no reason other than the lottery of birth, must daily deal with the significant challenges they face.

As a country whose citizens' footprints are all over the world, we should know best. We all know how we feel about Irish people who fled the Great Famine. We know how our society and race was denigrated by signs which stated "No Irish welcome here". Surely, we can do better than that. Surely, in a modern society, we can do far better and state that we are an open and welcoming society.

Thankfully, immigration has never been party political issue in Ireland. It should not become one. However, there have been recent attempts, whether deliberate, accidental or clumsy, to dog whistle to those on the right. I salute the efforts of the Minister of State, Deputy Stanton, who is present. He is a sincere politician who is trying hard to address these issues. Direct provision is inhumane and far from ideal but, unfortunately, given the current housing crisis, we have no alternative if we are to meet our international obligations. The failings of the Government in respect of the provision of housing is helping to build an unease which we have not seen previously in this country. Some local politicians are exploiting this issue for their own political gain and using it to pit one element of society against another. They are wrong to do so. They should be addressing people's concerns and reassuring communities which are afraid of asylum seekers moving in that things will not be bad but, rather, that people will be accommodated and can integrate into local communities and society.

We need to accelerate the process and shorten the length of time people must stay in direct provision. That issue needs to be addressed.

I refer to Mount Temple Spa. The Minister of State has always been open with me when I have contacted him on that issue. Reference has been made to a lack of services. More than 80 people were moved into a former hotel 7 km outside Moate. No services are available there. There are two shuttle bus services per day but, apart from that, the residents must walk to Moate. There are no footpaths and there is no public lighting on the road. There is no public transport. The Mount Temple, Moate and Rosemount communities have welcomed those people in. The community is doing good but that does not absolve the State of its responsibility to provide better services. I wrote to the National Transport Authority, NTA, and asked it to reintroduce a bus stop at the end of the road leading to the former hotel in order to cater for the asylum seekers. Several buses go up and down the road every day. The NTA stated it was not its responsibility to do so. That is wrong and needs to be addressed. For 18 months, I have continuously raised with the Minister for Transport, Tourism and Sport, Deputy Ross, the

need to afford asylum seekers who have a right to work and who wish to work and contribute to society the opportunity to do so. Those in Mount Temple cannot work because there is no public transport to bring them to a place of employment. Many of the residents wish to apply for a driver licence but they are prohibited from so doing. Unfortunately, the Minister, Deputy Ross, has not prioritised the issue. I raised it last week with the Taoiseach. I ask the Minister of State, Deputy Stanton, to work with his lead Minister, Deputy Flanagan, to ensure that at least we can remove the challenges and obstacles that are in the way of those who wish to integrate and contribute to society. I appeal to all Members of this House to show leadership in this issue. Where communities are expressing fear and anxiety, instead of stoking those fears and anxieties we should reassure them that we need to fulfil our moral obligation internationally, but also to ourselves as human beings. These people are the most vulnerable people on earth. They deserve respect and deserve to be welcomed.

Deputy James Lawless: I want to speak to the topic of migration and specifically to refugee status and asylum seekers. I have some limited knowledge and experience of this area. I never purport to step in the shoes of anyone who finds themselves in the most unfortunate situation, but I have had the privilege of meeting many such people. I have met them on their home turf in that I had the opportunity to visit sub-Saharan Africa, South Sudan, northern Uganda, many sites such as Imvepi Bidi Bidi, Arua and many such war-torn and difficult regions of the world.

I have spoken to and met many displaced peoples, and seen the conflict as people spilled over. The conflict in South Sudan spilling into north Uganda in recent years was probably the most significant displacement of people in the world as 1 million people crossed that border into north Uganda. Of course, the same region was ravaged with the conflict in Rwanda and the wars in the Congo and neighbouring states for many decades. It is a most unfortunate region, but one that has shown leadership in its generosity of response and the decency and humanity that has been extended.

Seeing people cross the border is a terribly humbling and unforgettable experience. Some people cross the border with nothing but a bag on their back. There is the terrible irony of people whose most prized possessions were the shirt of a European football club where a footballer earns hundreds of thousands of euro, and yet here is somebody whose only possession in the world literally is a torn such shirt and maybe a little backpack with all their possessions in it.

Another prized possession of people crossing the border is a phone allowing them to communicate with family members back home. One of the most popular Facebook sites in Africa was the Bidi Bidi refugee camp because people were putting up messages saying, “I’ve got here. I’ve made it. I’m okay.” to anybody trying to follow them or connect with them. Social media was a great enabler and communication tool in that regard.

It was both reassuring and horrific to see people beginning to form their own families. One phenomenon of modern refugee camps is that of family formation. It is not the nuclear DNA-based family, but a family of people of similar age or other similar groups. It is family formation based on shared experiences and pooling their lot. One will often see an older teenager serving in the role of mother or father, taking under their wing a number of orphaned children and forming a new family in the camps. That was something that, fortunately or unfortunately, was also beginning to happen. It is something to be embraced and supported. The humanity people show in those situations is amazing.

It is also instructive to consider the approach of the Ugandan Government. There has been

tremendous generosity of spirit, but also generosity of materials, capital and resources granted in that situation. People were given plots of land, the right to work, the right to vote and the right to integrate. They were given the right not just to live in a squat under a couple of metres of tent but actually to go and take a quarter acre plot, to be given the tools, the know-how and wherewithal to cultivate that plot, and actually to begin to contemplate a long-term life on such sites. It was a very mature, progressive and most amazing approach to the situation. It also illustrates how so often those with the least to give actually give the most. They are to be applauded for that.

The Ugandan Government was also very cognisant of what it called the host communities, effectively the people already living in the areas into which refugees were being welcomed. It is very much an integrated approach. In the host communities, schools, hospitals and educational resources were also channelled into those host communities in the same measure as to the displaced peoples coming aboard. It helped to integrate everybody. People at their most vulnerable were supported, but those around them were also supported in taking people in.

It is also instructive to consider how international development and international thinking has contributed to this goal - the United Nations approach, the grand bargain that Ban Ki-moon brokered a few years ago. We have to talk about the humanitarian development aid nexus. Put simply, it is the old adage that giving a man a fish feeds him for a day, but teaching a man to fish will feed him for a lifetime. This is talked in grander terminology such as development humanitarian aid. Essentially, it is giving development aid through assisting people to help themselves. Rather than giving them a handout, it is about giving them a hand up.

We can learn from this experience in our own country and should change the direct provision system where people are disempowered. Allowing people to work, trade, network, grow and work among each other is very much the way to go. Asylum seekers and refugees are somewhat of a misnomer. They are people with mothers, fathers, sisters, brothers, hopes, dreams, ambitions and fears. They are just like anybody else. They just have the misfortune to be placed in a situation like this. For a country that has always spoken about a céad míle fáilte, it is important that that céad míle fáilte does not just extend to multinationals and to tourists with money to spend. It needs to extend across the board to all who come to our shores.

We were not the first people to inhabit this island and we will not be the last. The Irish language has roots in ancient Indo Sanskrit. We can trace back to Mesopotamia, the cradle of civilisation. We have had the Fir Bolg, Tuatha Dé Dannan, Melesians, Celts, Picts, Goths, Gauls and Romans. The British empire was only the latest in millennia of development. We were not the first and will not be the last. Let us realise that we have more in common than we have that divides us.

Deputy Niall Collins: Like Deputy Troy who spoke earlier, I acknowledge the Minister of State's approach to dealing with this complex and sensitive issue, which is a major challenge to all of us and to the State. To his credit, the Minister of State has been very measured and compassionate any time I have heard him speak in public.

I want to be associated with the remarks about Deputy Martin Kenny. I said it to him privately yesterday and I want to say it publicly today. I condemn outright the attack on him, his family and his property. What happened to him was outrageous. I admire him for the stand he took, particularly in his own community. I believe he was right and I would support him. I believe he will be proven right in the long term.

This is a very complex issue. As other speakers have articulated, I am very concerned with the tone of the debate and the direction it has taken. Sinister elements are stoking up fears and racism and using hatred to divide communities, which is wrong. We need to meet this head-on. The point has been made repeatedly that the vast majority of people who present on our shores, seeking international protection, are the most vulnerable people who have endured horrendous circumstances, and they are desperate. They are basically reliant on their inherent survival mechanisms to get themselves to a better place and to try to survive as best they can.

The day after the birth of my daughter, our second child, I was in the maternity hospital in Limerick. I had to go downstairs to an office where they had a clinic every afternoon to register births. Sitting in the waiting room, I could not help overhearing a conversation. A 15 year old Somali girl, who had given birth to a child the previous day, was being interviewed by the registrar of births. She detailed how she had been gang-raped by a number of soldiers in her home country and had fled for her life. That is a typical example of many of these people who come to these shores for refuge. Most Mondays in my main clinic I meet people who are in direct provision centres. They come to my clinic for various reasons and I am glad to help them.

I accept the system needs to be modernised and reformed. We have made constructive proposals on the right to work. That needs to be improved. There are also issues about access to third level education and in respect of the provision for the ombudsman. Naturally we have to have consultation with communities. Many communities have allowed themselves to be hijacked by these sinister forces. We have to accept that we are a multicultural society and embrace these people. We hear so much debate about rural communities dying on their feet but the State could take a constructive approach to dealing with rural communities and engaging with them, showing them the positives there can be if people are placed properly and appropriately in the communities.

Direct provision came upon us in 2000 when the numbers that came in grew exponentially, then they dipped and now they are growing again. The Minister of State, Deputy Stanton, will recall that when we were members of the joint committee on justice, in the previous Oireachtas, we looked at reception centres in Portugal. We need to take a long-term view of this, build proper reception centres and have a proper integration policy for these people. I appeal to communities to be receptive and compassionate and to look at the positives, engage and use their public representatives to help with the consultative process. It is very refreshing that following the last local and European elections a significant number of what I would respectfully describe as new Irish were elected to many of our local authorities. Councillor Azad Talukder, a Bangladeshi, was elected to my local council. Deputy Danny Healy-Rae referred to the Bangladeshi community. There were many in different parties. Those people will be very helpful in engaging with their communities. It is right and proper.

The key to this is the timeline for people having their applications processed. That needs to be improved. That is an imperative. The method of communication between the naturalisation and immigration service, in the Department of Justice and Equality, the public representatives, the applicants and their agents, solicitors or advocacy groups, the non-governmental organisations acting on their behalf, needs to improve also because the system has a degree of slowness and lethargy which is adding to the complexities of the issues.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): I thank all the Deputies who contributed to the debate. I am somewhat disappointed that more people did not arrive in here. It is the issue of our age. We also had time set aside for this to-

morrow so there was plenty of time for more people. The debate has been very useful. Some interesting ideas have come about here. We are very open to suggestions and ideas that are practical and workable. As the Minister said, direct provision is a guarantee of shelter, food and a place of safety to a person who claims international protection on the basis of a well-founded fear of persecution for reasons of race, nationality, religion, political opinions or membership of a particular social group, or where that person would be at risk of suffering serious harm if returned to their home country.

There is a range of State services offered to these people who are very often without means. That includes accommodation, food, health services, utilities, educational provision for children and so on. In general, these services are offered in centres which over the years allowed for the swift provision of accommodation to applicants. If someone arrives in Dublin today and says they are looking for asylum they are guaranteed all these services that night. When people say abolish the system they are actually calling, and maybe they do not mean to do this, for the end of the free access to medical care, education, weekly payments, shelter, food and so on that happens very swiftly. People say it is inhumane. I reject that out of hand. It is not inhumane. People who say it is are helping other forces here who are using that to discredit all asylum seekers. Much work has been done in recent years to improve the system, the McMahon report, the right to work and the Ombudsman and Ombudsman for Children going to the centres. Conditions and standards were published recently which will be binding from 2021 on. All the centres coming into play now will have to abide by those as well.

Any of us who engage with people who look for international protection cannot but be moved by the needs of people who, very often, as Deputy Lawless put it so well, travel long distances and risk their lives. If we are human at all we cannot but be moved to help and support those people in some way. I call on community leaders, faith groups, community groups and elected representatives to wake up to what is going on and not, as Deputy Niall Collins put it so well, to be trapped by far right groups who are infiltrating and causing a lot of damage.

It is all very fine to come in here and say abolish direct provision and that it is inhumane, but what is the alternative? No credible alternative has been put forward. We are improving the system that is there. I know from talking to people in the United Nations High Commission for Refugees, UNHCR, and others that because we are improving it and we are open to moving it forward the system is pretty good. I do not want to see people in emergency accommodation. Nobody wants that. We have improved the timescale. At this stage 45% of people in centres are there for one year or less, and 18% are there for two years or less.

I could talk for an hour and longer on this I have taken so many notes from listening to what people have said. This debate has to go on. People have been talking about the Department of Justice and Equality. I have seen officials in the Department work extremely hard on this and go above and beyond the call of duty to work with these people. In the early days I visited one centre that we were concerned about and when I was leaving it local people came to me and asked me to keep it open. They said they had more teachers in their schools, more people working in the area, they had services, etc. The local chamber of commerce, leaders of the county council and public representatives asked me to keep it open. There were concerns about Lisdoonvarna; it is a model now. Ballaghaderreen has been praised around the world for what it did. That is a refugee centre, which I know is slightly different. We need to have this debate.

Alan Kurdi was mentioned and the Vietnamese girl who said in her text:

I'm sorry Mom, my path to abroad didn't succeed... Mom, I love you and Dad so much! I'm dying because I can't breathe. I am sorry, Mom.

If it was one of our children and we got that text how would we feel? So far this year I understand that 1,200 people have drowned in the Mediterranean sea. That is three Jumbo jets. If one small plane crashes anywhere there are headlines everywhere and yet there is nothing about that.

We have to be careful also about the language we use. People say they are “locked up”, “incarcerated”, they are “open prisons” – wrong, wrong, wrong. No, no, no. Once people start using that language they are saying that asylum seekers in some way deserve to be locked up, that they are prisoners, and they are creating fear. We have to be careful about our language because that language is not correct, it is false and wrong.

We are open to any suggestions or ideas. Deputy Ó Cuív mentioned a forum. I am open to that. There is a group working under Catherine Day considering best international practice. There is an interdepartmental group. There was the MacMahon report. On Friday I will launch the private community sponsorship model for refugees. I invite all Deputies and Senators and public representatives to read this. It is a way that communities can take in a refugee family and look after them. There are already several centres around the country for families who have come in. One family is taken into a village. People tell us about the housing crisis but there are vacant houses all over the country, that people own. Identify one, get a local group together, furnish it, welcome in a family, integrate and look after them. That is another model which they have had in Canada and in the UK. We have had a pilot scheme here over the past several months which has been hugely successful. The people involved in it have told me that nothing before in their lives has given them so much personal satisfaction.

I join in the condemnation of the terrible intimidation of Deputy Martin Kenny.

On the issue of consultation, we want to consult and engage with communities at the earliest possible opportunity. We have 39 direct provision centres across the country which are working extremely well. There are no issues with them. If, however, there are issues, we want to know about them and deal with them straightaway. I have said to the NGOs and others involved that Facebook or Twitter should not be the default method of communication. Instead, people should talk to us and to our officials. They will help sort out the problem.

In the centres, people can get all the services and supports together, which they need in the early days when they arrive here. At one centre I visited - I tend to visit them quietly - one lady there had received bad news about how one of her family had died tragically in her home country. I saw the centre staff wrap themselves physically around her to comfort her while she went through that trauma. If she was living on her own in a house in the middle of nowhere, that could not have happened. There are significant advantages in having centres properly resourced with the services people need and not overcrowded.

We need to have a mature, proper debate while watching the language used around it. We must reject racism out of hand in all guises, no matter from where it comes. It can be very insidious and clever as to how it sneaks in. Sometimes we ourselves can use language which is racist without meaning to or knowing it. We need to be careful how we approach this.

I apologise that I have gone way over my time. I thank everybody for the debate this evening. I have many notes taken. I hope the debate continues in a positive way. If people want to

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talk to us and if there is accommodation in parts of the country which could be used for asylum seekers and people looking for international protection, they can talk to us. Our problem is that if we are dealing with this on a commercial basis, there is a certain amount of confidentiality needed. What has been happening recently is that word leaks out. If a place is being done up, people ask me if it is true that it is for asylum seekers. In many instances, that is not the case but rumours are circulating. There is nothing to be afraid of. These people do not want problems or trouble. People coming here looking for international protection want only peace and to get on with their lives.

We are working as hard as we can to improve the system. I thank Members for this constructive debate. We must work together to continue to make progress on this issue.

The Dáil adjourned at 8.43 p.m. until 10.30 a.m. on Thursday, 14 November 2019.