



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Déardaoin, 26 Eanáir 2017

Thursday, 26 January 2017

Chuaigh an i gceannas ar 10.30 a.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Business of Seanad

An Cathaoirleach: I have received notice from Senator Colm Burke that, on the motion for the Commencement of the House today, he proposes to raise the following matter:

The need for the Minister for Health to confirm that additional funding will be provided for Cork University Maternity Hospital to allow the operating theatre to open five days a week, as opposed to three and a half days a week, and that the second theatre which is not being used will also be opened.

I have also received notice from Senator Gerard P. Craughwell of the following matter:

The need for the Minister for Finance to establish a commission on taxation to review the structure, efficiency and appropriateness of the taxation system.

I have also received notice from Senator Maura Hopkins of the following matter:

The need for the Tánaiste and Minister for Justice and Equality to ensure the necessary additional resources and services will be put in place to support the refugees who will be staying in the emergency reception and orientation centre in Ballaghaderreen, County Roscommon and the local community.

I have also received notice from Senator Robbie Gallagher of the following matter:

The need for the Minister for Health to make a statement on current ambulance response times in County Monaghan and confirm that there are enough resources in place to prevent further delays.

I have also received notice from Senator Tim Lombard of the following matter:

The need for the Minister for Health to engage with the European Commission and the European health industry on the question of relocating the European Medicines Agency from its current base in London to an appropriate base in County Cork.

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I regard the matters raised by Senators Colm Burke, Gerard P. Craughwell, Maura Hopkins and Robbie Gallagher as suitable for discussion and they will be taken now.

I regret that I have had to rule out of order the matter raised by Senator Tim Lombard on the grounds that it is a repeat of a similar Commencement matter raised yesterday.

Senator Robbie Gallagher has withdrawn his Commencement matter which I had selected for discussion.

Commencement Matters

Hospital Waiting Lists

Senator Colm Burke: I raise the issue of maternity services in Cork, of which there has been widespread coverage. There are more than 4,000 on the waiting list for gynaecological services in Cork University Hospital and this number makes up 42% of the total waiting list in the country. A brand new maternity unit was opened over ten years ago and two theatres were built. At present, one is open for three and a half days a week, while the other is not open at all. It is not available for use because staff are not available. I am looking for adequate resources to be provided. Over 8,500 babies a year are born in the maternity unit at Cork University Hospital and there are backup gynaecology services too, but the unit does not have an independent budget. It is simply part of the entire budget for the hospital.

We have had a number of meetings with the consultants and the Minister has met them too. Now is the time to move on and for a decision to be made to fast-track people on the list, some of whom have been waiting for over 12 months for an appointment. It is also possible to use facilities in one of the other hospitals, either public or private, to do this. I am not talking about using the National Treatment Purchase Fund because in that case patients would end up being reviewed by the consultants who are currently looking after them.

This issue needs to be given priority as 4,000 are waiting, many for more than 12 months. It is a matter of resources and providing theatre nurses and staff in order that one theatre can be opened five days a week and the other opened also. The latter is a longer term issue, but it needs to be addressed immediately.

Minister of State at the Department of Health (Deputy Marcella Corcoran Kennedy): I fully recognise the need to ensure patients have timely access to health services. The Department of Health works closely with the Health Service Executive and the National Treatment Purchase Fund to ensure they implement measures to reduce waiting times. Budget 2017 makes specific provision for the treatment of those waiting the longest. In that regard, €20 million has been allocated to the National Treatment Purchase Fund, rising to €55 million in 2018. In December the Minister, Deputy Simon Harris, granted approval to the National Treatment Purchase Fund for a €5 million initiative focusing on day case procedures, which will aim to ensure no patient has to wait more than 18 months for a day case procedure, including gynaecology, by 30 June 2017. The Minister has also asked the Health Service Executive to submit a waiting list action plan for 2017 for both inpatient day case and outpatient waiting lists. The focus of the plans should be on ensuring no patient will have to wait more than 15 months by

the end of October 2017.

This week the Minister wrote to the Health Service Executive requesting that in developing the action plans a particular focus be placed on reducing waiting times in gynaecology. I am aware that there are difficulties with waiting times for gynaecology services in Cork University Hospital, in particular. On 12 January the Minister visited the hospital to meet hospital management, South/South West Hospital Group management and a number of consultant obstetricians and gynaecologists. This allowed him to learn at first hand about these problems which are due, in part, to staff resource challenges, including those associated with recruiting theatre staff nurses. He has asked his officials in the Department of Health to work closely with the Health Service Executive and the hospital group to ensure the waiting list for gynaecology procedures is addressed as a priority in advance of his follow-up meeting. The hospital has advised that the provision of additional gynaecology operating capacity is a priority for the executive management board, as is the optimisation of operating output from theatre sessions which are already in place. In that regard, the board is working with the gynaecology department and the hospital group to maximise capacity in the theatre sessions already in place, recruit additional theatre staff nurses to provide additional theatre time and progress the introduction of pre-admission assessment for these patients to improve efficiencies and patient flow.

The governance structures for maternity services are being remodelled with the establishment of the Health Service Executive's national women and infants health programme and maternity networks across the hospital groups. The programme will lead the management, organisation and delivery of maternity, gynaecological and neonatal services to ensure the consistent delivery of high quality care in these services and oversee the development of maternity networks. The Minister has advised me that he expects the new maternity network which is being established in the South/South West Hospital Group to ensure better co-ordination and utilisation of maternity and gynaecological resources across the group.

Senator Colm Burke: I thank the Minister of State for her reply. My only concern is that a list was allowed to build up. My understanding is that in 2009 there was a waiting list of over 2,900. We are six or seven years on and do not seem to have a timeline for when action will be taken. When will the theatre be open five days a week? When will we progress to having the second theatre? How can we fast-track a review of patients? The HSE needs to give us a clear timeline for when it expects action to be taken on this matter. That clarification is needed at this stage.

Deputy Marcella Corcoran Kennedy: I thank the Senator. I will get the specifics for him as soon as I leave here.

Tax Code

An Cathaoirleach: Cuirim fáilte roimh an Aire Stáit.

Senator Gerard P. Craughwell: I thank the Minister of State for coming to the House.

The last report of the Commission on Taxation was published in 2009. Many of its comprehensive range of proposals have been successfully implemented, while others such as water charges continue to be controversial. One of the stated objectives of the report was to keep the overall tax burden low and enhance the rewards of work, while increasing the fairness of the tax

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system. It also sought to ensure the regulatory framework was flexible, proportionate and up to date. One of the key words is “fairness”. By fairness, I mean the impartial and just treatment of citizens without favouritism or discrimination, yet the taxation system continues to remain strategically skewed and inherently unfair. The personal taxation system is full of anomalies and the legal loopholes and business arrangements which facilitate tax avoidance seem to be infinite. Last year’s report of the Irish Tax Institute reminded us that the nine consecutive budgets between 2009 and 2016 involved over 50 tax changes that had impacted on Ireland’s personal taxation system. It not only brought about some unintended consequences, it also created anomalies across all salary levels. We all know about what is called the “squeezed middle” and that a self-employed person earning €18,000 will pay €1,820 more in tax than a PAYE worker on the same salary.

I am aware that the income tax reform plan 2016 sought to address some of these issues, but while we have been focusing on personal taxation, successive Governments have taken their eye off the tax ball. We now know to our immense cost that the Taxes Consolidation Act 1997 created loopholes which effectively allowed for the loss of taxes to the tune of €2 billion per year. This, added to the European Commission’s judgment that Apple owed the State €13 billion in unpaid taxes, points to a failure by the Government to stop a haemorrhage of taxes from the state, taxes which would have funded much needed infrastructural projects.

There has been a lot of focus on the so-called vulture funds and the charities which benefited from them, but the real question to be addressed by a commission on taxation is who was asleep at the wheel, who turned a blind eye to the wholesale strategic and legal avoidance of taxes in the past ten years and how can these loopholes be immediately closed. The report of the Commission on Taxation in 2009 was produced through a social partnership approach, with a serious input from trade unions, business, agriculture, the charity sector, financial advisers and academia, among others. The cynics among us might say the Government can no longer be trusted to be the sole decision maker on taxation policy and that it has not acted in the public interest. I, therefore, believe there is a real need to return to the stakeholder model, a model which encourages public engagement and wide sectoral consultation, would strengthen the work of the Department of Finance, the Department of Public Expenditure and Reform and the Revenue Commissioners and which would bring much needed transparency and reassurance to a now very disheartened public.

The reputational damage to the integrity and fairness of the taxation system by the vulture fund revelations is enormous and has left a very sour taste in the mouths of the thousands of distressed residential mortgage holders on whose backs these immense profits were made. We owe it to them to undertake a comprehensive independent review of the taxation system. It is the very least we could do.

I thank the Minister of State for his time and attention. I hope he will give my proposal serious consideration.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Pat Breen): I apologise on behalf of my colleague, the Minister for Finance, Deputy Noonan, who, unfortunately has to attend an urgent meeting in Brussels.

I thank the Senator for raising this issue in Seanad Éireann. The appointment of a commission on taxation by any Government is a major undertaking which often takes several years to report. Commissions of taxation tend to focus on the medium term to long term as regards the

appropriate development of the tax system and since it tends to take many years to implement all of their recommendations, they are, as often as not, a once in a generation event. The last Commission on Taxation was in place in 2008 and 2009, with the one prior to that having been in place between 1980 and 1985. Given that a commission on taxation has reported as recently as 2009, it is not clear what exactly would be gained by undertaking such a large-scale task again so soon.

It should be noted that, since the last Commission on Taxation reported, the Department of Finance has made major strides in improving the evidence base available to it to inform taxation policy. For example, a major review of the corporation tax system was undertaken by the Department in 2014, with the extensive range of analyses and outputs published with budget 2015. The purpose of the research was to quantify the effect of the three elements underpinning Ireland's corporation tax policy - rate, regime and reputation.

Building on this successful review, in early 2015 the Department entered into a research partnership with the Economic and Social Research Institute. This agreement covers research in the areas of macroeconomics and taxation policy. As well as extensive analysis of the potential effects of Brexit on the economy, a significant volume of taxation-related research has been undertaken under the programme, including on important issues such as the relationship between corporation tax rates and foreign direct investment and the volatility of tax revenues. All of the research is published and available to inform the wider tax policy debate.

On the local property tax, LPT, the 2012 report of the interdepartmental group on the design of a local property tax, the Thornhill group, considered the structures and modalities for a full property tax which was subsequently introduced in 2013. The Minister for Finance commissioned a review of the local property tax in 2015 to consider its operation and, in particular, any impact on LPT liabilities due to recent property price developments. The review was informed by the outcomes of a public consultation process which received over 50 written submissions.

Senators will be aware also that the Government's commitment to continue the process of unwinding USC is not a measure that is being considered in isolation but as part of a wider medium-term income tax reform plan. In July 2016 the Department of Finance published a detailed review of the policy considerations relevant to this reform, including the necessity to maintain the breadth of the income tax base and retain appropriate levels of taxation for higher earners.

A detailed review of agri-taxation was published by the Department of Finance in October 2014. The following year, an independent review of marine taxation was also undertaken, resulting in the Government bringing forward changes to the tax code prompted by the reviews.

The last Commission on Taxation undertook a major review of tax expenditures. Again, the Department of Finance built on this work and subsequently developed a framework for the evaluation of tax expenditures, as set out in the report on tax expenditures published with the budget in 2015. From time to time, the Department carries out reviews of existing tax expenditures and *ex ante* evaluations of proposed new tax incentives, with the various reviews and evaluations being published in the annual report on tax expenditure.

Senator Gerard P. Craughwell: The reason I have called for this - I appreciate that the 2009 review is quite recent, which means that it would require a very short commission - is to restore confidence and bring on board the partnership model, particularly to bring in representatives of business and trade unions and academics. Workers have suffered hugely from the cuts

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made in recent years. The local property tax is probably the most unfair tax, given that it is location-based. God help anybody in Dublin as one can have a massive house in rural Ireland and not pay nearly the same amount in local property tax. Also, local authorities are redistributing the receipts from the local property tax. I ask that we have a complete review of the entire tax system. The vulture funds, in particular, are hurting people. I am sure the Minister of State is in touch with his constituency staff. I know that he will be hearing the stories I am hearing about vulture funds which have ripped off the country. That is really the angle at which we are looking.

Deputy Pat Breen: I listened attentively to what the Senator said. I described the recent reviews and research into taxation matters by the Department of Finance. Perhaps it might be more appropriate to outline some of the incentives that have been provided this year. For example, the development of a new small and medium-sized enterprise, SME, focused share-based remuneration scheme was announced in budget 2017 and is scheduled to be introduced in budget 2018. A public consultation process has been conducted by the Department as part of the development process and engagement with the European Union to ensure compliance with state aid rules. That will also be undertaken.

Also, in line with established practice in carrying out periodic reviews of key areas of taxation policy, the Minister for Finance announced in the budget that a review of Ireland's corporation tax code would be undertaken by an independent group, led by the economist Mr. Seamus Coffey. Since the review in 2014, there have been significant changes in the international tax environment, including new legislative proposals in the field of company taxation from the European Union and the ongoing Organisation for Economic Co-operation and Development, OECD, base erosion and profit shifting initiative. In that context, it is timely and prudent to carry out a review of the corporation tax code to take these recent developments into account. Terms of reference were published in the 2017 budget book. I note also that during the Committee Stage debate on the Finance Bill 2016 in the Dáil it was indicated that the Minister for Finance had asked Mr. Coffey to examine the strong performance of corporation tax receipts, evident since 2015. Accordingly, this matter will also form part of the review, which is important.

The examples I have cited demonstrate that detailed taxation research is effectively continuous and given high priority by the Minister for Finance and his officials, given the challenging times. I will take on board the Senator's views and convey to the Minister the issues he raised in his supplementary questions.

An Cathaoirleach: Senator Gerard P. Craughwell has a lot on which to chew in the next few days.

Immigration Support Services

An Cathaoirleach: I welcome the Minister of State at the Department of Justice and Equality, Deputy David Stanton. It is always nice to see a fellow Cork man in this Chamber.

Senator Maura Hopkins: I refer to the plans to open an emergency reception and orientation centre in the Abbeyfield Hotel in Ballaghaderreen. As the Minister of State will be aware, I have had many discussions with both him and departmental officials since first becoming aware on Thursday, 5 January of plans to open the centre.

As a community, we, in Ballaghaderreen, understand fully the refugees who are coming to the centre in Ballaghaderreen have been through the most horrific experiences. We want to reach out and support them in the best way we can. There has been huge media attention on the reaction of local people in Ballaghaderreen. I want to make it very clear that people in Ballaghaderreen will play their part. We will do our fair share in supporting people who have been through very difficult experiences. Yesterday we had a very lengthy meeting as part of the Ballaghaderreen town team with departmental officials in Roscommon. Arising from the meeting, I have a number of questions.

We want to be reassured the proper resources and services will be in place to support the refugees when they come in March. My understanding is there will be 82 refugees coming through Greece from Syria. They will have been vetted by officials of the Department of Justice and Equality. Initially, they will be coming to stay in Baleskin, near Dublin Airport, where they will undergo a full medical assessment and begin to a full needs assessment on their educational needs. They will then come to Ballaghaderreen where they will stay for a maximum period of six months.

It is really important that proper communications channels be opened. There is a national task force that brings together all of the different agencies. I urge the Minister of State to ensure communication channels will be opened locally to ensure engagement with local general practitioners, local schools, the Roscommon County Childcare Committee, the education and training board and all of the different agencies and services that will necessarily need to be involved to support the refugees. Without doubt, there has been a difficulty. I ask that there be immediate communication and engagement with local service providers who want to provide support in the best way they can.

When we talk about the centre being opened in the Abbeyfield Hotel, as a community, we had high hopes the hotel would be reopened as a functioning hotel, but that has not happened. A two-year lease has been signed. As the facility is vacant, why not support people who need our help at this time? That is very much our view. However, we need to ensure we will properly support the community in doing so. My understanding from the meeting yesterday is that the Red Cross will be very involved in assisting the community and co-ordinating the provision of community support because there has been a huge and overwhelming response from people who want to help and be volunteers. That work needs to be structured and assistance needs to be provided in the integration piece. From speaking to departmental officials yesterday, I know that the Red Cross will be very much involved in that process. As early as possible, we want to ensure the refugees will feel welcome and part of our community for however long they may stay.

I want to be reassured by the Minister of State that evidence will be provided for the local community that the proper resources - teaching, interpreter and GP services, as well as all of the other allied health professional services required to support the refugees - will be provided from additional resources, not existing resources. Services within the area are already at breaking point.

11 o'clock o'clock We need these assurances and to see evidence locally of communication channels being opened and plans being put in place to support the people who will be coming in the next couple of weeks. I understand from the discussions that took place yesterday that 82 people will be coming in March and that there is capacity at the facility for up to 200. Following my visit to the Monasterevin centre, I am seeking assurances from the Minister of State

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that if there are teething problems or difficulties in service provision, they will be properly addressed before additional people are brought to the centre. The plan is to place 82 people in the centre initially, with a further 80 to be placed there next month and more to come until full capacity of 200 is reached. It is important that initial challenges such as occurred in Monasterevin be properly addressed before further people are brought to the centre so as to ensure they will be properly supported.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): On behalf of the Tánaiste and Minister for Justice and Equality, who cannot be here as she is attending the meeting in Malta of the Justice and Home Affairs Council which is discussing the migrant crisis, I thank the Senator for raising this important matter.

The Senator will be aware that in September 2015 the Government took the decision to establish the Irish Refugee Protection Programme, IRPP, through which 4,000 refugees and asylum seekers fleeing war and conflict would be offered sanctuary in Ireland. Many of those coming to Ireland have lost families and homes. Some 761 persons have come to Ireland so far and 2,000 are due to arrive this year. The intention is that they will be housed temporarily in emergency reception and orientation centres, EROCs, and then move to permanent homes across the country. The EROC recently announced for Ballaghaderreen is the third such centre in the country. The other centres are in the Hazel Hotel in Monasterevin and Clonea Strand in Dungarvan. Therefore, there is experience of the process involved. The principal aim of the Government in establishing such centres is to provide a safe and calm environment in which migrants, mostly young families who have endured unimaginable loss and suffering, can take time to recover physically and mentally, acclimatise themselves to Irish society, learn English and start planning for their future. I note that the Senator has acknowledged the awful situation in which the people concerned have found themselves.

The centres act as hubs for the important range of services that need to be delivered to these particularly vulnerable persons, including medical services, language training, education, cultural orientation and social protection services. Key services such as health and education are provided through mainstream services. The relevant mainstream service providers are engaged in the task of ensuring local services can meet increased demand. An IRPP task force chaired by the Tánaiste offers the framework for planning for future demands on local services. Moreover, as has become standard practice when opening a centre, a local EROC management group, comprising departmental officials and local service providers, is being established to oversee the delivery of required services to residents of the EROC and help to pursue solutions to resource issues that may arise for mainstream service delivery in the area. The EROC management group will include representatives of the HSE, Tusla, the local education and training board and the Department of Social Protection, as well as local community gardaí and IRPP officials.

Community involvement is crucial to the process of enabling refugees to build new lives in Ireland. As a consequence, I will shortly announce the launch of a funding programme to stimulate communities across the country to take action in support of integration. I have been very heartened by the welcome given by the people of Ballaghaderreen to the refugees and asylum seekers. This goodwill should be harnessed into community action and supported by the Government. I am examining what support is possible to encourage initiatives that will benefit the local community, refugees and asylum seekers. I met the Senator and other local politicians on 11 January to brief them on the opening of the centre. Their support and that of the people of Ballaghaderreen will ensure the refugees will receive a true, warm Irish welcome.

Senator Maura Hopkins: Like the community in Ballaghaderreen, I want to be proactive and constructive in supporting the people concerned. The group to be established, headed by an official from the Irish Refugee Protection Programme and tasked with bringing together all local service providers, will be important in ensuring proper communication and planning. My visit to the Monasterevin centre last week was very productive and helpful. We need to learn from what is happening in the centres in Monasterevin and Dungarvan. There will always be a need to improve. What I learned from my visit to the Monasterevin centre was that we could not make assumptions about what the people concerned needed. It must be based on individual assessment. As the Minister of State rightly said, they will need time to acclimatise, relax and put their lives back together following their horrendous and horrific experiences. For my part, I will work closely with the Minister of State, the Tánaiste and departmental officials to ensure we do our best such that the centre in Ballaghaderreen will be seen as a good example in this regard. Ballaghaderreen is already multicultural and people living there want to be seen as a good example in reaching out and supporting those who need our help.

Deputy David Stanton: I am glad that the Senator took up the invitation to visit the centre in Monasterevin and that she found the visit very productive and a good learning experience. Any advice she could give us based on the visit would be welcomed. If other colleagues want to visit other centres in a discreet and respectful manner, they can be facilitated.

The Senator has raised important issues that go beyond the Irish Refugee Protection Programme, including the needs of rural communities and small towns. The Government's rural development action plan provides a comprehensive framework for a series of initiatives to benefit rural Ireland. The opening of the EROC in Ballaghaderreen will create employment opportunities and increase demand for services and goods in the locality. The contractor is aware of the importance of providing jobs within the locality and sourcing goods and services locally, where possible. Bringing new people into Ballaghaderreen will boost the local area. This has been our experience with the other EROCs. However, I would like to examine how we can foster initiatives within the community to benefit locals and refugees. Work is being undertaken within the Department of Justice and Equality to see what is possible.

The IRPP task force, chaired by the Tánaiste, includes representatives of all statutory service providers. It provides the framework for planning to meet future demands and developing solutions where mainstream services are struggling to meet the additional demands following the arrival of refugees. Officials of the Department of Justice and Equality met local representatives on a number of occasions, most recently yesterday. They will continue to engage with them and officials to ensure planning for the arrival of the refugees and asylum seekers will go smoothly. As I said, the asylum seekers will not arrive until early March. As such, there is a good lead-in time for everything to be established. In that regard, we will take on board what we have learned at the other two EROC centres, as well as the direct provision centres.

I again thank the Senator for raising the issue.

Sitting suspended at 11.10 a.m. and resumed at 11.35 a.m.

Order of Business

Senator Jerry Buttimer: The Order of Business is No. 1, Protection of Cultural Property in the Event of Armed Conflict (Hague Convention) Bill 2016 - Committee and Remaining

Stages, to be taken at 2 p.m.; and No. 2, statements on Northern Ireland, to be taken at the conclusion of No. 1 and conclude not later than 3.30 p.m., with the contributions of group spokespersons not to exceed eight minutes each and those of all other Senators not to exceed five minutes each and the Minister to be given five minutes to reply to the debate.

Senator Catherine Ardagh: I would like to raise two issues, the first of which is the supply of rental housing in the market. A report published today by Simon Communities of Ireland shows the widening gap between rent supplement and actual market rents. The report illustrates that 83% of rental properties are beyond the reach of those in receipt of rent supplement. Each year Simon Communities of Ireland supports over 8,300 individuals and families at risk of homelessness. We should take heed of the report because Simon Communities of Ireland is at the coalface of the housing crisis. Ultimately, we need to address the issue of supply in the market because all of these issues are ancillary to supply. There are 2,000 vacant local authority properties lying idle, which begs the question as to why they are not being refurbished. Why have they not been put back into the mainstream local authority supply of social housing? Yesterday I raised issues surrounding the first-time buyer's grant and explained how the scheme was not working effectively. We would not need these cobbled together schemes if we had a decent supply in the market. I ask the Minister to ensure social housing will be built and a proper fund put in place in order that we can start building. I have not been to one sod turning ceremony in my constituency, although I would like to attend one to see such construction.

The second issue I wish to raise concerns funding for drug and alcohol prevention task forces, both in my area and many cities throughout the country. It has recently come to my attention that the HSE has been reducing funding for addiction services in the south inner city. For the past 24 months the south inner city local drug and alcohol task force has been run on a part-time basis with the support of volunteers. Furthermore, members of the task force conveyed their shock to me when they learned that a co-ordinator of a nearby task force was allowed to recruit another HSE staffer when it already had a full-time staff member. I find it shocking and of serious concern to see more cuts in essential services in Dublin South Central. In this Chamber I have previously raised concerns about the concentration of homeless hostels in my constituency and the lack of investment in public spaces and green areas. With a high concentration of homeless hostels, lack of investment in public spaces and cuts to addiction services, it is time to stop using urban areas as a dumping ground for the city's problems and start calling on the Government to begin investing in essential services.

I welcome today's announcement of on-the-spot road checks for the use of narcotics by drivers. It will go some way towards alleviating the numbers of road deaths.

Senator Victor Boyhan: I want to raise three issues - the appointment of judges, the Adoption Bill and local government legislation.

In *The Irish Times* today and other media we see copies of correspondence and reports on the Government's plans to make appointments to the Judiciary. Some points need to be made on this important matter. Senators will be aware that this House passed a motion and that the Tánaiste and Minister for Justice and Equality gave an undertaking on the establishment of a judicial council, but that seems to have been lost in the debate. We do not know what the Tánaiste plans to do in that regard. I am conscious of the separation of powers between the Executive and the Judiciary, which is important for all of us to bear in mind. The Judiciary has served the country with absolute distinction. Articles 34 to 37, inclusive, of the Constitution which we all value clearly regulate how the process for making judicial appointments is operated. The

President appoints judges on the advice of the Government. In practice, the decision to appoint judges is ultimately made by the Tánaiste and Minister for Justice and Equality. Although there is cause for concern, I accept that it is not the Minister's intention to cause offence or disrespect to the Judiciary. However, that is what is being picked up on and it is the message that is coming across strongly in all of the reports on these matters. To suggest the Chief Justice could not be chairperson of a judicial appointments commission is stepping over the line. It is an absolute attack on the Constitution which we have a role in defending. The matter needs to be examined. I ask that the Tánaiste and Minister for Justice and Equality attend the House to explain the rationale and where her proposals stand. More importantly, she should discuss the proposal to establish a judicial council. The Chief Justice has repeatedly made a strong and cogent case to have such a council established. We need to have further discussion on the matter.

On the two other issues, it is my understanding - I would like the Leader to clarify this - the Minister for Housing, Planning, Community and Local Government is to attend the House on 8 February to make a statement on a number of matters related to local government and local councils. Will the Leader clarify if that is the case, as I have had it confirmed by another source?

Will the Leader indicate when the next Stage of the Adoption (Amendment) Bill will be taken? The Minister for Children and Youth Affairs, Deputy Katherine Zappone, came to the House the other day for a good conversation and engagement on Second Stage when every speaker made a meaningful contribution.

Senator Niall Ó Donnghaile: Ba mhaith liom cúpla pointe a ardú inniu. An ceann is minice agus is tábhachtaí faoina bhfuilimid ag caint ar na mallaibh ná ceist an Bhreiteimeacht nó an Shasimeacht, that is, Brexit. I am sure the Leader and all other Senators have been closely following the recent decision of the Supreme Court in London on Brexit. As Senators will be aware, the North voted overwhelmingly to remain part of the European Union and for Ireland, in its entirety, to remain in the Union. There has been much discussion on the form Brexit may or may not take and it is deeply worrying that there is still no indication of what form it will take. We are almost being held to ransom.

In recent months Senators have taken a highly responsible approach to the issue of Brexit. While some of us have differences on the nuances and dynamics involved, we have shown a willingness to work together and stand up for the best interests of the people of Ireland. As part of that dynamic, we have discussed the economy, agriculture, the peace process, tourism and all other aspects of life, on which Brexit will have an impact. I say this respectfully because I want to maintain a spirit of co-operation on this issue. However, the Government needs to up its game and be proactive, rather than simply awaiting the next indication that will come from Mrs. Theresa May's Government. We have moved from a scenario in which we were told Brexit meant Brexit to one in which we are being told that no one really knows whether it will be a hard or a soft Brexit. The only thing we know is that Brexit will be bad for Ireland.

One major dynamic the Oireachtas must discuss and tease out is the core component of the Good Friday Agreement which allows for the reunification of the country. All of the parties in both Houses profess to aspire to unity. Within this climate, while we work to deal with the short to medium-term problems presented to us by Brexit, we also need to credibly and seriously begin a discussion on reunification. That should not be contentious, certainly not in this Chamber, nor should we shy away from it. Reunification should be a core component of any future programme for Government and a responsibility of any Government. In the current climate which has, ironically, been forced on us, we have an unprecedented opportunity to engage

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in this national discourse and dialogue. The issue of Irish reunification was raised in the Dáil yesterday and I hope the Government clearly heard the case that was made. Ironically, the Minister for Foreign Affairs and Trade will come to the House to make statements on the North this afternoon. I hope he will refer to the issue and that he is proactively considering it. It is certainly being considered and discussed by other European states which see the benefit and necessity of reunification, given our clearly expressed political mandate to stay in the European Union, which is being actively undermined.

The Leader will be aware that two years ago both Houses agreed a motion to recognise the state of Palestine. This recognition remains outstanding and the Government's latest utterances on the issue indicate that it is not in any hurry to proceed. In the current international political climate there is an onus on Ireland to stand up not only for the people of Palestine but also for those who are marginalised, attacked, brutalised and facing atrocious aggression daily, wherever they may be. Given the current climate, I am sure it appears to them that things could get much worse.

Senator Denis Landy: Some weeks ago a seminar was held in the RDS organised by the Sparkasse institute in Germany and Irish Rural Link on the development of a public banking system in Ireland. It outlined how public banking would fit in with Ireland's existing financial services, the regions it would help to revitalise and how it could support credit unions, post offices and the communities they served. There was considerable expertise evident at the seminar and this expertise has been made available to the State to implement the Sparkasse or public savings banks concept. We have seen economic recovery, particularly on the east coast, but we have not seen it in areas such as the south east. One of the reasons for this is that organisations that previously provided funding for small and medium enterprises, SMEs, for example, building societies and banks when they were located on main streets, have ceased trading or moved online. There is no one for people to meet and SMEs are being deprived of funding. As a result, rural areas are not recovering in the way they should.

The Sparkasse banks are based on a non-for-profit concept where lending is restricted to businesses in the regional economy. These banks would fill the gap left by the demise of building societies and provide a public banking system and suitable vehicle for credit unions to invest the €9 billion they have identified for lending to small and medium enterprises. They would provide credit unions with much-needed administrative support in meeting the increasingly burdensome Central Bank regulations they face. A presentation on this concept of public banking will be made in the audio-visual room next Wednesday. It is in all our interests to attend as it will be highly beneficial and I hope the Government will support it. The Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs, Deputy Heather Humphreys, is due to come to the House to discuss the revival plan for rural Ireland. The Sparkasse concept is referred to in action 259 of the plan. I ask the Leader to ensure the Minister will address the possibility of establishing a working group to implement this concept.

I welcome the announcement on Monday by the Minister for Transport, Tourism and Sport, Deputy Shane Ross, of funding of €324 million for regional and local roads. Despite the efforts of some Senators, particularly on the Fianna Fáil side, the issue of local improvement schemes was brought to the attention of the Minister last year when a request was made to ring-fence funding to upgrade and make non-public roads safe for use. There are thousands of such roads in rural areas, for which no money is provided. Local government and local engineers have been told to take money from the allocation for public roads. It is not justified to take money from a small fund for public roads and reinvest it in culs-de-sac and private roads. A ring-

fenced fund must be provided for this purpose. I have been contacted by a number of county councils on the matter, most recently in a letter from my local council in County Tipperary, requesting that the Minister specifically allocate funding for this purpose. He has seen fit to invest money in ensuring adequate supplies of salt are available to tackle Japanese knotweed, which is welcome, but he has not provided funding for local improvement schemes. I ask that he come to the House to discuss the provision of funding for these schemes from the vast amount of money available to him annually.

Senator Maria Byrne: I welcome the action plan to expand apprenticeships and traineeships in the period from 2016 to 2020. I attended the launch of the document this morning with the Minister for Education and Skills, Deputy Richard Bruton, and the Minister of State at the Department of Education and Skills, Deputy John Halligan, and it was a very positive event. During the recession the number of apprenticeships declined by more than 80%. Third level education is not suitable for everyone. The State agencies, in co-operation with institutes of education and employers, must make this programme a success. In 2016 the number of new apprenticeships was relatively low, at only 3,500. The figure prior to the recession was 80% higher. There are 27 apprenticeships throughout the country, whereas in Germany there are more than 300 apprenticeships and traineeships on offer. We do not all have to be an apprentice. We also have many training centres throughout the country. There will be 50,000 apprenticeships by 2020 and an additional €20 million was provided for 2017. We also have the ambitious target of creating an extra 13 new apprenticeships by the end of the year, which is to be welcomed. It is something which affects every county. SOLAS and the education and training boards run training centres throughout the country. This is a very positive step because it is about getting people back into employment.

Senator Robbie Gallagher: This week four years ago 41 year old Detective Garda Adrian Donohoe was shot dead while guarding a cash escort outside Lordship Credit Union in County Louth. A young man from County Cavan, he found himself in County Louth as a member of An Garda Síochána where he embodied everything that was good about the force. He totally immersed himself in his new home and became heavily involved in all aspects of community life. He was a leading light in the local GAA club. He put down roots, met his wife, Caroline, and was raising his two young children. Unfortunately, that is where the story ends. Today I make a special appeal to anyone who may have information on this brutal killing, as a result of which his wife, Caroline, has been left without a husband and their two young children have been left without a father. I appeal to anybody with even the smallest piece of information which he or she might feel is insignificant to come forward and contact Dundalk Garda station or the Garda confidential telephone number at 1800 666111. It should also be noted that the Irish League of Credit Unions has offered a reward of €50,000 to anyone who might bring forward information that would lead to a prosecution in the case. Somebody knows something. As it is never too late to do the right thing, I earnestly appeal to people to come forward. If they are not comfortable contacting the Garda, they should contact someone in authority who might bring forward the information.

Senator Gerard P. Craughwell: The name Walter Hegarty is not known by many of us in the House. He passed away last night. He was the holder of a distinguished service medal from the Defence Forces which he had won in the Congo in the 1960s. He was one of 155 men who were part of the siege of Jadotville. It has taken us the best part of 50 years to recognise these men. However, we have not recognised them in the way they should have been. Slowly but surely they are passing away and being consigned to history. One of the greatest military

achievements of the Defence Forces was at Jadotville. How 155 men were able to hold off 3,500 for a period of time under the command of Commandant Quinlan is studied by soldiers in armies throughout the world. I have spoken to people from Jadotville. One of the saddest things for me was last Thursday night when I attended a lecture in Galway. Sitting behind my left shoulder was a colleague with whom I had served at Renmore barracks in Galway. I never knew he had been in Jadotville. I spoke to Leo Quinlan last night. He did his Ranger training with a former veteran who had served at Jadotville. He never knew that he had been there. Such was their level of hurt and embarrassment because the world's political people decided that what had happened at Jadotville was something about which they did not want to talk. They wanted to bury it. They wanted to forget about it because it had been a total screw-up by politicians in the United Nations. The Minister has gone a long way, as has the Government and the previous one, towards undoing some of the wrongs done, but we have not gone far enough. Commandant Quinlan, the commander at Jadotville, named nine people who were to be awarded medals, but none of the nine was ever awarded his medal. A photocopy of the citation awarded - a unit citation - was given to those living and the relatives of the deceased. That is simply not good enough. There is unfinished work. Senator Mac Pádraig Mac Lochlainn and I have tabled a motion that will be brought to the floor of the House and I hope that, as the Upper House of the Oireachtas, we will come together and support it. I ask that we do so. We cannot allow more Jadotville veterans to pass away forgotten and consigned to a blank history.

Senator Catherine Noone: In 2015 the Royal College of Surgeons in Ireland indicated that we were on track to be the most obese nation in Europe by 2030. This is an issue I have raised on many occasions. In the light of these warnings, we need to introduce meaningful change. It is welcome that the Government has indicated a willingness to introduce a sugar tax. Recently I carried out research into the VAT system and was very taken aback to find that a bottle of water was taxed at the standard rate of VAT of 23%, while chocolate milk, which I presume is classed as a milk product, which contained 18.8g of sugar per serving was taxed at a zero rate of VAT. A food product such as Nutella spread which is 50% sugar is also taxed at a zero rate of VAT. A sugar tax needs to be fast-tracked, but we have difficulties with reference to the United Kingdom and when and how we could implement it. When we have such anomalies in the VAT system, we should get them right first. Introduce a sugar tax before we get the VAT system right, when it comes to these glaring anomalies at the very least, seems to be absurd. Naturally healthy products such as bottled water should not be subject to the standard rate of VAT when products such as Nutella or chocolate milk are taxed at a zero rate of VAT. I call on the Minister to re-evaluate and reform VAT rates. It is overdue that we have a review of the way in which we implement and charge VAT on certain products.

Senator Pádraig Mac Lochlainn: I have previously raised the issue of the ownership of Lough Foyle. Recently RTE "Prime Time" broadcast an excellent report on what had emerged with oyster farms. There are 30,000 trestles along the shores of Lough Foyle which have no licence and do not require one. It is a Klondike, with no regulation. I appeal to the Government and the Minister for Foreign Affairs and Trade to engage with the British Government as soon as possible to resolve the issue of the ownership of Lough Foyle, which is allowing this farce to continue. The statement by Mr. James Brokenshire that the whole of Lough Foyle is within the United Kingdom has not been retracted. I ask for a focus on this issue and the Leader to contact the Minister Foreign Affairs and Trade to make him aware of and ask him to respond to the issues raised in the excellent "Prime Time" report.

A related issue is the concern of fish producers and processors which was articulated this

week at the meeting of the Joint Committee on Agriculture, Food and the Marine. Their presentation was stark on the impact of Brexit and the taking into control of what were British waters and which have been shared EU waters for all of these years. The impact it will have on the fishing sector is the most worrying I have seen in any sector of society so far. I ask the Leader to bring the presentation to the attention not only of the Minister for Agriculture, Food and the Marine but also the Taoiseach. It will have very serious implications.

*12 o'clock o'clock*As the British are claiming control of Lough Foyle, it is related.

I support the points made about local improvement schemes. There is a huge gap in rural Ireland in the provision of funding. Anyone who knows rural Ireland knows that one needs to have some subsidy towards the cost of maintenance of local roads. Its removal has had a detrimental impact and it needs to be reintroduced at the earliest opportunity.

Senator Grace O'Sullivan: This morning we heard the disturbing news that homelessness levels in Ireland had moved above 7,000 for the first time. Homelessness in Dublin accounts for 68% of this figure. As the report of the Simon Communities of Ireland which was published today reveals, 83% of property in the capital has been priced out of the reach of those in receipt of housing benefits such as rent supplement and the housing assistance payment. Home repossessions are continuing apace, forcing more families from their homes and increasing the number of people in desperate need. Last week my Green Party colleague, Deputy Catherine Martin, spoke in the Dáil about a practical measure the Government could take to stem this flow of human tragedy. She asked the Tánaiste and Minister for Justice and Equality to clarify the position on the recent High Court judgment delivered by Mr. Justice Max Barrett on 21 December 2016 in *AIB v. Coughlan* which seemed to suggest home repossessions in Ireland could leave the State in breach of European laws and lead to it being found liable. These serious concerns were also expressed recently by the Master of the High Court, Mr. Edmund Honohan. Can we be assured all of the people responsible in this area are fully informed of the latest legal developments and properly trained in their legal obligations under EU law? In my county of Waterford we saw the county registrar refusing to proceed with several home repossession cases in the light of this uncertainty. The Court of Justice of the European Union has held that where a consumer contract comes before a court, the court must be satisfied that none of its terms is unfair, even when the consumer has not called on it to do so. As a mortgage contract is a consumer contract where the property is a home, it is vital that county registrars who in reality deal with the majority of repossession applications be fully aware of the implications of the decisions. The Master of the High Court is, however, of the opinion, that county registrars should not be dealing with repossession cases at all. There is a real and justifiable concern that many repossession orders granted in the Circuit Court may be open to challenge as EU law has not been applied. In such a scenario and leaving aside the lenders, it is the State that could conceivably be found to be liable. There is a potential financial risk for the State. Considering the inequality of arms between the thousands of ordinary, hard-working and decent borrowers on one side and lenders on the other with bottomless funds, will the Minister assure families the full range of protections available to persons are being implemented? If the Master of the High Court is correct about what is reportedly and unlawfully happening, the Government needs to take steps to place a moratorium on all such proceedings until it is satisfied EU law is being applied consistently throughout the State. Before Christmas, we heard that the Government was to publish new legislation on home repossessions. Will the Leader assure me that these legal issues will be addressed in any such legislation and that this new measure will be sure to put people first in such resolutions? Will he tell us when the legislation might be brought before

the Seanad?

Senator Colm Burke: It was announced this morning that there would be a new €20 million development in Cork which would provide 150 jobs and, when completed, accommodate 500 people. It is good news in terms of the number of new developments in the region. However, we need to set out a clear strategy nationally for development and areas we need to prioritise in the provision of services. I raised this issue yesterday in the context of the need for long-term planning in the health service. I know that there is an Oireachtas Committee on the Future of Healthcare from which Senators are excluded, but I have very strong views on forward planning. The Minister for Health was here yesterday. The last major public hospital was built in 1998. The population of the Cork region, about which I spoke yesterday, has increased from 410,000 to 542,000. No new hospital has been provided during that period of population increase and the population will continue to increase at a very fast rate in the new few years. In setting out the strategy for the development of the country in the next ten, 15 or 20 years we need to prioritise the provision of health care services. We have 2.8 beds per thousand. The figure in Germany is 8.3 beds per thousand, while in the OECD, it is 4.3 or 4.5 beds per thousand. Even if we were to get the figure up to three beds per thousand, we would have to create an extra 1,500 beds overnight. The issue needs to be given priority because it is something about which we can no longer avoid talking. We need to set out a clear plan and timescale for when it is to be implemented. This is a key strategy we need to develop, instead of putting it on the back burner, as was the case in the past 20 years.

Senator Terry Leyden: Will the Leader invite the Minister of State with responsibility for Gaeltacht affairs and natural resources, Deputy Seán Kyne, to come to the House to talk about inland fisheries? I was interested in what Senator Pádraig Mac Lochlainn said about the difficulty on Lough Foyle. There is a form of apartheid in inland fisheries in Ireland. Yesterday I met the Minister of State and the chief executive and chairman of Inland Fisheries Ireland. Inland fisheries in Ireland are regarded as being free. Tourists can come here and fish, but that does not apply in the midlands where someone can obtain a 21-day permit for €25, a one-day family permit for one adult and three children. There is an adult charge of €45 per year, a charge of €25 for senior citizens and a one-day charge of €10 for juveniles. These charges apply on the Suck, Inny, Brosna, Little Brosna and Camlin rivers and their tributaries. They affect parts of County Galway, all of County Roscommon and parts of counties Westmeath and Offaly. In respect of the River Suck, beside which I live, the tributaries of Lough O'Flynn, Hollygrove Lake in Athleague, Stonehams Lake in Castlecoote, Lough Lung and Blacks Lough in Castlecoote are all affected by these charges, but nowhere else in Ireland are they applied. We are being discriminated against in attracting tourists. I compliment the work of Inland Fisheries in investing the money raised in the area to bring about better services and stocking of rivers. That is fine, but this is a small country. Why should one area be discriminated against when it comes to charges? If they apply in one area, they should apply in all areas or they should not be applied at all. That is my case and I cannot understand why others have not raised the issue. People who own guest houses, pubs and other facilities and pay rates are being affected, yet the visitors they want to attract from Italy and Great Britain, in particular, must pay these fees. People are being told in magazines that fishing in Ireland is free, but that is not the case. I will use this House to bring about a change. Yesterday the Minister of State agreed to look into the matter, but I want to highlight it in a broader forum because in fairness to this House and given the fact that it has been retained, it provides for a wider distribution of information than a press conference in Buswells Hotel.

An Cathaoirleach: The Senator's point has been well made.

Senator Terry Leyden: I appreciate that, but it is not every day one can raise the issue of discrimination against one area of the country and in this republic. One can fish all one likes in counties Kerry and Limerick and along the River Shannon but not in my area. What am I going to do about this? I am going to raise the matter as a form of discrimination against the people in my area who are trying to attract tourists. They are paying very high rates. Inland Fisheries Ireland is paid for by the taxpayer and it is about time it copped itself on. If it does not and its directors do not address the issue, they should be sacked. No one should be on the board unless he or she knows something about fisheries. That is one issue that is being tackled by the Minister for Transport, Tourism and Sport, Deputy Shane Ross, namely, the cleaning up of boards.

An Cathaoirleach: I advise the Senator that my line was at breaking point.

Senator Terry Leyden: The Cathaoirleach is very patient.

Senator Diarmuid Wilson: I did not hear Senator Frank Feighan making any comment.

Senator Terry Leyden: He probably does not realise the seriousness of the situation.

Senator Frank Feighan: It would qualify for the International Fantasy Award.

Senator Michael McDowell: I support Senator Victor Boyhan's comments on the importance of having the Minister for Justice and Equality called to the House to discuss the principle of making judicial appointments in the manner proposed by the Minister for Transport, Tourism and Sport, Deputy Shane Ross. It is a flagrant attack on the Constitution which gives the power to select judges to the Government which is elected by the people and Dáil Éireann. I was engaged in the process of selecting members of the Judiciary for eight years and did so, if I may say so, with party political impartiality. Selecting members of the Judiciary is a political function and a duty of the Government. What is more, it is a function that cannot be abdicated from. There is nothing more political, with a small "p", than identifying what woman or man should be part of the Supreme Court. It is not a function of a group of laymen or others but a political and a democratically accountable function which must be performed by the body that the Constitution, to which we all owe a duty of loyalty under Article 9, identifies - the Government. This is a misconceived hijacking of the Government by the Minister.

I strongly support what has been said by Senator Victor Boyhan and intend to raise the matter in the Commencement debate next week.

We are sitting in one House of a democratic assembly, one of many across the western world. We also read in our newspapers and hear in the broadcast media today that the United States of America has decided to reintroduce torture of people it arrests around the world. I have studied what went on in Guantanamo Bay, the humiliation, the stripping naked and shackling of people to the floor and daubing them in what was alleged to be menstrual fluids. People had a towel put around their head which was then slammed against a wall repeatedly to see if they had any information. We all know what happened in Abu Ghraib and about the horror of waterboarding. I believe I speak for every Member of this and the Lower House when I say we should protest, in the strongest possible way, about the fact that a country that claims to be a friend and ally of this state is breaching human rights in this repugnant and disgusting way. I register that protest.

Senator Frank Feighan: I agree with Senator Gerard P. Craughwell's comments on the

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men of Jadotville who were absolutely forgotten about. I was one of the first Deputies to correspond with the Minister on the way history and the State had mistreated them. I was delighted when they were eventually commemorated at a ceremony in Custume Barracks in Athlone which I attended alongside many of their families. That said, I agree with Senators Mac Pádraig Lochlainn and Gerard P. Craughwell that more could be done. As a House, we must lead the way in that regard.

The news that the grave of the former President and Taoiseach Mr. Éamon de Valera was vandalised is very disturbing and I would like to think it would be utterly condemned by the Seanad. It is wrong and indicative of enormous disrespect for a former leader of the country. It must be condemned in absolute terms.

Senator Máire Devine: I take the opportunity to commend the work of An Garda Síochána in the past ten months and particularly in the past week in interrupting the deadly activities of the major international criminal gangs operating in Dublin city which have bases throughout Europe. The activities of crime gangs are feared throughout the city by families and communities who are wondering when the next murder or attempted murder will take place. In the past seven days illegal drugs worth almost €40 million have been prevented from flooding communities around Ireland and bringing misery to families and young people. Such drugs are wrecking lives and preventing children from growing into healthy adults engaged in worthwhile activities and careers. An arsenal of high calibre weapons was seized, preventing further deaths, while almost €500,000 was confiscated. I commend An Garda Síochána and urge it to maintain this level of activity. On behalf of communities, I thank it for making the country safer.

I again raise the issue of councillors' pay having raised it in the House a number of days ago. There is no logical reason the pay increase of €1,000 should not apply to councillors in Dublin, Cork and Galway. The Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, is due to come to the House on 8 February, but I am not sure if we can wait until then to have the issue addressed. We need to have a serious discussion with him about it. The local authorities in Dublin, Cork and Galway are dealing with and overwhelmed by the problem of homelessness. Senator Grace O'Sullivan has referred to the fact that over 7,000 people were recorded as being homeless last month. In that context, the Minister's decision is unfair and lacks rationale. Will the Leader bring the matter to the Minister's attention and ask him to devote some time to the issue during our discussions on 8 February, if we have to wait until then to meet him?

Senator Ned O'Sullivan: I agree with Senator Frank Feighan's comments on the desecration of the grave of Mr. Éamon de Valera which should be condemned by every right-thinking person. It follows the damage inflicted on the grave of Mr. W. T. Cosgrave in Inchicore last year. This year marks the 100th anniversary of a pivotal event in Irish history when Mr. Éamon de Valera, in particular, had his finest hour - his first major electoral success in a by-election in County Clare. He was subsequently elected leader of the Irish Volunteers and Sinn Féin. That the graves of two fine men were desecrated is appalling. I ask the Government to focus on their importance and the wonderful confluence of national interests 100 years ago, long before there were divisions or splits. It was a wonderful time, with the emergence of a national consensus led by wonderful people.

Will the Leader ask the Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, to address the entitlement to public housing of persons in receipt of rent allowance? I refer, in particular, to the rental accommodation scheme, under which

persons in receipt of long-term support may qualify for private rental accommodation for which the local authority will pay for a period of time. The local authority will enter into a contract with the landlord on behalf of the tenant. It is a great scheme which has been operating very successfully all over the country. However, there are differences in interpretation of the scheme across counties. In some counties the interpretation is that once a person is housed under the rental accommodation scheme, he or she will automatically come off the local authority's housing waiting list. This is a serious anomaly. Most people would like to have the security of having their own home. For example, I know of a single mother with three children who has been living in rented accommodation for a long time. She needs a bigger house and wants to move back onto the housing waiting list. She would then be prioritised, but in some counties this is not allowed to happen. Will the Leader ask the Minister to examine the issue?

Senator Rose Conway-Walsh: On behalf of the Sinn Féin team in the Seanad, I condemn what was done to Éamon de Valera's grave. It was wholly unacceptable and there are no other words for it.

Senator Michael McDowell spoke about torture. I agree with what he said. We are ever mindful that thousands of young men in the North were interned, many of whom were tortured, which has now been well documented in the case of the hooded men who went through horrific torture. It was a political decision and the Government of this 26 county state was complicit by its silence.

I was surprised yesterday to hear my colleague, Senator Keith Swanick, champion the proposition that there be an annual national holiday on 21 January to celebrate our independence because his party, Fianna Fáil, has been inconsistent in its voting record on the issue to celebrate the struggle for independence and all those who took part in it. In October 2015 Sinn Féin introduced the Public Holiday (Lá na Poblachta) Bill, of which Fianna Fáil voted in favour before the last general election. However, when the Bill was reintroduced in June 2016 and again last November, in the light of the new arithmetic in the Dáil and despite the rise in national sentiment as a result of the various events organised to mark the centenary year, in which the public played a huge role, all of Senator Keith Swanick's colleagues voted against it. I cannot understand why a Bill which was acceptable in October 2015 was deemed to be unacceptable and voted against the following June. I use the opportunity to urge Fianna Fáil to have the courage to agree with Sinn Féin when it matters. We are, of course, flattered by the continuing imitation of many of our policies, but the public would gain far more if Fianna Fáil Members stayed away from the blue abstain button and gave voters the respect they deserve and took a stand on really important issues such this. We saw the same behaviour-----

Senator Paul Coughlan: Do not knock them totally. You might want to be in government with them.

Senator Rose Conway-Walsh: Careful now. I know that we are talking about your lovers on this side but just calm down.

An Cathaoirleach: The Senator is over time. She is testing my indulgence.

Senator Rose Conway-Walsh: I will finish on this, a Chathaoirligh, and thank you. We saw the same behaviour from Fianna Fáil only a number of weeks ago when it failed to support our motion to give voting rights to Irish citizens living in the North and the diaspora. I am still looking out for the new politics we were promised.

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Senator Ned O’Sullivan: Fianna Fáil is keeping Sinn Féin awake at night.

An Cathaoirleach: Ciúnas, le do thoil. Perhaps a quiet word in the Senator’s neighbour’s ear in Belmullet might do the trick.

Senator Diarmuid Wilson: Since Sinn Fein embraced democracy in the recent past, it has come up with some very good ideas.

Senator Pádraig Mac Lochlainn: A little like Fianna Fáil. Remember it had the guns under its oxters.

Senator Diarmuid Wilson: When it comes up with good ideas, we do our best to facilitate them.

On Senator Keith Swanick’s Bill, having an annual celebration of the anniversary of when we declared this to be an independent republic is an excellent proposal. We are not seeking to have the day classified as a bank holiday because that would place an extra burden on employers who have to foot the bill for bank holidays. We are saying it would be an opportunity for schools and other institutions to celebrate an important part of our history. Regardless of from where the idea comes, if it is a good one, it should be followed.

Senator Rose Conway-Walsh: Vote for it; do not abstain.

Senator Diarmuid Wilson: I am not familiar with the legislation to which the Senator refers. It was a matter dealt with in the Lower House. We are dealing with legislation that has been brought forward by our colleague in this House and look forward to receiving the support of Sinn Féin for it.

Senator Rose Conway-Walsh: Why was the other legislation not supported?

An Cathaoirleach: Can we avoid party politics?

Senator Diarmuid Wilson: I wholeheartedly agree with Senators Victor Boyhan and Michael McDowell on the Judiciary and the mechanism by which judges are appointed. For a senior Minister to call into question whether the Chief Justice of the State is capable of chairing such a judicial body is an absolute disgrace and that the Government is allowing that Minister to continue to peddle this suggestion is also a disgrace. The sooner the Minister is brought to book the better. Governments govern. They are not dictated to or should not be dictated to by Independents. Certainly when an important arm of our democracy is questioned, the person questioning it should be put in order quickly. On the Minister for Transport, Tourism and Sport, Deputy Shane Ross, wanting to come to this House to debate an issue which has nothing to do with him, he is not the Tánaiste and Minister for Justice and Equality - Deputy Frances Fitzgerald is. Granted, he is a member of the Government and there is collective responsibility, but I would prefer if he dealt with the portfolio for which he has direct responsibility, a portfolio of which he has made a hames. He is treating ordinary public sector workers with disdain. He can come here to discuss that issue and let us put questions to him on the area for which he has responsibility.

An Cathaoirleach: Before the Leader responds, I would like to point to an issue that troubles me a little. It is not the end of the world, but on Thursdays, because of an arrangement in the Lower House and the unavailability of Ministers, it is unsatisfactory that we are put on hold for an hour and a half in the middle of the day.

Senator Paul Coghlan: You are right.

An Cathaoirleach: It is unfair on Senators, especially on a Thursday afternoon, when we lose an hour and a half purely because it does not suit the Lower House. It is wrong. I am not going to resolve the issue, but perhaps we might focus our minds on it because if we did something to discommode the other House, we would hear about it very quickly. That is just a personal view. Perhaps the Leader might reflect on it or talk to the Taoiseach.

Senator Jerry Buttimer: Your personal view is reflective of that of many in the House who share your sentiments that we are forced to suspend sittings because of the lack of availability of a Minister. Perhaps the group leaders of all Members of the House, particularly Opposition Members, might speak to their party Whips with a view to having Ministers paired for the time period when voting takes place on a Thursday or even consider allowing them to be deemed to be present in casting their votes because it discommodes Members of this House. It also disrupts the business of this House and the Cathaoirleach is correct when he says if we were to try to change the way we do our business and impose it on the other House, we would not be long in hearing about it and would be told that we could not do it. There is merit in his suggestion. Perhaps it is a matter the Committee on Procedure and Privileges might take up on our behalf, but it is something on which we should definitely reflect. We speak about new politics, but at one level it has ground legislation to a halt, whether as a result of pre-legislative scrutiny which we welcome or other matters. Members of this House are united on the approach to be taken to the issue.

I thank the 18 Members who spoke about a variety of issues. Senator Catherine Ardagh raised the issue of housing and referred to the report of the Simon Communities of Ireland which was published today. I am sure the Senator will join me in welcoming the decision today of the Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, to extend the rent pressure zones across the country. Supply is the issue we have to tackle. That is why Rebuilding Ireland provides for solutions to address the unacceptable number of people who are homeless and living in emergency accommodation. We need to see supply start. I am disappointed that the Senator spoke about not being able to see sods being turned. I would be very happy to bring her to Deanrock in my constituency, where just this week we have seen bulldozers going in and work begin on the construction of new units of social housing. It is important that we see units being built, vacant units being sourced by the Housing Agency and being put back to use and the continued expansion of the housing assistance payment, HAP, scheme for homeless persons. I hope the Rebuilding Ireland targets will be met. As the Senator knows, the Minister is committed to coming back to the House to discuss the issue. I thank the Senator for raising the matter because it is important that we keep it at the top of the political agenda.

Senator Catherine Ardagh raised the issue of the funding of drug and alcohol agencies and the task force. The budget includes an additional allocation of €3 million to support drug and social inclusion measures in 2017. The extra funding given to the HSE and local drugs task forces will, I hope, enable them to continue to provide for interventions aimed at improving health outcomes for the most vulnerable. The Minister of State, Deputy Catherine Byrne, is from the Senator's constituency. She is both progressive and proactive and I am sure will be happy to work with the Senator in addressing the issues in her constituency. As I said, there has been an increase in the budget and I am sure we will all work to ensure the increases will continue to address the issues raised by the Senator.

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Senators Victor Boyhan, Michael McDowell and Diarmuid Wilson referred to judicial appointments. The Government is committed to reform of the system. It is important to recognise that we have been served well by the men and women appointed to a variety of judicial posts. Anybody who wants to investigate or analyse the role and work of the Judiciary will find that it is exemplary. There may have been a minority of judges who acted to the contrary, but that is something one will always have. It is important to put the matter in context. I hope that as part of the discussion on the judicial appointments Bill, common sense will prevail and that what Members of this House will have to say will be listened to. The same applies to what was said at the Joint Committee on Justice and Equality yesterday. I have great faith in the Chief Justice, as I had in her predecessors. It is important that we allow for the independence of the Judiciary from the Executive to continue. We are governed by the Constitution. I hope the issue will not be personalised in an attack on the Minister for Transport, Tourism and Sport, Deputy Shane Ross, who has a very hard view on what should happen.

Senator Michael McDowell: I know and will say what it is.

Senator Jerry Buttimer: I cannot answer for the Minister.

Senator Paul Coghlan: Senator Michael McDowell will have a lot of us consulting him.

Senator Jerry Buttimer: Senator Michael McDowell might share it with us, if he knows what it is.

Senator Terry Leyden: Speak out. Name and shame.

Senator Michael McDowell: I will at some stage.

Senator Jerry Buttimer: Yes, in time. The Bill is complex and requires detailed analysis, probing and consideration. I will be happy to have the Minister come to the House to discuss the issue, but it is important to recognise the significance of the work the Judiciary has undertaken, that the Judiciary has been independent and served the State well.

Senators Victor Boyhan and Máire Devine referred to the Minister for Housing, Planning, Community and Local Government. I confirm that the Minister will be in the House in just two weeks, on 8 February. As Senator Máire Devine knows, the changes the Minister has announced to councillors' pay and conditions will be the subject of a regulation to be introduced on 1 July. It must be recorded that, for the first time in 15 years, we have a Minister who is willing to make changes. Whether we agree or if he has gone too far or not far enough is a matter of opinion, but he is the only Minister in the Department who has done anything, despite the views expressed in correspondence and commentary by certain Members of the House. I stand to be tested in saying that, but I know that it is the correct answer. It is a fact.

Senator Denis Landy: That is the Leader's opinion. It is not a fact.

Senator Jerry Buttimer: The Senator came here-----

Senator Denis Landy: I know that the Leader wants to have a go at me. This is his opportunity.

Senator Jerry Buttimer: The Senator wrote to every councillor about the former Minister, but I can tell him that the former Minister did nothing and that the Minister, Deputy Simon Coveney, has had the courage to try to do something. Whether the Senator disagrees, he should,

at least, give the Minister credit.

Senator Denis Landy: I will again give the Leader the correspondence I sent on the matter.

Senator Jerry Buttimer: Please do.

In response to Senator Victor Boyhan, Committee and Remaining Stages of the Adoption (Amendment) Bill will be taken next Tuesday. The closing date for the receipt of amendments is Friday.

Senator Brian Ó Domhnaill referred to Brexit in the context of reunification of the country. Those of us who are republican and wish to see a united Ireland recognise that we are on a huge journey. I must make the point to the Senator that the language we use and the way we seek to achieve our aims are important. Sometimes I wonder about the means some people choose. It is important, in the context of the question raised by the Senator, that we first overcome the issues raised by Brexit and embrace whatever happens in that process, in addition to the election in the North. We can then answer the question the Senator discussed because it is important to allow for the Good Friday Agreement to continue to be implemented. I will also happy to have the Minister for Foreign Affairs and Trade come to the House to discuss the situation in Palestine.

Senator Denis Landy raised the issue of public banking. The Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs, Deputy Heather Humphreys, will be in the House on 9 February when she will be able to discuss that matter.

I will be happy to have the Minister for Transport, Tourism and Sport, Deputy Shane Ross, attend the House to discuss the issue of regional and local roads raised by Senator Pádraig Mac Lochlainn. We all welcome the increased funding in that regard. The point made by the Senator about local improvement schemes was worthwhile. I will be happy to have the Minister come to the House to discuss it.

Senator Maria Byrne spoke about the action plan for apprenticeships and training. I will be happy to have the relevant Minister come to the House to discuss the issue. As a former director of adult education, I note the importance of further education and skills training which, unfortunately, fell from view during the recession. I hope we will be able to have that important discussion. We commend the initiative of the Government today to provide for 50,000 apprenticeship and training places.

Senators Gerard P. Craughwell and Frank Feighan referred to the siege at Jadotville. I pay tribute to the late Walter Hegarty and extend my sympathy to his family on his death. This issue has formed part of a discussion here before. As Leader of the House, I am happy to work with all sides to bring forward a motion that will be acceptable to us all. It is fair to say the motion which has been circulated and to which Senator Pádraig Mac Lochlainn is a party does not, as drafted, reflect some of the things the Government has done. If we can agree on a formula of words, we can bring forward an agreed motion. It is important to contextualise the issue. We are talking about men who served their country and to whom a wrong was done and it is about rectifying it. The Government has tried to do so over time. As such, I hope we can agree on a motion that we can all sign.

Senator Catherine Noone raised the important issue of obesity levels. The Government's umbrella project Healthy Ireland is a means of tackling it. I will be happy to have the Minister

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of State at the Department of Health, Deputy Marcella Corcoran Kennedy, come to the House to discuss the issue.

Senators Pádraig Mac Lochlainn and Terry Leyden referred to inland fisheries and Lough Foyle. Only yesterday the Minister of State, Deputy Seán Kyne, said discussions were under way but that there had been no resolution of the matter. The Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, is on record as saying Lough Foyle is part of our territorial waters and that the position has not changed since our last discussion. I will, however, be happy to have the Minister of State come to the House to discuss the issues raised by Senator Terry Leyden. At the launch of the report yesterday the CEO of Inland Fisheries Ireland, Dr. Ciaran Byrne, spoke about the importance of angling in the context of tourism. It is a very important tourist attraction and I will be happy to have the Minister of State come to the House to discuss it. Equally, work is being done on a new sea fisheries and maritime jurisdiction Bill, although I am not sure how we can marry the two issues, but let us hope we can.

Senator Grace O'Sullivan referred to the courts in the context of repossessions. I will be happy to have the Tánaiste and Minister for Justice and Equality, Deputy Frances Fitzgerald, come to the House to discuss the matter. It is important to recognise the independence of the courts in making their decisions. The Minister and the Government generally are very conscious of the fact that they must work to ensure people will stay in the family home.

Senator Colm Burke mentioned planning for the future. I join him in welcoming and congratulating those involved in the €20 million development in Cork city. The huge development which extends from Camden Place to MacCurtain Street is one the Cathaoirleach knows quite well. The Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, is working on a document to plan for the future of cities. In tandem, I hope the Minister for Health, Deputy Simon Harris, will do the same to plan for the provision of health services. Senator Colm Burke referred to the need for new hospital beds. That is an issue that must be seen to be delivered on in the city of Cork through the provision of a new hospital.

Senator Michael McDowell referred to the Judiciary. I join him, in particular, and Senator Rose Conway-Walsh in their comments on the barbaric decision of the President of the United States of America to reintroduce torture. As Leader of the House, I hope the Taoiseach who will be travelling to the White House on St. Patrick's Day and the Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, who will meet Secretary of State Tillerson, if approved, will on behalf of us all send the strong message that we oppose and abhor the reintroduction of torture. It is outdated, does not work or yield dividends and is contrary to human rights. I hope this House and the nation will send a strong message that we do not in any way condone but condemn the decision of the United States of America and the new President.

Senator Rose Conway-Walsh spoke about the North. The State was not complicit in or silent on the torture of those who were interned. I remind the Senator that the Government brought a case to Strasbourg which it won. She might reflect on that point.

Senator Rose Conway-Walsh: That was a long time afterwards.

Senator Jerry Buttimer: It is important to note that the State was not complicit in that regard.

Senators Frank Feighan, Rose Conway-Walsh and Ned O'Sullivan spoke about the desecration and vandalism of the grave of Éamon de Valera. As Leader of the House, I join in the

condemnation of those who carried out this act. Éamon de Valera was a statesman; he was Taoiseach and President of this country. He played a pivotal role in its history and development. Regardless of one's political viewpoint, his grave is his resting place. It is a place where people go to pray and worship and his family to remember him. Those of us who visit the graves of loved ones join in the calls for them to be left as sacred places.

I join Senator Máire Devine in congratulating An Garda Síochána on its success in recent days and weeks against gang members in Dublin city. It can only work with information that is in addendum to that gained in its own investigative work. As public representatives, I hope we will all ask people and impress on them the need to co-operate with An Garda Síochána and provide information. Those involved in criminal gangs in the capital city are from and living in the communities in which they are known. It is important that the Garda be given information, whether in community policing fora or privately and confidentially. It is important that we work with it to out the people concerned and bring them to justice.

If Senator Ned O'Sullivan has a specific issue with the rent allowance scheme, I will be happy to speak to him later about it. I will also be happy to have the Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, come to the House to discuss the scheme.

Senator Rose Conway-Walsh referred to Senator Keith Swanick's Bill. I think what he is trying to achieve is a celebration and a commemoration marking the centenary of the inaugural meeting of the First Dáil. We should all aspire to achieving that objective. It is, however, a little populist and political to make an accusation in the context of votes for the diaspora. The Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, gave a commitment during the discussion on the Bill that he would come back to the House with another to recognise the diaspora and those living in the North. It was a political shot because what Senator Keith Swanick is trying to do-----

Senator Rose Conway-Walsh: I know what he is trying to do.

Senator Jerry Buttimer: -----is to commemorate the centenary of the inaugural meeting of the First Dáil. If we learn nothing else from history, we should learn how key events are commemorated in other states. My point on the Order of Business yesterday was that as we were not all yet independent, it should not be known as "Independence Day" but that we should commemorate the centenary of the inaugural meeting of the First Dáil. To be fair to Senator Diarmuid Wilson, he said it was not about it being a public holiday but a date that would be recognised on the calendar.

Senator Diarmuid Wilson: I look forward to receiving the Leader's support.

Senator Jerry Buttimer: The Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, will attend the House on 8 February, while the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs, Deputy Heather Humphreys, will attend on 9 February to discuss the rural action plan and other issues.

Order of Business agreed to.

Sitting suspended at 12.45 p.m. and resumed at 2 p.m.

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2 o'clock Visit of Bosnia and Herzegovina Delegation

Acting Chairman (Senator Gerry Horkan): I am sure Members will wish to join me in welcoming a parliamentary delegation from Bosnia and Herzegovina led by the Foreign Minister, H. E. Mr. Igor Crnadak, who is accompanied by the ambassador H. E. Mr. Branko Neškovic. On my own behalf and that of all of my colleagues in Seanad Éireann, I extend a warm welcome to the delegation and offer good wishes for a very successful visit to Ireland. Its members are very welcome and I thank them for visiting us.

Minister for Foreign Affairs and Trade (Deputy Charles Flanagan): I join the Acting Chairman in extending a welcome to the Foreign Minister of Bosnia and Herzegovina, Mr. Crnadak, and the ambassador, H. E. Mr. Neškovic. I was delighted to have the opportunity this morning to have very positive and constructive bilateral engagement with the delegation. Ireland and Bosnia Herzegovina have a great deal in common. We note the application of Bosnia and Herzegovina for accession as a member state of the European Union. In that regard, Ireland can continue to be of assistance to it. Notwithstanding the very challenging issues facing the European Union in the context of migration and terrorism and, of course, from our own perspective, the withdrawal of the United Kingdom, it is important that the accession agenda continue the process of enlargement. I wish the delegation every success on its visit to Ireland.

Protection of Cultural Property in the Event of Armed Conflict (Hague Convention) Bill 2016: Committee and Remaining Stages

Sections 1 to 7, inclusive, agreed to.

SECTION 8

Government amendment No. 1:

In page 7, line 30, to delete “and the Gaeltacht” and substitute “, Regional, Rural and Gaeltacht Affairs”.

Minister for Foreign Affairs and Trade (Deputy Charles Flanagan): I acknowledge the comprehensive debate we had on the Bill on Second Stage in the House some weeks ago. I note that there is one Government amendment. It is a technical amendment to correct a reference in the Bill to reflect the recent change in the title of the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs since its publication.

Amendment agreed to.

Section 8, as amended, agreed to.

Sections 9 to 11, inclusive, agreed to.

Schedules 1 and 2 agreed to.

Title agreed to.

Bill reported with amendment and received for final consideration.

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

Minister for Foreign Affairs and Trade (Deputy Charles Flanagan): I acknowledge the impending passing of the Bill by the House and thank Senators for their consideration of it. As I said on Second Stage some weeks ago, while the Bill's concern with the protection of cultural property in the event of an armed conflict represents something of a narrow focus, its enactment will be a further important demonstration of Ireland's support for international humanitarian law and the vital role it plays in limiting the effects of armed conflict on civilians and civilian property. These effects are most clearly seen and have been for several years in the appalling conflict in Syria. The indiscriminate and disproportionate attacks carried out against defenceless civilians and critical civilian infrastructure such as hospitals, schools and power plants have been, above all, attacks on human life and dignity. In the circumstances, they are wholly and utterly unacceptable and I know that Senators join the Government in condemning these acts. Likewise, attacks on cultural property and the destruction and theft of cultural property in war are unacceptable. Buildings, monuments, artefacts of cultural importance are essential to the history, heritage and identity of all peoples and to deliberately destroy them is an attempt to diminish the people for whom they are important.

In passing the Bill and becoming a party to the Hague Convention and its protocol we will further demonstrate the importance attached by the people of Ireland to the protection of human life and dignity in war. I thank Senators for their dignity and support.

Question put and agreed to.

Northern Ireland: Statements

Minister for Foreign Affairs and Trade (Deputy Charles Flanagan): I welcome the ongoing engagement of the Seanad on matters related to Northern Ireland, which is a key priority for all of us in both Houses. I look forward to listening to the contributions of Senators. As they will appreciate, this is a critical time for Northern Ireland which is again in election mode less than a year after the previous election. In the weeks before the election was called I was in close contact with the Secretary of State, Mr. James Brokenshire, and the leaders of the political parties in Northern Ireland. I travelled to Belfast on a number of occasions to meet in person the Secretary of State and the then First Minister and deputy First Minister. Both Governments pursued all appropriate avenues to encourage the Executive parties to find a way beyond their difficulties. However, an agreement could not be found and the Secretary of State, as required under statute when the joint office of First and deputy First Minister cannot be filled, called an election, which is scheduled to take place on 2 March.

The circumstances that contributed to the breakdown in trust between the two parties in the Executive gave rise to a good deal of public acrimony and risk a divisive election campaign. As the campaign gets under way, I have urged the parties to remain measured and respectful in their electoral rhetoric in order that the political institutions will not be damaged in the longer term. The people of Northern Ireland expect nothing less than an effective Assembly and Executive at Stormont underpinned by a genuine spirit of partnership. In my discussions with party leaders I have strongly emphasised the imperative of the swift resumption of the power-sharing institutions after the election period. In support of this, I will remain closely engaged with the political parties and the British Government in the weeks ahead.

In the time leading up to the dissolution of the Assembly the question of compliance with the terms of the Good Friday Agreement was a key focus of debate and discourse. The interlocking

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political institutions of the Good Friday Agreement are at the heart of the Agreement and the delivery vehicle for many of its commitments. Within this framework, the devolved power-sharing institutions are vital, both for effective government in Northern Ireland and the overall functioning of the Agreement. For instance, without the devolved institutions, the North-South Ministerial Council cannot operate and North-South co-operation on a wide range of matters is somewhat compromised. This has tangible and serious impacts on all people across the island of Ireland. It is, therefore, of vital importance that the institutions of the Agreement return quickly to full operation after the election. In that regard, the relevant legislation provides a narrow window of three weeks from the date of election to when a new First Minister and deputy First Minister must be nominated.

If the institutions are the heart of the Good Friday Agreement, the principles of the Agreement are its lifeblood and vital to the success and sustainability of any power-sharing administration in Northern Ireland. These principles were articulated in the Agreement and are worth recalling today: “full respect for, and equality of civil, political, social and cultural rights, of freedom from discrimination for all citizens, and of parity of esteem and of just and equal treatment for the identity, ethos, and aspirations of both communities”. They constitute the essential template for political and civic relations on this island and between Ireland and the United Kingdom. There has been discussion of deficits and shortcomings in upholding these principles and the need for parties that comprise the Executive to fully live up to the commitments made in the Good Friday Agreement and successor agreements. I fully understand the rightful insistence on the principles of equality and parity of esteem being respected at all times. I also understand the frustration in the Nationalist community when these principles are disrespected. It is a great pity that the spirit of friendship Mr. Martin McGuinness sought to espouse as deputy First Minister was not at all times reciprocated in equal measure. While acknowledging the deficits, we also need to find solutions. I hope, therefore, that in the weeks ahead specific proposals to address the deficits in the respect agenda will be brought forward for consideration and discussion.

As typically occurs at moments of challenge in Northern Ireland, there have in recent days been calls on the two Governments to discharge their obligations in the peace process. Neither I nor the Government need any encouragement to fulfil our responsibilities as co-guarantor of the Good Friday Agreement. That serious and solemn responsibility is hard-wired into the performance of my duties as Minister for Foreign Affairs and Trade. The Taoiseach and I have been steadfast in acting to pursue full implementation of the Good Friday Agreement. I may touch on this issue in more detail in my closing remarks.

Looking beyond the Assembly election, Northern Ireland will still have to manage the challenges of the United Kingdom’s decision to leave the European Union. The Government will be fully supportive in that regard. In the upcoming negotiations protecting the gains of the peace process and upholding the Good Friday Agreement is one of the four major priorities on the part of the Government. We are continuing our comprehensive preparations for the negotiations, including through the all-island civic dialogue. The Taoiseach and I will co-host a second plenary meeting of the dialogue on 17 February and a series of sectoral consultations are under way. On 13 February, I will convene a sectoral consultation on human rights under the Good Friday Agreement to look at how they will be fully upheld and sustained following the withdrawal of the United Kingdom from the European Union. All-island consultation through the dialogue and engagement with the Northern Ireland Executive through the North-South Ministerial Council are essential in addressing the challenges of withdrawal of the United Kingdom

from the European Union. In that regard, the Northern Ireland Executive is primarily responsible for politically representing the interests of Northern Ireland. It is very important that this direct representation can quickly resume following the election to the Assembly on 2 March.

The risks posed by Brexit are not the only considerations facing Northern Ireland, but they are an example of why fully functioning and effective political institutions are needed. Northern Ireland requires these institutions to protect what has been built and secure a peaceful and prosperous future for all of its citizens. In the coming days the Taoiseach will welcome the British Prime Minister to Dublin. At the top of their agenda will be the welfare of Northern Ireland and its people and the related need to protect the interests of the island of Ireland in the forthcoming Brexit negotiations. None of their discussions will be easy, but no two issues are receiving as much priority attention in government. Our commitment, as co-guarantor of the Good Friday Agreement, is a constant one, in good times and, as now, when they are more challenging.

I expressly acknowledge the commitment of all parties in this House to the Agreement. That spirit of co-operation, from those in all parties and none, has been an enormous support to successive Governments in the past three decades in achieving and sustaining peace and stability on the island. I look forward to hearing the perspectives and analysis of Members.

Senator Robbie Gallagher: Cuirim fáilte roimh an Aire go dtí an Teach. I extend my best wishes to the former deputy First Minister, Mr. Martin McGuinness. I acknowledge his contribution to the peace process and commitment to the institutions when they were established. I will not claim that he and I have sung from the same hymn sheet at all times, as that was certainly not the case, but it would be remiss of me not to acknowledge the major contribution he made. I extend my best wishes to him as he fights his illness and wish him and his family many years of good health and happiness. It would also be remiss of me to fail to mention his replacement, Ms Michelle O'Neill, a good Tyrone lady. I wish her well in her position.

One must note that the timing of the Executive collapse could probably not have been worse. We are facing into Brexit with all of the unknowns and uncertainties it brings. If we ever needed an Executive to be up and running and singing from the same hymn sheet, it is now. Unfortunately, that is not the case and we are going to be in a state of limbo for quite some time until the election is concluded. I hope, an Executive will be formed sooner rather than later. We are all aware of why the Executive failed. Ms Foster should take note of the situation in which we now find ourselves. If she had taken the advice given to her in good faith by all concerned, she would have stood aside until a proper investigation had been conducted into the renewable heat scheme. Perhaps we might not be in the abyss we are today.

The election will come and go and we will find ourselves back in the same position again. There will then be an onus on all parties, particularly the two major parties which have left the Assembly and which will no doubt come back in the same proportions, to redouble efforts to ensure the institutions in Northern Ireland and the Good Friday Agreement will be properly worked on and be a success. There is also an onus on the Irish and British Governments to ensure the institutions in Northern Ireland will be nourished and continue to be run in a successful manner. I find sometimes that the Dublin media, in particular, ignore Northern Ireland, except when there is a crisis such as the current one. All of a sudden, there is a clatter to discuss and expose Northern Ireland at that time. There is an onus on all of us to work to ensure we will nurture and protect the peace process, on which a lot of people have worked very hard and to get to which they even lost their lives for the benefit of the entire island.

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That leads us to Brexit. There is no part of this island that will be affected more by it than the North of the country. Coming as I do from a Border county, I note the genuine fear among people of what the future will look like. It appears the London Government has very little sympathy for the plight of the citizens of Northern Ireland, of which perhaps the citizens of Northern Ireland should take note. Until such time as the Executive in Northern Ireland is up and running again, we are in an abyss.

I express the sincere hope the election will not be too bitter and that all parties will stand back if it starts to develop into a slanging match. That is a temptation, but I hope it will not happen and the election will conclude and an Executive will be formed as a matter of urgency. That will allow us to get down to the real business of addressing the massive obstacle before us of Brexit. I hope we can all work together on this island to ensure we will get the best possible deal from Brexit.

Senator Frank Feighan: I thank the Minister for coming to the House to explain the work he has done. I was in Belfast last Sunday and Monday. It was only on Sunday night that we saw the cowardly shooting of a PSNI officer which brought back the reality of a breakdown of trust and peace. All parties have worked and are working extremely hard to ensure we will never go back to the awful times we saw in the past 30 years in Northern Ireland, on the island generally and these islands. We had a meeting of committee A of the British-Irish Parliamentary Assembly to consider a great many submissions received on the impact of Brexit on the island of Ireland, Northern Ireland and the United Kingdom. Some very stark submissions were made and, as someone said, we must muddle through. In effect, that is what we are doing. We are muddling through.

It was very sad to see the breakdown among the political parties at Stormont. Trust was breached and things were said that should not have been. I thank the Minister for going to meet the Secretary of State, Mr. James Brokenshire, and the leaders of the political parties to try to mend fences. Unfortunately, that did not happen and an election has been called for 2 March. Like other speakers, I hope we will continue in the vein of heretofore and that the election will not be divisive. I hope the power-sharing institutions will not be damaged. I believe they will not be and that after the election, the function of government in Northern Ireland will continue to deliver on the commitments made in the Good Friday Agreement.

I thank the retiring deputy First Minister, Mr. Martin McGuinness, for the work he has done. He has been a great inspiration having come from very difficult times. He has been a leader. I wish him every success and thank him for the work he has done in the past ten to 20 years. I wish Ms Michelle O'Neill every success in her work as leader of Sinn Féin. I also wish every success to the other parties, including the SDLP, UUP, DUP, etc.

Human rights must be fully upheld under the Good Friday Agreement. With Britain exiting the European Union, we have to uphold European law on human rights. The judgment of the Supreme Court in the United Kingdom yesterday puts a lot of things in play. From my discussions with many MPs, I am aware that many in the House of Commons were against Britain leaving the European Union. The people of the United Kingdom failed to take into consideration the impact Brexit would have on the Good Friday Agreement, Northern Ireland generally and Scotland, as well as the island of Ireland. We now have a case to say the institutions of the Good Friday Agreement may well be undermined by an agreement of the United Kingdom to leave the European Union. We must articulate our views to MPs and Members of the House of Lords that, whatever happens in the next two or three months when there is a vote on Article

50, they must now look at the Good Friday Agreement and its institutions and avoid undermining all of their great aspects. The welfare of the people of Northern Ireland and the interests of Ireland must be taken into account.

I again thank the Minister for the work he has done, a great deal of it behind the scenes. We are a committed member of the European Union, albeit we will be at a certain disadvantage in some ways. However, I know that the Minister will ensure the interests, first, of the Republic of Ireland and then the island of Ireland will be considered and maintained. I again note that the structures and implementation of the Good Friday Agreement must be maintained and enhanced. I wish the Minister well in that regard.

Senator Niall Ó Donnghaile: Gabhaim mo bhuíochas leis an Aire as a bheith linn. Tá sé thar a bheith tábhachtach agus dearfach go bhfuil sé anseo linn inniu chun cúrsaí ó Thuaidh a phlé. Sílim gur cheart dúinn smaoineamh air sin agus é a dhéanamh níos minice.

I thank the Minister for being here to comment on current political developments in the North. It is a welcome move and something he should consider doing more of in this House, given the current climate and the acute attention being paid by both Houses and broader society across Ireland. We are all hoping for a swift, positive and resolute outcome to the current difficulties.

The Minister has outlined his engagement with the British Secretary of State, James Brokenshire, MP. In his response to the debate will he refer to the nature of this engagement? Was the Secretary of State aware that the institutions were in danger of hitting the rocks? Did the Minister articulate the concerns of the broader Nationalist, republican and other communities in the North who have reached the end of their tether when it comes to the disrespect being shown by the DUP, not just to elements and minorities within society in the North but also to the core components, as eloquently outlined, of the Good Friday Agreement and subsequent agreements?

We need to choose our language very carefully because we have all been around these corners before and know the sensitivities involved in various crises when they manifest. The Minister made reference to both Governments pursuing all appropriate avenues to encourage the executive parties to find a way beyond their difficulties but that an agreement could not be found. That almost implies that there was a broad range of problems to be addressed. It is important, therefore, to set all of this within its context.

On the alleged financial corruption surrounding the renewable heating incentive, RHI, scheme, details of the scandal are emerging on a daily basis, with more allegations coming to light since it first found its way into the media. A climate of Tory austerity is being driven from London. The Executive has seen a cut of £4 billion in its block grant. There is now the potential for a further £500 million being lost to the public purse. This money could have been better spent in schools and hospitals, on infrastructure or in preparing for the negative aspects of Brexit, as outlined by other speakers. I do not know of another government that would allow for that to happen and not take what I consider to be the honourable and noble steps Mr. Martin McGuinness took in order to bring it to a conclusion. The Minister will know that Mr. McGuinness, privately initially and subsequently publicly, offered the DUP the opportunity for Ms Arlene Foster to step aside in order that an investigation could be carried out into the RHI scandal. That offer was not taken up and we are now where we are.

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It also sits very firmly in the context of a failure to deliver an Irish language Act, with disrespect and disregard regularly being shown to the Irish speaking population and those who have a grá for the Irish language, or simply anyone who has an Irish sense of identity or sees his or her place within the Irish nation. That is a regular occurrence and can be seen through the media in continuous base bigotry, hostility and sectarianism shown to anyone who differs from a DUP stereotype.

There is also the context in which the Minister's counterpart in the British Administration, the Secretary of State, James Brokenshire, claims jurisdiction over the entirety of Lough Foyle. There is a failure to implement a Bill of Rights which has been blocked by the DUP. Marriage equality has also been blocked by the DUP through the misuse of the petition of concern mechanism in the institutions which, as the Minister knows, was negotiated as a protection. There is a horrible irony that a mechanism that was put in place to guarantee protection and a defence for minorities is actually being regularly and flagrantly abused and misused by the DUP to hinder progress, rights, equality and respect for all communities. Sometimes I think we should call a spade a spade. If there is an identifiable problem with something, whether it be a political institution or something else, we need to call a spade a spade and say, "That is the problem, that is what is holding us back". I will stand in this Chamber or anywhere else and defend the record of integrity and leadership shown by Mr. Martin McGuinness over ten years. Every one of us involved in political life has it easy compared to what he was asked to do in the past ten years, as someone with a progressive mind and a progressive ideology in politics who wants to see this country and our community move forward. Let us shine a light on where this problem lies.

The Minister has said he is encouraging the speedy resumption of the institutions. That is hopeful, positive and the correct approach, but I ask if he would be of the same view, given everything that has been outlined, including the scandal surrounding the RHI scheme, the alleged financial corruption and the overt and clear corruption of the principles of the Good Friday Agreement which are indisputable and undeniable. The Good Friday Agreement and its protections, guarantees, institutions and structures have been warped and are in danger of warping further as a result of DUP manipulation and opposition to it. We would all love to see a speedy restoration of the institutions. The election will give people the opportunity to decide what institutions they want. Do they want a progressive, thoughtful focus on the institutions or do they want to return to corruption, sectarianism, the misuse of the petition of concern mechanism and the type of politics that states, "We do not trust Muslims to go to the shop for us"? Do we want to return to the type of politics where we say, "Curry my yogurt," and abuse the Irish language, or where we tell LGBT citizens that they do not have the same rights and entitlements to marry and express their love in the same way as everyone else, or do we want something different?

We could ask for a speedy resolution and pat ourselves on the back if we get it. However, I think the Government should join the rest of the Nationalist and republican constituency in the North and also many from within the Unionist constituency who are saying there can be no return to the *status quo* and what prevailed in the past. There must be a fundamental change. We, in Sinn Féin, have laid out our stall under our new leader, Ms Michelle O'Neill. I thank Members for their wishes to her and Mr. Martin McGuinness. The institutions failed, despite the best efforts of those of us who tried to sustain them, who tried to make them work, who did their best and who made a valiant effort, not least embodied by Mr. McGuinness in recent years. The Irish and British Governments need to step up to the mark and send a very clear message that any resumption of the institutions has to be to the word, letter and spirit of the Good Friday Agreement and subsequent agreements. We will accept no less and the Irish Government

should be of the same view. As the Minister knows, the people, both North and South, decided democratically and with an overwhelming mandate that they are the structures they want to see in place, not conditional, not half baked, not half cocked, but the Good Friday Agreement and subsequent agreements in their entirety which were hard fought for and hard won.

Senator Frances Black: I thank the Minister for coming. He has a very big challenge ahead.

I take the opportunity to pay tribute to Mr. Martin McGuinness who, as we all know, was instrumental in the peace process. We all know that he has worked tirelessly to connect with people to whom he has been diametrically opposed politically, most notably the late Rev. Ian Paisley. We may not see his kind in office again and I hope he will make a full recovery. I also send best wishes to his successor, Ms Michelle O'Neill, and all of the democratic leaders in the North.

The forthcoming election in the North is taking place in an atmosphere of crisis. It does not seem likely that a new power-sharing executive will be formed easily unless there can be a fresh start, renewing the commitments made in 1998 and 2007. While we await the people's verdict in the North, we all know what is occurring. There are also the consequences of the referendum held in the United Kingdom last June, but it is not just about that. We can all agree that the cash for ash scandal needs to be addressed, respecting principles of good and clean government. The costs to the people of the North must not be forgotten, as they look at the prospect of the drying up of EU funding for agriculture and numerous other important functions, including cross-Border and peace programmes, areas in which I am specifically interested as I have worked in the community in the North on many occasions.

Ever since the signing of the Good Friday Agreement it has been obvious that there has been resistance by the DUP to the equality agenda. In addition, the DUP has been reluctant to engage in all-Ireland bodies or treat Nationalists as equals within the Executive. Sadly, its reluctance to embrace equality goes further as shown by the party's strong opposition to same-sex marriage. Given that the Irish Government is co-guarantor of the Good Friday Agreement and has equal status with the British Government, will the Minister urge his British counterpart to put pressure on the DUP to fulfil all its current and future obligations?

The British Prime Minister, Mrs. Theresa May, seems to be on course for a hard Brexit. All considered opinion suggests this will have a significant effect on the island of Ireland because the Border between the North and the South will be the only land border between the United Kingdom and the European Union. The reimposition of a hard land border will have implications both for trade and security. Britain's departure from the customs union suggests there may have to be some physical barrier in the transport of goods between both jurisdictions on this island.

The fact that the Brexit campaign was strongly focused on the issue of immigration also suggests freedom of movement between the European Union and the United Kingdom may be at risk, thus affecting North-South travel. Recent submissions to the parliamentary Northern Ireland affairs committee highlight the impact on people's lives Brexit will have. The head of the Northern Ireland arm of Dairy UK has warned of the damage ahead. No longer being part of EU trade deals will see dairy exports to major markets such as Malaysia and Thailand face at least double tariff rates which "would kill that business". On the possibility of a hard border with a customs barrier and with immigration officials behind it, he stated:

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This is a major issue for the dairy industry. We are very dependent on what we call an all-island value chain. If we have any interruption in the current practices it is going to effect the longer term viability of the industry.

Now that the ideal outcome of a soft Brexit for the whole of the United Kingdom seems unlikely, what plans have been put in place to establish a separate strand in the negotiations focusing on the specific concerns which arise for the island? Will the Minister be asking our EU partners to ensure the Good Friday Agreement is fully protected? Will that request include special status for the North to enable it to stay within the Single Market and the customs union and to place the practical border between Ireland and Great Britain in the Irish Sea at ports and airports? That seems to be the best way to keep the borderless island we were promised in the outworkings of the Good Friday Agreement and which we have enjoyed for over a decade. The status of the North was supposedly enshrined in the Good Friday Agreement through an act of Irish self-determination, North and South. The modification of Articles 2 and 3 of the Constitution was based on the understanding a majority in both jurisdictions had to vote in favour of any change in the status of the island.

Does the Minister agree that, as envisaged, Brexit contravenes these agreements, both in word and spirit? Has he given any consideration to the possibility of the North and Scotland remaining in the European Union and also in the United Kingdom, reflecting the wishes of their respective peoples? Professor Brendan O'Leary has argued that possibility in what would seem to be a rational democratic compromise as both areas voted to remain in the European Union. The case of Northern Ireland is different from that of Scotland because of the Good Friday Agreement and the treaty. However, we must have regard both to the current and future interests of Scotland, whether its parliament and people choose to stay in the United Kingdom. In any case, the position advanced by Professor O'Leary and others emphasises the need for Ireland to have a well thought out and coherent strategy before the negotiations begin. It is the view of most of those I meet in my new role, North and South, that defending the Good Friday Agreement and the 1999 British-Irish treaty should be the firm red line of the Irish Government both with the United Kingdom and our EU partners. The Good Friday Agreement and the treaty signed by two EU member states assumed a borderless Ireland and created a North-South Ministerial Council tasked with addressing relevant EU matters. It is vital that no physical land border should be reintroduced, in addition to having no customs posts, immigration officers, police, military portakabins or watchtowers. This should be a red line for us and Mr. Michel Barnier should be so advised.

The ideal scenario would be for the North to stay fully in the European Union or, failing that, to keep its existing European status as much as possible, for example, within the Single Market and the customs union. This option would exclude Northern Ireland from full UK exit, but it would do so precisely because of the United Kingdom's previous commitments to a borderless Ireland. It would express the preferences of the North's voters.

I understand the Minister's concerns, including protecting the economic interests of citizens and its resident businesses. However, these interests have much less traction with Ireland's allies in the rest of the European Union because they are our competitors in these matters. Focusing on the Good Friday Agreement, therefore, makes moral, political and strategic sense. It is simply the best way to deal with all of the prospective difficulties. We should also do our best to protect Scotland's current and future interests.

On Tuesday the Supreme Court in London decided that the Northern Ireland Assembly need

not be consulted as a matter of domestic UK law on the UK Government's decision to trigger Article 50 of the Treaty on European Union. This unfortunate and controversial decision is at odds with many Irish people's understanding of what was agreed to in 1998, namely, that all of the institutional relations within the North, between the North and the South, east and west, and between these islands and our European partners were one complex unity and that any constitutional change would require the consent of the people of Ireland, North and South. I am asking the Minister to explain what he intends to do to ensure the Good Friday Agreement will be protected in its integrity to ensure the wishes of the majority in the North are upheld and that the status of all-island relations are treated distinctly as a separate strand in the Article 50 negotiations.

Senator Neale Richmond: I am delighted to welcome the Minister and thank him for his remarks. I wish everyone well in the coming weeks and months as they go electioneering in Northern Ireland. I know that a number of Members of this House will be going up to campaign and canvass for various candidates and parties. We are all professional politicians and know the strains and stresses of elections, be they local or national, including the hazards of climbing ladders to put up posters, as well as dogs biting and chasing candidates. I appreciate that it will be a difficult and stressful time, but I sincerely wish the best of luck to everyone who enters into the spirit of true democracy.

Everyone acknowledges that it is unfortunate we are having an election and that the Assembly did not run to its full term. It is good, however, that we are having a peaceful election. We should take care with our own rhetoric in this House and avoid point-scoring or attacking those who cannot answer back; rather, let us enter into the spirit of the debate. We should let the parties and individuals contesting the elections in the North have it out. I hope they will resolve the issue in order that we can have a fully functioning Executive after the election in March. Northern Ireland faces many great challenges, including Brexit. I am sincerely disappointed that the Prime Minister, Mrs. Theresa May, will not take the opportunity in her forthcoming visit to address either House of the Oireachtas. I trust that the Government is going to enter into talks with the other 26 member states ahead of Article 50 being invoked and the Brexit negotiations to put the best case for the island of Ireland.

Other things need to be sorted concerning scandals and the stability of Northern Ireland. I fear that we take stability for granted. We take a lot of things for granted, which was apparent in the referendum. People took so many of the benefits of EU membership for granted that they simply forgot how far things had come since Ireland and the United Kingdom joined in the 1970s. An emerging generation is taking for granted the peace and stability we have in the North, which required great sacrifices on every side. The shooting incident in the North earlier this week brought home how closely we could slip back into the dark days of the 1980s and 1990s.

My grandfather would be rolling in his grave if he heard me say this, but I too want to add my best wishes to Mr. Martin McGuinness. If it is good enough for Ian Paisley Jnr. to say so, there is no way I can stand in the way. He must be commended for what he has done and the sacrifices he has made. There are many people on both sides of the community in Northern Ireland who have made great sacrifices, as has the average Irish man and woman on both sides of the Border. Let us take that spirit of optimism and realism into the next few weeks. I have full faith in the Government and perhaps the British Government to act as co-guarantors and allow the election to take place in the appropriate environment in order that we have a resolution that will allow peace and stability to continue on both sides of the Border and Northern Ireland and

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the Republic to face the unique challenges of the coming years.

Senator Aodhán Ó Riordáin: I welcome the Minister. I join others in expressing my thanks to the former deputy First Minister, Mr. Martin McGuinness, for the journey he has taken and his commitment and work in the past few years. I wish Michelle O'Neill, MLA, the very best in her new role. I disagree with Senator Neale Richmond in his belief the British Government will act in good faith in meeting its responsibilities as co-guarantor to the Good Friday Agreement.

I watch the debate and I am outraged by the complete and utter indifference of the British Government and the Brexit campaigners to their responsibilities to this island. They are a massive part of the problems on this island for a very long time. Now it appears that we are almost completely indifferent to their negotiations and thought processes. It was very decent of the Prime Minister, Mrs. Theresa May, to place us at No. 4 on her list of 12 items of concern. It is possible that the Minister had some role in that regard, on which he is to be congratulated. If it was to be seen in the cold light of day as to where we stood in her thought processes, she had an historic opportunity to come to the Houses of the Oireachtas to speak in the Dáil Chamber and express her commitment and that of the British Government to meeting their responsibilities on this island, but she decided not to do so.

I have a deep distaste for hardline nationalism. It bores me to tears. I am not necessarily looking forward to the debates in the North when the electioneering begins because I find hardline nationalism particularly tedious. There are other issues in Northern Ireland to discuss. I was very taken by a speech made by Colum Eastwood, MLA, on the child poverty rate and the numbers of adults in west Belfast who had no formal qualifications. Other speakers have mentioned marriage equality and other social issues that rarely get an airing. I attended a meeting in Belfast before Christmas on the issue of drugs. There are serious social issues such as equality that need to be addressed. The hardline nationalistic stances on either side of the debate are the ones that come to the fore. It is the hardline nationalist instinct in the United Kingdom which is at the centre of the debate on Brexit. It is the campaigning zeal of those in favour of Brexit that has led to Britain walking away from its historical responsibilities in Europe as a whole and off the stage in meeting its responsibilities here.

We have had 20 years - perhaps longer - in which everything we said about the United Kingdom and our relationship with it was couched in friendly terminology. It was important to do so. It was important and responsible that Irish Governments and those representing the State did not say anything that would have inflamed tensions or made things worse, particularly when lives were at risk. However, there comes a stage when one has to call a spade a spade. When the Prime Minister in 10 Downing Street is pandering to the worst excesses of British nationalism, we must call it out. The new Prime Minister of the United Kingdom had a fantastic opportunity to come to the Houses to speak to Members about the Good Friday Agreement, her commitment to it and the fact that Brexit would not impact necessarily on peace on this island, but she is reportedly refusing to do so. I suggest it is important for the Minister for Foreign Affairs and Trade, as a representative of the Government, to speak in frank terms about our dismay that Ireland and Northern Ireland are not on the real priority list for the Prime Minister and her Government and also when overseeing and commenting on events in Northern Ireland in the coming period say it is social issues, including equality and empowerment, the issues beyond orange and green, that will come to the fore. It is time to put to one side the niceties of language and the pretence of friendship because if one cannot speak frankly to people who are walking away from their historical responsibilities, we are doing the people of Ireland and Northern Ire-

land a disservice. This is not about a flag waving blame game. I am the last person in the world who would stand with a Tricolour and fly it in somebody's face to try to score a nationalistic point off them. That is not me. It worries me to the bone that such a powerful country with such historical responsibilities to a place on which it has had a significant impact for centuries does not give a thought to it and does not take the opportunity to settle nerves about its intentions.

I would like the Minister to respond to my remarks. I understand he has responsibility for this ministry and his words carry weight. That is very important. It is important that Members speak frankly about the direction the Prime Minister and her Government are taking in dealing with the situation in Northern Ireland and issues that affect the entire island of Ireland.

An Leas-Chathaoirleach: The grouping to which Senator Gerard P. Craughwell belongs missed its place on the rota, but I have pleasure in calling him now.

Senator Gerard P. Craughwell: Go raibh míle maith agat. I was attending the presentation at the Joint Committee on the Implementation of the Good Friday Agreement. I am trying to keep a lot of balls in the air today.

I welcome the Minister. I congratulate him on the work he is doing on Brexit. After that, I will start to take things apart.

Let me put the matter in context. There is a great deal of talk about nationalism in Northern Ireland. It is no secret that I spent five years of my life in the British army, in the Royal Irish Rangers. It is also no secret that Sinn Féin voted for me to have me elected to this House. I have no axe to grind with it and never had, although I would not have seen eye to eye with the IRA during the years.

One of the things that has frightened me considerably is the increase in polarisation in the North. For the first time, as far as I can remember, I was attacked recently on social media by a member of the Unionist community who told me to keep my “effing” nose out of Northern affairs. I was so delighted when some of my Unionist pals kicked in to say, “Hey, back off. This man has no interest in trying to colonise or take over the North of Ireland.” I have no doubt that the North and the South will be unified at some stage, but I am not advocating for it as a result of Brexit. I want to show due regard to our friends and colleagues of the Unionist tradition who want to remain part of the United Kingdom. Nonetheless, they signed up to the Good Friday Agreement and are as much a part of it as we are and our Catholic friends, or at least they should be, although I know that certain things that happened in the recent past call that into question.

Like most Members who have spoken mentioned, the former deputy First Minister, Mr. Martin McGuinness, has played the greatest role as leader of the Nationalist group in Northern Ireland. I have the greatest admiration for the man. He did a good job.

That brings me to an issue I raised on the Order of Business when I requested the Minister for Foreign Affairs and Trade to address it following the Supreme Court's ruling. As I was told he would be in the House today, I did not press the issue.

*3 o'clock o'clock*The Supreme Court was asked to consider the question of whether any provision of the Northern Ireland Act, read together with the Belfast Agreement and the British-Irish Agreement, meant that primary legislation was required before notice of triggering Article 50 could be given. The Supreme Court, in paragraph 131 of its judgment, found:

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[It] is unquestionably right, however, to claim that the NI Act conferred rights on the citizens of Northern Ireland. Sections 6(2)(d) and 24(1), in imposing the EU constraints, have endowed the people of Northern Ireland with the right to challenge actions of the Executive or the Assembly on the basis that they are in breach of EU law.

The Good Friday Agreement confers rights on Northern Ireland citizens which will vanish in two years' time with no recourse. Amending the Good Friday Agreement is not the concern of the European Union. As we go through the negotiations, we are one of 27, but the 27 collectively has no interest in the Good Friday Agreement, other than what the Minister for Foreign Affairs and Trade and his fellow Ministers can bring to the table. Neither is it the unilateral concern of the British state, which brings the Prime Minister, Mrs. Theresa May, into the picture. It is the concern of Ireland, the United Kingdom and the elected Executive of Northern Ireland. We now find that we are coming back to the tripartite arrangement that led to the Good Friday Agreement. We cannot allow a situation to arise where the Prime Minister will trigger Article 50 without first enshrining the Good Friday Agreement in primary legislation. If that requires the Irish Government taking the British Government to the European Court of Justice before Article 50 is triggered, so be it. We must take every possible step.

I am somewhat concerned by the benign statement that came from the Minister's office following the decision of the Supreme Court in the United Kingdom. When I was young, my mother told me to be quiet and that my uncle would look after me. I was quiet all of my life, but my uncle died and left me nothing. Are we sitting quietly in the background, hoping it will be all right on the night? I do not think it is going to be. I have met parliamentarians from all over Europe, some of whom are very sympathetic to our situation, but, by and large, they are concerned about their own countries and whether they will be able to sell their Volkswagens, Fiats, Bosch washing machines and so forth. That is their concern, rightly so.

A colleague of mine recently asked a member of the European Commission about the possibility of relocating various European agencies to Dublin. The answer he received was: "Get in the queue." Following Brexit, this is an island on the edge of the Atlantic Ocean, far removed from the United Kingdom and mainland Europe. We now have a hostile US Administration. While there is a good chance we will see high-quality financial services jobs coming to Dublin, given the work of the Ministers for Finance and Foreign Affairs and Trade and the Taoiseach, what will happen to the 41% of our agricultural produce that is sold in the United Kingdom if we lose part of that market? It is not easy to take a farm-hand or a production operator in an agrifood business and transfer him or her into IT or financial services.

I have some serious concerns. The time has come for the Taoiseach to make a state of the nation address to explain to the people of Ireland exactly where we are and outline the work the Government is doing all over Europe to ensure we will have the smoothest transition possible.

I am sorry if it seems that I am taking a negative view. I am sure the Minister will put me right when he gets to his feet. I thank him for taking the time to listen to me.

Senator Aidan Davitt: Cuirim fáilte roimh an Aire go dtí an Teach. I have two brief queries. I am well aware of all of the hard work being done by the Minister and his Department, but it is the Taoiseach who is our main point of contact for all matters related to Brexit. I do not believe that is the right policy, with all due respect to the Taoiseach. One man can only do so much. It would be in the nation's interests to have a Minister for Brexit. I was one of the first politicians to ask that question, to which the Minister responded last October. We should think

outside the box on this matter. We need another point of contact, if only to meet representatives of business and various interest groups that have genuine concerns about Brexit. We should consider this, rather than just saying “No”.

I extend my best wishes to Mr. Martin McGuinness. I have met him previously and found him to be very amiable. I wish him a speedy recovery. Ms Michelle O’Neill has been appointed as the new leader of Sinn Féin in the North and I wish her all the best. It is estimated that £500 million will be wasted as a result of the cash for ash disaster and it must be pointed out that Sinn Féin was in power when the scheme was set up. Sinn Féin was in power and was working together with the DUP. It should have done the deal and reversed the wrong. I firmly believe that should have been done before Sinn Féin pulled the plug. I have no problem whatsoever-----

Senator Niall Ó Donnghaile: Does the Senator want to give way to allow me to respond to that question?

Senator Aidan Davitt: No.

An Leas-Chathaoirleach: Please allow Senator Aidan Davitt to speak, without interruption.

Senator Aidan Davitt: We cannot just say what we want to say when it suits. I fully agree with many of the points made by Sinn Féin. However, it was in power with the DUP which needed Sinn Féin for the power-sharing arrangement to work. In the context of all of the money that will be wasted, I cannot understand why Sinn Féin did not reverse the terrible mistake made with the aforementioned scheme before pulling the plug on the Executive in the North. That is the only query I have in that regard.

Senator Rose Conway-Walsh: I thank the Minister for being with us to discuss this important subject. I pay tribute to my colleague, Mr. Martin McGuinness. I wish him and his wife, Bernie, well and hope he will enjoy a speedy recovery. I thank him for the wonderful work he has done for peace on this island. I also thank Senators for their acknowledgement of his work. I hope he will be able to work in another capacity in the future. I know that he will spend all of this days working for peace in this country, as many of us do. I completely agree with his final act as deputy First Minister in stepping down. Let us be clear about it - we did not want an election in the North. I know that there are some in the Dáil who would have advocated the collapse of the institutions, even as late as a number of months ago. That was never what we wanted. We understand the importance of the institutions and have participated fully in them, but we were left with absolutely no choice.

A Fianna Fáil Senator asked what Sinn Féin did about the scheme. As soon as we became aware of the scandal of the renewable heat initiative, RHI, scheme, the Sinn Féin Minister for Finance, Máirtín Ó Muilleoir, suggested the First Minister step aside because of her key role in the scheme. We also advocated for a full public inquiry with compellability into the issue. That was our response. I could never be part of a party which did not stand up against corruption and cronyism, least of all because I have seen what it has done in this state when it has not been addressed. As I have said before, my 15 year old son will be 54 when he has finished paying for the cronyism and corruption that were allowed to happen under and facilitated by a Fianna Fáil Government. We were not prepared to let that happen. I commend Mr. McGuinness.

Senator Aidan Davitt: Money is still being wasted in the North.

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Senator Rose Conway-Walsh: That matter has to be sorted out and we took the only decision that was available to us.

I am heartened by the many good wishes I have received for Mr. McGuinness, both in this House and from all political persuasions, for his speedy recovery.

I want to address the distaste and disdain shown for hardline nationalism, which does a real disservice to the good work done in the North. The Minister for Foreign Affairs and Trade has played a role in that regard. Before Christmas, I met cross-party women's and youth groups on the issue of domestic violence, from both the Nationalist and loyalist sides. This shows the excellent work being done. That is not hardline nationalism. I was on the Short Strand in Belfast the other night where, again, the discussion was about housing and other issues, as well as the DUP's position, including its pro-Brexit stance, and extreme British nationalism. While good work is being done, I will not take lectures from a party that will not stand any candidate in the North or go there to work to ensure the peace process is upheld and everyone will prosper.

In case there is any doubt, discussions on the situation in the North take place regularly both on the Order of Business in the Seanad and during Leaders' Questions in the Dáil. My party leader, Deputy Gerry Adams, often uses Question Time to encourage and implore the Taoiseach and his Ministers to take a more active role in the North. That is done in a genuine manner because there are many in the North who look to the Irish Government to protect their rights and defend their interests. As a gesture to Irish citizens in the North, will the Minister show them that he truly understands the principle of equality by supporting the call for voting rights here for them? I have much more to say about this subject and have many concerns. I hope this will be the beginning of many sessions we will have in trying to work together to bring about special status for the North within the European Union. That is the way forward and what we need to do to prevent a hard Border being discussed.

An Leas-Chathaoirleach: I have no doubt that the Senator will have many more such opportunities.

Minister for Foreign Affairs and Trade (Deputy Charles Flanagan): I thank Senators for their contributions, guidance, advice and suggestions. I always very much value the opportunity to come to the Seanad. I agree with Senators that we should have a more frequent and intensified engagement, our respective schedules permitting. I will be happy to explore further opportunities in that regard.

All Members acknowledge that the Good Friday Agreement has secured peace on the island. The Agreement, endorsed by the people, North and South, in effect transformed relationships which had been a source of division, conflict, rancour and suffering for past generations. All parties to the Agreement have a solemn duty to ensure its full implementation, as a transformation and accord resoundingly endorsed by the people. As co-guarantor of the Agreement, the Government continues its unstinting work and application to achieve this end. I acknowledge that, with cross-party support, all Governments since 1998 have taken their obligations in that regard seriously. They have been committed to this solemn duty and obligation.

I particularly acknowledge the comments of Senators Frank Feighan, Frances Black, Gerard P. Craughwell and others on Brexit. The withdrawal of the United Kingdom from the European Union is a challenge. The Good Friday Agreement and the need for peace, stability and engagement are certainly at the heart of the Government's negotiating priorities. I acknowledge,

in particular, the remarks of Senator Gerard P. Craughwell. I am encouraged by what my EU ministerial colleagues continue to tell me about their acknowledgement, appreciation and understanding of the peace process on the island of Ireland, with particular reference to Northern Ireland, and the strains which will be imposed on the process by the withdrawal of the United Kingdom from the European Union. We will continue to engage at the highest level. I am encouraged by the deep understanding of the existence, as well as the terms and conditions, of the Good Friday Agreement and the importance of ensuring they will be fully adhered to in the negotiations. That is a point to which I will return.

Senator Neale Richmond is correct that one can never take peace and stability for granted. It is a work in progress. We need to ensure the process is nourished. I agree on the matter of those elements of the Good Friday Agreement and succeeding agreements which have not yet been fully implemented. It is worth recalling the status of some of them in detail.

The question of a Bill of Rights for Northern Ireland has been raised. The Good Friday Agreement provided for the Northern Ireland Human Rights Commission to consult and advise on defining rights to reflect the particular circumstances of Northern Ireland. In the ten-year period between 1999 and 2009 there were three processes of consultation, all engaged in with the strong support of the Government of the day. On each occasion, regrettably, there was insufficient consensus between the parties in Northern Ireland to proceed with codifying rights specific to Northern Ireland. At the Stormont House talks in 2014, on behalf of the Government, I supported a Bill of Rights for Northern Ireland, but, again, there appeared to be insufficient consensus. There was, however, a commitment by all parties to several important principles, including the promotion of a culture of tolerance, mutual respect and understanding. All parties need to continue to work to fully integrate this commitment in governance in Northern Ireland. A Bill of Rights, focused on the specific circumstances of Northern Ireland, given its history, could be a powerful symbol of a commitment to a better future for all.

The North-South consultative forum is another outstanding provision that has yet to be fully complied with or addressed. In 2008 the Government sent proposals for such a forum to the Executive, but there was no reply. Between 2009 and 2011 three consultative conferences were hosted in Dublin to support the establishment of such a forum. While the issue remains on the agenda of the North-South Ministerial Council, the Northern Ireland Executive has not been able to give its assent to the setting up of the forum. At the Stormont House talks in 2014 I made a further proposal to establish the forum, but the focus of the Executive parties appeared to be on other issues during those talks. There remains an undiminished obligation to implement the agreed commitment to a North-South consultative forum and the Government's commitment in that regard is undiminished.

Respect for linguistic diversity and the Irish language has rightly been raised as an issue central to the Good Friday Agreement. It can be seen as something of a litmus test for the issue of mutual respect. Both Governments reiterated their support in the Stormont House agreement. An Irish language Act in Northern Ireland, to be enacted by the British Government, was provided for in the St. Andrews Agreement of 2006. Successive Governments have advocated strongly in favour of it and the Government continues to do so. However, to date, there has been no agreement within the Executive to take forward what is now, in essence, a devolved matter.

Senator Niall Ó Donnghaile: The British Government stated last week that it had no commitment-----

26 January 2017

Deputy Charles Flanagan: The Government will continue-----

Senator Niall Ó Donnghaile: That is an important point.

Deputy Charles Flanagan: Again, I wish to make it perfectly clear to everyone that we will continue to support the Irish language on an all-island basis, including, as we already do, through providing financial support for the work of Foras na Gaeilge.

The St. Andrews Agreement also provided for a review to identify additional areas for North-South co-operation. Again, the Government supported a provision in the Stormont House agreement in that regard and the Taoiseach has raised the issue at successive plenary sessions of the North-South Ministerial Council. A number of new areas of North-South co-operation have been mooted, including, for example, higher education. However, taking new areas forward would require the approval not only of the Assembly but also of the Executive and it remains forthcoming. In review meetings with the Secretary of State, the First Minister and the deputy First Minister, I have raised the need to maintain political attention on realising each and every one of the outstanding commitments. I did so, most recently, just before Christmas. It is vital that there be more substantive discussions and progress on these outstanding commitments in the period ahead.

Reference was made to Lough Foyle. I do not agree with the British Government's position and said so as soon as the parliamentary question was replied to in the House of Commons. I also raised the issue directly with the Secretary of State for Northern Ireland, Mr. James Brokenshire, a short time after the parliamentary question was answered. I acknowledge that the issue needs to be resolved. For the sake of clarity, I wish to inform the House that there is a working committee on the issue which met just before the end of 2016. The committee continues to explore avenues towards a solution to this matter which is long outstanding, dating back as it does to the 17th century.

The institutions, principles and procedures of the Good Friday Agreement are the bedrock of the peace process. As co-guarantor of the Agreement, the Government continues to work relentlessly to support its implementation and that of subsequent agreements. The Government will continue to discharge its duty in that regard in order that the full promise and potential of the Good Friday Agreement and subsequent agreements are fully realised.

Senator Aidan Davitt: I know that we have run out of time, but I only asked one question regarding the appointment of a Minister for Brexit. Will the Minister give me a "Yes" or "No" response at least?

An Leas-Chathaoirleach: I am sorry, but the Minister has concluded.

Senator Aidan Davitt: I asked a direct question.

An Leas-Chathaoirleach: I am sure the Minister will be back in the House regularly to keep us updated.

Deputy Charles Flanagan: What I can say to the Senator is that there is a Cabinet committee dealing with this issue on the basis that each and every Department is in some way affected by the withdrawal of the United Kingdom from the European Union. That special Cabinet committee will be meeting again late this afternoon. Each Department has engaged in an impact assessment on the forthcoming withdrawal of the United Kingdom from the European Union.

That committee and the Irish negotiating position are being led by the Taoiseach, as a member of the European Council. In effect, the Taoiseach, working in conjunction with all Ministers affected, is in charge of our negotiating position on Brexit.

Senator Niall Ó Donnghaile: Given that it is not yet 3.30 p.m., perhaps the Minister might take another quick supplementary question.

An Leas-Chathaoirleach: I really cannot-----

Senator Niall Ó Donnghaile: As it is not quite 3.30 p.m., perhaps the Minister might indicate if he was willing-----

An Leas-Chathaoirleach: The Minister has been very generous with his time. I have no doubt that he will be back in the House soon to update us.

The Seanad adjourned at 3.25 p.m. until 2.30 p.m. on Tuesday, 31 January 2017.