



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Déardaoin, 13 Iúil 2017

Thursday, 13 July 2017

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

Business of Seanad

An Cathaoirleach: I have received notice from Senator Jennifer Murnane O'Connor that, on the motion for the Commencement of the House today, she proposes to raise the following matter:

The need for the Minister for Children and Youth Affairs to provide an update on the single affordable child care scheme.

I have also received notice from Senator Fintan Warfield of the following matter:

The need for the Minister for Education and Skills to outline his Department's policy on the teaching of the LGBT+ aspects of the social, personal and health education, SPHE, and relationships and sex education, RSE, curriculums in schools.

I have also received notice from Senator Colm Burke of the following matter:

The need for the Minister for Health to reform the assessment and reimbursement process which applies to orphan status medicines for patients with rare diseases in view of the fact that it is taking up to two years from the date of application to have the drugs approved under the drugs reimbursement scheme.

I have also received notice from Senator Maria Byrne of the following matter:

The need for the Minister for Health to give consideration to providing medical cards for people aged over 66 years who are caring for loved ones at home.

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

To ask the Minister for Finance and Public Expenditure and Reform, in the light of the report on the cost of motor insurance, to initiate a review of the increasingly high cost of insurance for the agriculture and business sectors to ensure insurance premiums will remain affordable.

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I have also received notice from Senator Trevor Ó Clochartaigh of the following matter:

The need for the Minister for Foreign Affairs and Trade to provide an update on the progress being made on plans to hold a referendum to allow Irish citizens living abroad the right to vote in Irish Presidential elections.

I have also received notice from Senator Mark Daly of the following matter:

The need for the Minister for Housing, Planning, Community and Local Government to provide an update on the ongoing situation in relation to local authority members' terms and conditions.

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

The need for the Minister for Housing, Planning, Community and Local Government to outline when the terms and conditions of councillors will be improved and if he intends to address the current situation where city councillors receive less remuneration than their county counterparts.

I regard the matters raised by Senators Jennifer Murnane O'Connor, Fintan Warfield, Colm Burke, Maria Byrne, Tim Lombard and Trevor Ó Clochartaigh as suitable for discussion. I have selected the matters raised by Senators Jennifer Murnane O'Connor, Fintan Warfield, Colm Burke and Maria Byrne and they will be taken now. Senators Tim Lombard and Trevor Ó Clochartaigh may give notice on another day of the matters they wish to raise.

I regret that I have had to rule out of order the matters raised by Senators Mark Daly and Robbie Gallagher on the grounds that they are a repeat of similar Commencement matters raised on 12 April.

Commencement Matters

Early Childhood Care and Education Funding

An Cathaoirleach: I welcome the Minister of State at the Department of Health, Deputy Catherine Byrne.

Minister of State at the Department of Health (Deputy Catherine Byrne): I apologise, but I will be talking all four Commencement matters.

An Cathaoirleach: In view of the fact that we are approaching the laethanta saoire, Members might be indulgent of the Minister of State today.

Senator Jennifer Murnane O'Connor: I am, however, a little disappointed, although I thank the Minister of State for taking this matter.

The capitalisation for the ECCE scheme needs to be significantly increased. The higher grant is €75 per week per child, but it still does not cover the cost of providing the service. Many services are facing closure as a result of the lack of funding. Parents have to send their child for three hours per day which is covered by the scheme. I understand that point, but the

rate of inflation, together with the significant increase in rates, are a burden. All businesses pay rates and have overheads such as ESB and other bills. As such, this is becoming a major issue for providers. Providers are subsidising the scheme because of the poor pay rates and working conditions. Recently the Minister stated the budget for the affordable child care scheme this year was €466 million, yet there is non-contract time, for which the provider is not paid. However, last week for the first time since the scheme was introduced a small contribution was made. The provider has to download, print, process the paperwork for the scheme on behalf of the Department. Providers are doing the Department's work, but they are also helping parents, for which they receive no funding. This adds another cost for providers. This is a serious issue which needs to be addressed.

The biggest issue is that the period of payment for the provider is for 38 weeks, The provider is not paid at Halloween, Christmas, during mid-term breaks and the Easter and summer holiday periods, which means that they must go to the Labour Exchange and sign on for the dole. Because of this, they cannot get a mortgage. A number of people who work in this area are coming to me because they are not eligible for a mortgage because they are lucky to be coming out on average with €10 to €10.50 an hour. That is not right. If a child is booked in for five days and, for some reason, is missing, let me give as an example a child who misses four Fridays in a row through no fault of his or her own or that of his or her parents. The money is taken back from the provider who is at the loss of the money for the days missed. Who is to blame when a child is not present? The answer is nobody. There is a need for balance, but it is not even looked at and the provider is punished where, through no fault of the service, a child is sick and the parent cannot leave him or her with the provider. These are issues that need to be addressed.

The information being given to providers and parents on the affordable child care scheme is constantly being changed, which is not good enough. As recently as yesterday morning, there was another change announced. There is a major issue with the PIP programme which provides the implementation platform in registering the names of the children and inputting their details, based on which the provider receives payment. More often than not, the system crashes. It crashes constantly. It does not calculate the payments correctly and then one has to follow up with the Department to try to sort it out. These are the main issues, which need to be addressed. I was disappointed that a review was never carried out before this new scheme was announced. That is unacceptable. We kept getting announcement after announcement, but no review. I believe this programme's implementation platform, PIP, is now being looked at to try to sort out the payments, but the Minister says it could take up to 12 months. When we have that kind of money, it is unacceptable that is not happening.

On the non-contract hours and paperwork that was increased, when the Minister originally announced this, it was going through the parents. The parents were going to get all the paperwork and then they could decide what providers to go to. It has gone back to the provider again, so now the provider is doing the paperwork. It was announced on the website during the week that 173,000 pages were visited by people looking at the website. Of these, two thirds of the queries came from Dublin.

An Leas-Chathaoirleach: The Senator has gone well over time.

Senator Jennifer Murnane O'Connor: It is unacceptable. Why is rural Ireland forgotten again? Why are we left out?

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An Leas-Chathaoirleach: The Senator has made her point. She has gone well over time.

Senator Jennifer Murnane O'Connor: Okay. I have more to say, but I appreciate the Minister of State coming in and ask that she reply to these very serious issues. I believe crèches will close if these issues are not sorted.

Deputy Catherine Byrne: I thank the Senator. Some of the issues she has raised do not relate to the question that was submitted, so I may not have the answers here, but I will comment on some afterwards.

On behalf of the Minister, Deputy Katherine Zappone, I am very pleased to provide an update on the measures which are being put in place to make child care more affordable for families from September. I will also outline the progress that has been made in developing the affordable childcare scheme, ACS. On 11 April, the Minister, Deputy Zappone, announced a range of measures, which will make child care more affordable for families from September. These measures include universal subsidies of up to €1,040 per annum per child, which will be available for all children aged between six and 36 months and targeted subsidies of up to €7,500 per annum per child, which will be delivered to families who need it most. It is these targeted subsidies that will open up opportunities for jobs, training and education for parents.

As a result of these measures, up to 70,000 children will benefit from child care support this September. This is the first big practical step to changing one of the most expensive child care systems in the world into one of the best. By addressing the affordability issue we will ease the burden on many parents for whom child care costs have become a second rent or mortgage. To ensure uptake by families and by child care providers, a public information campaign has been under way since mid-May. Contracting with child care providers is now under way and registration of children for all these subsidies will go live from 21 August.

Significant progress continues to be made on the development of the ACS. A project board, chaired by the Department of Children and Youth Affairs, meets every three weeks to oversee this development. Work on the drafting of legislation is currently in progress. It is anticipated that a draft Bill will be brought to Government by end of the third quarter, with a view to enactment in the autumn. The main development of the ACS project is now subject to the Office of the Government Chief Information Officer, OGCIO, peer review process. The peer review group, which was established in early May 2017, is currently reviewing the ACS business case. The next stage of this process is the request for tender, RFT, for the procurement of the ICT development. It is anticipated that the RFT will be presented to the peer review group by the end of the third quarter.

Other preparatory work includes the development of an ACS communications system, the development of a governance and compliance framework, the development of a data protection strategy and the finalisation of data sharing arrangements with the Office of the Revenue Commissioners and the Department of Social Protection. Major consideration is also being given for the phase when the ACS is developed, tested and ready for launch. With the above factors in mind, the project board has advised the Minister, Deputy Zappone, that it is not in a position at this point in time to guarantee a timeline for delivery of the ACS. The RFT stage of the peer review process represents to some extent the biggest milestone of the ICT development, and drives the beginning of the timeline for full project development. The Minister, Deputy Zappone, will revert with a specific delivery date as soon as possible. In the interim, the measures being introduced this September to make child care more affordable will ensure that children

and families benefit from the additional investment secured. I will come back to the Senator on the other matters.

Senator Jennifer Murnane O'Connor: I thank the Minister of State. We all know affordable child care is crucial for families. It is also important for the providers. I am disappointed, however. The fact the Minister, Deputy Zappone, did not do a review before she announced or launched anything, which is her second or third time doing so, does not seem right. There is €466 million and it is crucial that the families and children benefit, but also that the providers get their share as well. It is important for everybody to work together to make sure families get the best results from this.

Deputy Catherine Byrne: The Senator raised other issues which were not mentioned in the matter submitted but I have taken note of them, in particular the question about the system. I will raise the matter of the review of child care to the Minister's office straight away when I leave here. There is, as the Senator said, a substantial amount of funding being put in place over the next number of years for child care. We all know how important child care is for many young people, in particular where both partners need to work, and how important it is to have proper child care facilities in place. The contributions made by other agencies and, in particular, the Minister, Deputy Zappone's Department are an assurance that the Government is very serious about making child care a huge priority into the future and that is why so much money has been identified over the next couple of years. I will come back to the Senator on those questions.

School Curriculum

Senator Fintan Warfield: I thank the Minister of State for coming to the House to address a vital issue that affects the formative years of many LGBTQI students and young people across this State. Last week, a report from the University of Limerick's school of sociology entitled, Exploring Homophobia and Transphobia in Primary Schools in Ireland, was published, further highlighting the issue of derogation of LGBTQI aspects of the relationships and sexuality education in social, personal and health education, SPHE, curricula by ethos-based schools. As the Minister of State is aware, the Education Act 1998 states that an ethos-based school can derogate from certain aspects of curricula in order to uphold the characteristic spirit of the school. In practical terms, this means that many pupils across the State are not taught and informed how to have safe sex, the boundaries of consent, relevant health information or how to have healthy relationships because of their sexuality or gender identity. This serves to cement the stigma and isolation that a young person feels during his or her formative years, when his or her sexuality or gender identity is not perceived as a norm, or moral as dictated to him or her by the ethos of a school.

The LGBTIreland report finds that most LGBTQI young people discover their sexual orientation or gender identity for themselves at an average age of 12 years. Many of the same young people who may have their first sexual experience before leaving secondary school are forced to attempt to piece together an informed, but potentially distorted, view of relationships and sexuality from heteronormative teachings in the hope of staying safe. Many relationship, sexuality education and SPHE teachers are on the record identifying their fear of the narrow confines of the syllabus and how best to deliver it.

I want to talk briefly about organisations like ShoutOut, BeLonG To and commend all or-

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ganisations which support our young people. I want to point out that not all ethos-based schools confine their relationships and sexuality education, RSE, models to heterosexuality and that many work hard to ensure that their pupils are informed in an inclusive and equal setting. I also want to remark on the great work done by ShoutOut and BeLonG To in providing informative workshops and compiling teaching resources to aid schools in informing their students on these issues. I welcome the fact the Department has been proactive on the baptism barrier. While I may disagree on logistics, the steps taken will help secular families to access education. Similar steps must be taken to ensure that no child is denied informative health and welfare-based education. Are the Department and the Minister with responsibility open to a legislative remedy for this issue?

Deputy Catherine Byrne: I thank Senator Warfield for his remarks. I am taking this matter on behalf of the Minister for Education and Skills, who cannot be here this morning. I thank the Senator for providing this opportunity to outline to the House the position on the teaching of the LGBT+ aspects of the social, personal and health education, SPHE, and the relationships and sexuality education, RSE, curriculums in schools. As the Senator is aware, A Programme for a Partnership Government, which was agreed in 2016, included the following commitment, “We will develop an LGBT Youth Strategy that will encompass education, youth services, mental health and other issues.”

The Minister for Children and Youth Affairs has established an oversight committee to develop proposals for such a strategy. The oversight committee has an independent chair, the journalist Una Mullally. The Department of Education and Skills is among the Departments and agencies represented on the oversight committee. Civil society and relevant stakeholders are also represented on the committee. I understand the oversight committee has held a number of meetings. It has also conducted a series of public consultation events and last month held a more focused stakeholder consultation in Farnleigh House.

The LGBT youth strategy will come under the overall policy framework of Better Outcomes, Brighter Futures, the Government’s national policy framework for children and young people. As the Senator no doubt knows, Better Outcomes, Brighter Futures identifies the achievement of full potential in all areas of learning and development as a key outcome under the framework. This outcome will also be an important strand of any recommendation arising from the work of the oversight committee on the LGBTI+ youth strategy.

Better Outcomes, Brighter Futures recognises the centrality of education and learning in the lives of children and young people. However, it also recognises that learning extends beyond formal schooling and encompasses the range of experiences and learning processes that enable children and young people to develop. A key element of the work in schools on working with LGBTI+ students arises from the national action plan on bullying. The Programme for Government 2011-2016 included a commitment “to encourage schools to develop anti-bullying policies and in particular, strategies to combat homophobic bullying to support students”.

In May 2012, the Minister for Education and Skills and the Minister for Children and Youth Affairs jointly hosted a forum to explore ways to tackle the problem of bullying, including identity-based bullying, such as homophobic bullying and racist bullying, in schools. Following this, the Minister for Education and Skills established a working group on tackling bullying in schools. The working group included representatives from relevant Departments and agencies, along with representatives of civil society. It produced the action plan on bullying, which was launched in January 2013. The actions contained in the action plan focus on supporting

schools, education and training, research and awareness raising, with the aim of ensuring that all forms of bullying are addressed.

Implementation of the action plan is ongoing, and as part of the implementation of the recommendations included in the action plan, national anti-bullying procedures for all schools were published in September 2013. These procedures require that the prevention of bullying must be an integral part of a school's anti-bullying policy. The education and prevention strategies that the school will implement must be documented in the anti-bullying policy and must explicitly deal with the issue of identity-based bullying including, in particular, homophobic and transphobic bullying.

The Department of Education and Skills supports anti-bullying initiatives aimed at young people, such as the Stand Up! campaign against homophobic and transphobic bullying, organised by BeLonG To, the national youth service for lesbian, gay, bisexual and transgender young people in Ireland. Last November, the Minister for Education and Skills launched Stand Up! 2016, and a number of post-primary schools across the country participated in the campaign for the week.

Senator Fintan Warfield: The action plan on bullying, the LGBT youth strategy, and Better Outcomes, Better Future are welcome initiatives, but as long as an ethos-based school can choose aspects of its curriculum to uphold the characteristic spirit of that school we are in real trouble. This morning I lay in bed scrolling Twitter while trying to wake up, and there was a tweet from someone called Harrison Guy, who has just married his partner, Adrian Homer. When I read his tweet the penny dropped. He said that at 13 he realised he was gay and told himself he probably would never know love, but he was happy to say today that he was wrong as he married his partner. When LGBT young people realise we are LGBT we often spend five to ten years in the closet. After I realised I was gay I spent a period during which I told myself I would never love a partner, and today I am still trying to undo that erosive period. Schools, our homes and our communities are the places where we can change this, and the State has a direct responsibility for the lives of young people and their development and education. Speak to any member of the LGBTQI community and they will reiterate what I am saying. I was left out of something that I needed more than most. I am still struggling to negotiate intimacy and communicate love. LGBT young people deserve better and at present we are letting them down.

Deputy Catherine Byrne: The Senator has spoken on a personal basis about what it is to be different from other people, or to identify as different from other people. My thoughts on it are very clear. Anybody who lives in a country and any child who goes to school has the right to be educated on all sexual relationships, no matter what relationship that is. We are living in a very different country from that in which lived in the past. Not too long ago, we passed a referendum on gay marriage. It was a real opportunity to state this country has changed immensely over the past ten years.

Nobody who goes to primary school, secondary school or college should be discriminated against because of his or her sexuality, never mind the colour of his or her skin or the language he or she speaks. We live in a very different world. When young people feel they cannot openly speak about their sexuality in school and speak about who they are through their families, communities and, above all, through the education system will be a sorry day for us all. I have visited many schools, and teachers and principals have done a wonderful job in all the SPHE programmes, such as Walk Tall, to identify young people who may have, as the Senator said, come out of the closet. We are changing. Perhaps we do not have all our ducks in a row, but it

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is incumbent on us all, in particular the education system, to ensure no person is discriminated against because of his or her sexuality. Things are changing rapidly and we must continue this. I thank the Senator for raising this very important issue.

Drugs Payment Scheme Coverage

Senator Colm Burke: I thank the Minister of State for coming to the House and agreeing to respond to the issue I raised on orphan drugs. Yesterday, the health committee heard presentations from the HSE and the body which approves drugs under the reimbursement scheme. There were also presentations from other organisations which expressed their concerns about delays.

Orphan drugs are drugs for small groups of people who have rare diseases. The Minister of State was on the health committee with me and knows that there are over 6,000 rare diseases. There could be 20 or 25 people with a particular rare disease and the medication they require is what we mean by orphan drugs. Directly or indirectly, there are around 375,000 people affected because their child or relative has a rare disease so orphan drugs is a big issue.

Several organisations here have raised the delay in processing applications for drugs for approval under the reimbursement scheme. Some 148 different orphan medicines have been approved at European level. In Ireland, only 53 have received approval under the *11 o'clock* drugs reimbursement scheme. In England it is 68, it is 75 in Spain, 84 in Italy, 116 in France and 133 of the 148 have been approved for reimbursement in Germany. Those are big countries and so the market is quite big, so something that might affect 2,000 people in Germany might only affect 20 people in Ireland, so we are not in the same bargaining position.

I fully accept that all the processes in the HSE and the Department are complicated because we are dealing with pharmaceutical companies, which are a powerful lobby group in their own way, but the result is that people who need medication are left sitting there. The average timescale from the date of application for one of these orphan drugs to it becoming available under the reimbursement scheme is 23.6 months. That figure was worked out for me by the pharmaceutical companies.

I am asking the Minister that we could look at the mechanism for this assessment and that we try to put in place a procedure which can fast track it and deal with it in a far more efficient manner. I am not criticising anyone involved in this and I know it is a complicated area, made more complicated again by the number of people doing the assessment and the people who are producing the drugs. For instance, yesterday the health committee was told that there was one drug which, if given approval, will cost €1 million per annum per patient. That is the kind of money we are talking about at the higher end, but there are also many drugs at the lower end. We need to try to improve the processing mechanism and that is why I raise this matter.

Deputy Catherine Byrne: I will be taking this matter on behalf of Minister, Deputy Harris.

The issue of orphan medicines, with very small patient populations, and the price barriers for health systems in supplying them to patients, is worldwide. Orphan product manufacturers have exclusive patents and are monopoly suppliers. They can, and frequently do, seek extraordinary prices for these products.

The HSE seeks, where possible, to give patients early access to new treatments. However, it must work within the budget provided by the Oireachtas. The prices manufacturers seek for new and orphan medicines make this extremely challenging.

In the statutory reimbursement process, supported by the 2016 framework agreement with the industry, the HSE makes decisions on objective scientific and economic grounds. Criteria include the population's health needs, the product's cost and clinical effectiveness, opportunity costs, the budget impact and available resources.

HSE decisions are supported by health technology assessments, HTAs, which systematically assess whether a drug is a cost-effective health intervention. Currently, most new medicines, including orphan products, undergo HTAs. However, not all applications have sufficient information for assessment and this must be sought. In addition, as HTAs frequently cannot demonstrate value for money for items at the price sought, lengthy price negotiations may be needed. These factors contribute significantly to the length of the approval process. Put simply, some manufacturers, as monopoly suppliers, use markets like Ireland to set very high prices which may not reflect the drugs' effectiveness and are unsustainable for our health service.

Under the 2016 agreement for very expensive treatments, especially where the price does not reflect therapeutic value, the HSE may negotiate price and supply conditions. As seen with some high profile drugs, reaching a sustainable pricing structure can be a long process.

Where the HSE decides to reimburse a medicine but considers it cannot do so from existing resources, it may inform the Department of Health. The Minister may, if deemed appropriate, bring a memorandum to Government on the funding implications. However, the price should still reflect value for treatment.

Since July 2016, when the agreement was introduced, the HSE has referred ten treatments, including Orkambi or Kalydeco, which it decided to reimburse in May. There are currently nine products under consideration, with a five-year cost of €120 million, of which eight were referred since May. The Minister, Deputy Harris, expects that the process will be completed shortly for these items.

It is right to exercise diligence when considering such huge commitments. With the sums involved and the competing demands across the health service, every effort should be made to secure the best outcome for the health service and the taxpayer. This includes seeking realistic and sustainable pricing and supply models for new treatments.

I am pleased to inform Senators that, as well as pursuing better pricing within our system, Ireland has this year begun working with other member states, through Beneluxa and the Valletta Declaration, to explore ways to share expertise and resources, so we can all gain access to new treatments in realistic time frames and at fair prices.

I have read the report of yesterday's health committee meeting and will report back to the Minister later today.

Senator Colm Burke: I accept the Minister of State's response. The drugs which are going for approval have already gone through the whole scientific process. First, there is no doubt that the drugs have been approved and would be of benefit. Second, there is the mechanism that comes into play thereafter. I accept where the HSE is coming from, that if a particular price is required for a drug then that influences its cost effectiveness. Nevertheless, if, for instance, a

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drug costs €50,000 for a patient, when assessing whether the drug is cost effective, we should look at how many weeks of the year that patient will be hospitalised. All those issues must be taken into account and I am not clear if they are. If a patient can be given a drug that means he or she will spend less time in the care of a hospital, there is a saving for the State. All those issues need to be considered.

Finally, we are looking to work with smaller countries. Would we be far better off working with a country such as Germany which has a far bigger population? If we could tie in with them to agree prices we might come out far better. I am not clear on it but it is something we should look at as well.

Deputy Catherine Byrne: I agree with Senator Colm Burke that if somebody can have medication that will keep him or her out of hospital and be less of a cost to the State, that needs to be looked at as well.

As I stated in the reply, there are currently nine products under consideration, with a five year cost of €120 million, of which eight were referred since May. The Minister, Deputy Harris, expects that the process will be completed shortly for these items.

I will stress to the Minister when I see him later that the five, as the Senator stated, particularly the ones ready to go, have gone through all the tests and should be brought into the system as soon as possible and help those people who are waiting. I will raise that issue specifically with him, but I will also raise the Senator's point that people getting medication would help them stay out of hospital and in the long run be less of a cost on the State.

Medical Card Eligibility

Senator Maria Byrne: I welcome the Minister of State, Deputy Catherine Byrne, to the House and thank her for taking this matter.

Recently I met a man who is in his 80s and he is caring for his wife at home. She is able to avail of a medical card. She has multiple medical issues and a number of carers come to the house on a daily basis. In terms of his own application for a medical card, they are over the limit as a couple. However, what is not taken into account is the fact that he has to run the heating 24-7 and there are many things that he pays for. His wife is entitled to carers for so many hours in the week but he himself pays for extra carers out of his own money. I have come across a number of couples in the same situation. I note the amount of money that he is saving the State by caring for his wife at home. She is in her late 70s. She rarely goes to the nursing home. She receives all her care and attention at home. A medical team comes regularly to her. This man, by making the choice to look after his wife at home, is saving the State a great deal of money.

However, the man himself is, unjustly, being disenfranchised by not being able to avail of a medical card. He has so many outgoings that at the end of every week a lot of the money that he receives is gone out in payments. I have come across a number of couples who have been in a similar situation. When people, especially those over the age of 66, and even into their 70s and 80s, are caring for loved ones at home, it is not taken into account that they have outgoings, nor is the time that they have to give taken into account. The day I met this gentleman he was coming back from a walk with his dog. He was able to go out for the walk with the dog because two of the carers were there at the time. Other than when they are there he does not move outside

the door. He has had to give up his golf. He has had to give up his social life because he is at home with his wife 24-7. Consideration should be given that if a person is caring for somebody at home, he or she should equally be able to avail of the use of a medical card.

Deputy Catherine Byrne: I apologise for the Minister, Deputy Harris, who could not be here.

I commend those carers who are over 66 years of age and, indeed, all carers who are caring for loved ones at home. This 24-7 duty of care is one that faces many families throughout the country and I understand the difficulties carers face financially, physically and emotionally, particularly for those who are older carers.

There is no doubt that carers make a significant contribution to the lives of those they care for. Their tireless and selfless work enables their loved ones to continue to live independently in their own homes and within their own communities.

As the Senator will be aware, under the provisions of the Health Act 1970, as amended, assessment for a medical card is determined by reference to financial means, including the income and expenditure of the applicant and his or her partner or dependants. The current income thresholds for persons aged 66 to 69 are those which apply under the general medical card scheme, which is a net weekly income of under €201.50 for a single person, or €298 for a couple. It is important to note, however, that there is a separate scheme for the assessment of persons aged 70 years and over. The income threshold for this cohort of people is under €500 for a single person or under €900 for a couple.

Carers should, therefore, apply for a medical card to the HSE and provide all supporting documentation for a full assessment to be made. In certain circumstances, the HSE may exercise discretion and grant a medical card, even though an applicant exceeds his or her income threshold, where he or she faces difficult financial circumstances. If a carer over the age of 66 years is the sole carer for his or her loved one at home, the carer might be enduring extra expenses, such as medical or social expenses. They should include all such information in their application.

There are no current plans to extend the provision of a medical card to carers over the age of 66 years who are caring for loved ones at home. The eligibility requirement for a medical card for this group will remain as a means test. The Senator might recall that the report of the expert group on medical need for medical card eligibility in 2014 recommended that a person's means should remain the main qualifier for a medical card.

There are a number of other supports also available to carers. Carers over 70 years of age are automatically entitled to a GP visit card and this is not subject to a financial means test. Additionally, carers who are aged over 66 years may be entitled to the carer's allowance. This weekly payment by the Department of Social Protection is made to those on low incomes who are looking after a person who needs support because of age, disability or illness. Carer's allowance is not taken into account during the application for a medical card.

I hope the information provided regarding the medical card options for carers is of assistance and will assist them in their application for a medical card.

Senator Maria Byrne: I thank the Minister of State and I appreciate her response. In this case, the man applied and made the case of what he was providing at home but, unfortunately,

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he was refused. I will now go back to him to encourage him to reapply. Consideration needs to be given to the fact that persons in their later years are looking after their loved ones. I understand that there is a bit of leeway there and I will be encouraging him to apply again.

Deputy Catherine Byrne: I have great sympathy for the issue Senator Byrne has raised. I know what it was like when my two brothers looked after my Mam, who had dementia and other ailments, before she passed away. It is unconditional love - that is the only way of putting it. They were not paid for their services but they did it because she was their mother and they were able to have her at home and give her as much independence as possible.

It is difficult when older people are in the position where they have to look after their loved ones, and choose to look after them as well, which is very important to them. As the Senator stated, it does, in many ways, save the State a lot of money. I will relay back the Senator's request and the concerns that she raised, particularly when older people are looking after their loved ones as well, that maybe there should be some kind of criteria provided for them as well.

On the particular case raised, perhaps I missed a note but I want to ask the Senator did she say they already had a carer but it was not the person who was caring for the lady?

Senator Maria Byrne: They have carers but they themselves provide extra carers as well.

Sitting suspended at 11.20 a.m. and resumed at 11.30 a.m.

Order of Business

Senator Jerry Buttimer: The Order of Business is No. 1, motion regarding the sitting of the House on Tuesday, 18 July 2017, to be taken on the conclusion of the Order of Business, without debate; No. 2, the discharge of the order for Report Stage of the Recognition of Irish Sign Language for the Deaf Community Bill 2016, to be taken on the conclusion of No. 1, without debate; No. 2a, Ministers and Secretaries (Amendment) Bill 2017 - All Stages, with Second Stage to be taken at 12.45 p.m. and to conclude not later than 2 p.m., with the contributions of group spokespersons not to exceed six minutes each, those of all other Senators not to exceed four minutes each and the Minister to be given four minutes to reply, with Committee and Remaining Stages to be taken immediately thereafter; No. 3, Criminal Justice (Victims of Crime) Bill 2016 – Second Stage, to be taken at 2 p.m. and to be adjourned not later than 4 p.m., if not previously concluded, with the contributions of group spokespersons not to exceed eight minutes each and those of all other Senators not to exceed five minutes; and No. 4, statements on Naval Service deployment in the Mediterranean, to be taken at 4 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.

Senator Mark Daly: We want to support the motion in regard to the Recognition of Irish Sign Language for the Deaf Community Bill 2016. We had a very positive engagement with the Minister and the Department yesterday over five hours. I thank Senators for their support on this issue.

In regard to the summer economic statement, while I know we are having discussions on it, I want to touch on the issue of capital expenditure and infrastructure. We are all aware that the budget will be predicated on Fianna Fáil's confidence and supply agreement. While there has

been a lot of kite flying about tax cuts, we have been quite clear on the issue of tax cuts that, for whatever tax cuts there are, there must be twice as much investment in the economy and in services. Wherever the Government seeks to find those tax cuts in terms of the USC, if there is to be a tax cut, it should be only for low and middle income earners, not for those at the top.

With regard to investment in broadband, housing, roads and critical infrastructure in our hospitals, the Government is lacking ambition, especially when it comes to the issue of public private partnerships and the 10% rule, which it has not sought to change. If we changed that rule and sought to pursue the issue of public private partnerships, we could draw down funding from the European Investment Bank. We could also look at re-investing in the domestic economy the €6.3 billion the Ireland Strategic Investment Fund currently has invested around the world. However, we need to change our focus and emphasis in regard to public private partnerships. We cannot let the issue languish and be predicated on the current 10% rule. We need to pursue this because our infrastructure, such as roads and in particular broadband, is absolutely dependent on further investment.

We see that the fiscal space is not going to be large and, depending on who is doing the numbers and what the Government intends to do in regard to tax cuts, it will be about €300 million. We have to ensure we have investment in our economy. I ask the Leader to outline whether the Government is looking to change the 10% rule and to make sure there are more public private partnerships, which have worked well in regard to many other infrastructure projects in the country in recent years.

Senator Rónán Mullen: There was a debate on public broadcasting in this House some weeks ago and, because of my involvement in other business, I was unable to take part in it. A subject that has not been well covered in these Houses and which needs some attention is the question of diversity within our public broadcaster. One of the most striking aspects of Irish television news programming currently is the absence, or near absence, of presenters, correspondents or reporters from ethnic or minority backgrounds. I am open to correction but from my observation of prime time news bulletins on RTE, TG4 and TV3, there are pretty much no non-national Irish journalists on screen. There may well be journalists of particular ethnic origin working in the respective newsrooms but none appears to have on-camera roles. By comparison, and allowing for the difference in scale or news operation, Channel 4 and Sky News have a large number of visible ethnic-origin journalists. I would like the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, to outline what measures his Department is taking to ensure there is on-screen diversity for all licence payers who consume television news. I paid my television licence recently and, as I was doing so, wondered if I ought. I do not know if there is much support for the recent suggestion of the new director general of RTE, Ms Dee Forbes, that a doubling of the licence fee would be appropriate. She thinks what we are getting is incredible value for money. Most people would think that a rather incredible suggestion. RTE needs to earn the trust of the public. One area in which it could do so is diversity. Earlier this year, RTE advertised for a company to design and deliver diversity and inclusion awareness training to its staff and management. In February, the Minister for Communications, Climate Action and Environment, Deputy Naughten, launched the Broadcasting Association of Ireland, BAI, strategy statement which said that the BAI wants to facilitate a mix of voices, opinions and sources of news and current affairs in audiovisual media. However, strategies are redundant unless demonstrable action is taken to ensure that presentation on news programmes on Irish television is truly representative.

Deputy Eamon Ryan of the Green Party caused a considerable stir recently when he brought

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a bag of recyclables into the Dáil. He was making the laudable point that despite all the discussion of recycling, there is still a huge amount of wastage. The Green Party is to be commended on its efforts in terms of proposing deposits on plastic bottles and the outlawing of certain types of coffee cups and so on but there needs to be a discussion about what happens to the items we recycle. How much of the plastics and Tetra Paks and so on is going into landfills and how much is being recycled? There is a public policy problem if the public senses that it is being told to wash out the milk carton but the carton will end up in the same place as ordinary rubbish. That produces disrespect and cynicism about the whole area of environmental awareness and recycling. We need to know what is happening. A related issue is the labelling of goods. It is not always clear how to dispose of the wrapper of a person's convenience food or spaghetti bolognese for his or her much-delayed dinner. There needs to be a far greater level of public awareness and also far more levelling with the public about what is happening. I would welcome a debate on that issue as soon as possible, though not necessarily before the summer recess.

An Cathaoirleach: I agree that debate is unlikely to take place before the recess. The Leader will respond to the Senator in that regard. I call on Senator Ó Clochartaigh.

Senator Trevor Ó Clochartaigh: Tá mé ag ardú ceist ar maidin a ardaíodh sna meáin ag an deireadh seachtaine maidir leis na cuotaí iascaireachta atá á roinnt amach, go háirid an cuóta ronnach. There were reports at the weekend regarding the allocation of the mackerel quota. Several spokespersons from various organisations involved in the fishing and processing industry have aired concerns that a legal challenge may be brought against the Minister for Agriculture, Food and the Marine, Deputy Creed, if he intends reviewing the mackerel quota for it to be allocated in a different manner to the current situation, which is that 87% of the quota is hived off to 23 fishing ships in the north west of the country. The bigger issue is that the Minister must stay independent in his decision making and that the processing industry and the jobs it provides and the fishing fleet, particularly in the west and south west, are very dependent on this quota. For a very long time we have been calling for a more equitable redistribution of the quota. It is unacceptable that threats of this type are being made before the Minister makes a decision. I call on him to stand firm and to make the right and equitable decision in regard to the quota.

The bigger picture is that a review of the Common Fisheries Policy is needed. Is Ireland getting its fair share of the overall fishing grounds and the available stock of fish in European waters? By reference to many of the available figures, it is not. There are huge implications to the British Government pulling out of the London Fisheries Convention and Brexit will have further massive implications for the fisheries quota. The Minister should come to the House to give Members a clear picture of what the Government's stance will be in those negotiations, particularly in terms of Brexit, and why the Government is not willing to engage in a re-negotiation of the Common Fisheries Policy. The scale of Ireland's fishing grounds compared to the minuscule quotas for different species that have the result of pitching different fishing organisations in the country against each other is totally and utterly unacceptable. There needs to be a review of the Common Fisheries Policy.

I note that the OECD review of the Government's second public service reform programme says that outsourced initiatives, including JobPath, are questionable and have not emerged as systemically-viable options for public service provision. Many Members have heard in their constituencies of huge issues in regard to the JobPath programme and that it is not progressing people to employment. Several weeks ago, I raised the issue of a 62-year-old woman who

was asked to make a 90 km round trip to attend an appointment with JobPath and there was no public transport available for that journey. Thankfully, she got a letter to say that she would no longer need to apply but her sister got a letter saying that she would have to go to a JobPath interview. That shows how ridiculous the situation is, that JobPath must be addressed because it is not working and that the outsourcing to private for-profit companies of such job activation schemes is not the best way to go. I call for a debate on both JobPath and the OECD review and also the renegotiation of the Common Fisheries Policy.

Senator Aodhán Ó Ríordáin: I wish to raise an issue of concern to many people across Dublin in relation to schools selling off their lands and the resultant impact on local communities. I understand from this morning's newspaper and a conversation I had with Councillor Deirdre Kingston of Dún Laoghaire-Rathdown County Council that Clonkeen College, a Christian Brothers school, has sold its land. This is of huge disappointment to the local community because there has been significant State investment in the school, including an upgrade of the playing pitches that are now to be lost to the local community as a result of the school's decision to sell. Two schools in my constituency have made similar decisions. St. Paul's College, Raheny, was given land by Dublin City Council in the 1950s on the understanding that it be kept for recreational use but that land was sold to a developer several years ago, and St. Mary's Holy Faith, Killester, is currently selling its lands. It is disappointing that the Minister for Education and Skills, Deputy Bruton, is taking a hands-off approach to this issue. Even though the State has invested money in these schools and had a relationship with them, he does not seem to have any interest in getting involved or commenting on the fact that local communities are losing facilities in the schools. I ask the Leader to invite the Minister to the House when he is available and it is appropriate in order for the issue to be discussed because if there are two schools in my constituency and one school in Councillor Deirdre Kingston's constituency in which this has happened in a very short period of time, I am quite sure that every area of the country will have a similar problem in the months and years to come. I would appreciate if the Leader could facilitate that debate.

On a lighter note, I wish two journalists from TV3 the very best in their retirement. To hear that Vincent Browne is to retire from his role as the presenter of "Tonight with Vincent Browne" is a little like hearing of the retirement of a teacher who used to give one detention all the time. There is the same emotion that he is moving on and a guarded regard for the fact that even though there were battles, one will be sad to see him go. I also want to acknowledge Ursula Halligan, who has announced that she is to leave TV3. My greatest memory of Ursula was not necessarily a journalistic one, although I do remember she forced Deputy Enda Kenny to trip over a flower pot while asking him how strongly he felt about the marriage equality issue. I also remember an incredible article she wrote that was published in *The Irish Times*. I vividly remember sitting outside a gym at around 7 a.m., reading online her article about her life, sexuality and journey to the realisation of who she was and openly weeping, touching my face and feeling tears coming down my cheeks as I read her words. It was a very powerful statement and she stepped outside the journalistic sphere for that referendum. What she did that week touched the hearts of a huge number of people in Ireland. I wish to acknowledge that she has moved on from her position in TV3 and wish her all the best for the future.

Senator James Reilly: I want to raise an issue which has been brought to my attention by a number of councillors, including Councillor Tom O'Leary in Fingal. The issue is that of the deprivation index, the manner in which it is put together and the assessments which flow from it in terms of the needs of communities. This is very important because it impacts on funding for

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a range of areas, including Foróige, drugs task forces and the social inclusion and community activation programme, SICAP, which is another social inclusion initiative.

The problem is that one of the main criteria used to assess this index is housing, social housing and the number of people who are in social housing rented to them by the local authority. As we know, as a result of the recent homelessness problems, the economic crash and the lack of new houses being built, local authorities in many areas are being forced to rent houses and become involved in other schemes such as the rental accommodation scheme, RAS, and the housing assistance payment, HAP, scheme. There are also long-term and short-term lettings. None of these are included in calculating the index which, of course, skews the figures considerably. If one takes a town like Balbriggan, which has approximately 25,000 people including 7,000 children, the services available to that community may be negatively impacted by the manner in which the deprivation index is currently put together.

I will be calling on the relevant Minister, although I have not yet been able to figure out which Minister that might be. I will inform the Leader which Department is responsible for this matter afterwards. I know that Pobal is involved but Pobal works with several different Departments. I will be calling on the Minister to correct this issue because it is disadvantaging communities around our country. As I have said, the example which springs to my mind straight away is the town of Balbriggan. Not only does Fingal have the youngest population in the State, but Balbriggan has the youngest population of any town in the State.

We need to give our children the best chance in life. We want to ensure a fair distribution of resources to disadvantaged communities so that we can give all our citizens the best opportunities. I call on the Leader to invite the relevant Minister to the House to address this matter. Perhaps as a result of raising the issue here today it will come to the attention of Pobal, which may pre-empt the relevant Minister and have the matter resolved by the autumn.

Senator Terry Leyden: In light of the excellent report prepared by the Seanad Special Select Committee on the Withdrawal of the United Kingdom from the European Union over the course of 50 meetings, it would be worthwhile for the Seanad to follow up with meetings with the House of Commons, the House of Lords, and the Northern Ireland Assembly, which I hope will be established at that stage. These meetings could help both Parliaments develop a joint approach. The two Houses of Parliament and the Assembly could meet jointly with the Seanad, whether in Armagh or some other location, to discuss the effects of Brexit, because it is a very important issue. I ask the Leader to request that the Minister for Foreign Affairs and Trade with special responsibility for Brexit negotiations, Deputy Simon Coveney, come here early in the autumn to update the Seanad in respect of the negotiations between Michel Barnier and David Davis, the Member of Parliament representing the British Government in the negotiations.

One would have to be concerned that the British Government is introducing what is being described as a great reform Bill to the House of Commons before the negotiations are completed. The negotiations are just under way and bringing forward the Bill in advance of an exit is pre-empting the discussions. If anyone had any doubt that the exit will happen, when this reform Bill is passed there will be no going back. In the meantime, the United Kingdom is benefitting from the European Union agreement with Japan, from the EU-Canada comprehensive economic and trade agreement, CETA, and from the EU's relationship with the United States even though it is arranging bilateral meetings with Donald Trump and so on. It is all somewhat confusing.

I am delighted that the Minister, Deputy Coveney, has been given this special responsibility and is being supported by the Minister of State, Deputy Helen McEntee, who was here yesterday. From our point of view I would suggest he establish a centre in Ireland dedicated to the Brexit situation, especially in light of the threats to €1.2 billion a week in trade and the 500 km open border. People would know that there was a dedicated team of high-powered civil servants. I feel that former taoisigh like Enda Kenny, John Bruton, Brian Cowen and Bertie Ahern would be supportive. They would be the four horsemen of the apocalypse. They would work with the Government in order to support it. There would be very qualified envoys involved.

The new Taoiseach, Deputy Leo Varadkar, should go on a tour of the capitals over the summer months to acquaint other leaders of the situation. I have just returned from a meeting of the Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union, COSAC, in Estonia and Brexit was not really on the agenda. It was not of great concern to Estonia and other countries throughout Europe. We have to keep focusing on the issue and I put the focus on it at the meeting. I said that it must be discussed at the November COSAC meeting in Tallinn. If people representing Ireland were not at all these meetings Brexit would play second fiddle to all other issues.

I commend the Seanad committee, including Neale Richmond, the Chairman, and all the Members who participated. It is an excellent report and is worth selling. I propose that the document be circulated to all parliaments and European committees. It is not a big effort but it should be sent to each committee and to the parliaments of each of the 26 countries.

Senator Paul Gavan: I also wish to raise the issue of Brexit but before I do so I want to endorse Senator Reilly's comments. I believe we would all agree with his points in respect of that deprivation index.

The EU Brexit negotiator, Guy Verhofstadt, MEP, made a very positive suggestion yesterday. He was addressing a parliamentary committee which was looking at how to redistribute Britain's seats in the European Parliament. He suggested that those with Irish passports living in the North of Ireland should have the right to vote in European elections across the Border. He said it could be done by increasing the number of European Parliamentary seats in the Republic of Ireland. It should be the case that all of us in the Chamber would support the rights of our fellow citizens in the North to continue to have representation in the European Parliament.

Senator David Norris: Hear, hear.

Senator Terry Leyden: Yes.

Senator Paul Gavan: As such, it was very concerning when the chairperson of the committee, Danuta Hübner, MEP, said that what Mr. Verhofstadt was saying was amazing, because the Republic of Ireland is against the idea of giving the right to vote to nationals in "third countries". We have a problem here. To be clear, I hope that the chair of that committee is mistaken. I expect that our Minister for Foreign Affairs and Trade would be very supportive of the idea of ensuring representation in the European Parliament for our citizens in the North. It is very important that we have clarity on that before we go into recess for the summer because we know that there is an open door from the EU Brexit negotiator to this idea and that the committee would be open to the idea. The committee, however, is under the impression that the Irish Government would not support it. It is very important that we hear from the Minister for Foreign Affairs and Trade. In fairness, I expect he will endorse the idea and I expect that we will have

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all-party consensus around the idea. It is very important that we do not let ourselves slip into recess without clarity on that very important issue.

Senator Michelle Mulherin: I call for a change in the operation of the carers' benefit scheme and the manifest unfairness to which it gives rise. A particular case has brought it to my attention. It is the case of a couple caring for a child who has severe special needs. *12 o'clock* Each of them would qualify for carers' benefit which, as we know, requires stamps or a social insurance contribution to be paid. Each of the parents would be entitled to 24 months payment in their own rights, which is equivalent to four years in total. A situation has arisen whereby the mother is looking after the child. It is basically a 24-7 requirement, or bordering on it, with a lot of support being given. She is coming to that end of that 24-month period and, if they are to continue on with carers' benefit, her husband will have to leave work. That does not suit the family arrangement whatsoever.

I ask for the rules to be changed to allow for his entitlement to carer's benefit to be transferred to his wife. The change will not impose an additional cost on the State but it would make a world of a difference to the family. I envision that this situation would apply to not just a child with special needs but elderly parents or somebody that a couple are looking after.

More flexibility is required. We all know that the profession of carer demands a big commitment. We should make things easier when something is highlighted that does not cost the State. I want the rules to allow for a right that already exists to be transferred. I ask the Leader to invite the Minister for Health to debate this issue in order to resolve the matter. In this case the wife has been refused the entitlement to take on her husband's credits.

Senator Kevin Humphreys: I wish to again raise the issue of social and affordable housing that I raised on 2 March. This morning *The Irish Times* published an article about the O'Devaney Gardens, St. Michael's Estate and Oscar Traynor Road. The article highlighted the fact that 1,644 affordable and social units will be delayed because the Department of Communications, Climate Action and Environment has not designed an affordable housing scheme. I find that totally unacceptable. In addition, the 900 units that were planned for the former Irish Glass Bottle site in Ringsend will also be delayed because no scheme has been designed to provide affordable housing.

On 2 March I raised this matter with the Minister of State at the Department of Communications, Climate Action and Environment, Deputy English. On that occasion I asked him to develop a pilot scheme that would enable this type of development to progress. I was told not to worry, that the Department was working hard and there was no need for a pilot scheme as a national scheme would be put in place. I realise now that there was a reason to worry as nearly 2,500 units for this city have been delayed and no scheme has been put in place.

As I walked up the stairs to this Chamber I thought that I would ask for the Leader to invite the Minister to come here today but I decided to be reasonable. I ask the Leader to invite the Minister to attend here next week to discuss this very important issue. Badly needed social and affordable housing for this city should not be delayed just because the Department has not designed a scheme. On 2 March I was given a commitment in this House that the scheme would be developed and reassured that there was no need for a pilot scheme. We cannot adjourn for the summer knowing that 2,500 badly needed units for this city have been delayed due to a lack of action by the Department. I ask the Leader, at his earliest convenience, to invite the Minister to attend here next week to debate this important matter. We know work on these sites has been

delayed but many more projects could have been delayed, which is totally unacceptable.

Senator Aidan Davitt: I am seriously aggrieved at how sick people have been treated by senior management in the HSE. When one needs a national car test one telephones the appropriate body for an appointment, a suitable time is confirmed and one attends with a vehicle for the test. When one needs a passport one gets an appointment time to meet somebody from the Passport Office.

On two occasions I have had to bring two relations to hospital. On one occasion I had to bring a relative to Tullamore Hospital for an appointment. On the second occasion I had to bring a relative to St. James's Hospital for a scan. On both occasions I talked to the people who were seated around me. Like me, they had waited for a couple of hours. I discovered that 30 people had been given the same appointment time to attend St. James's. I also discovered that around 20 people had been given the same appointment time to attend Tullamore Hospital. Such a practice is scandalous. Our sickest and most vulnerable people have been and are being treated with utter contempt, which is not good enough. I will be very disappointed in the HSE, which has a lot of senior management, if it cannot sort out this mess. I ask the Leader to bring pressure to bear on the Minister for Health to resolve the problem. Furthermore, I talked to a consultant about the practice. He told me that some people do not turn up for their appointment, etc. I bet that anyone who gets an appointment to attend an oncology ward shows up on time. The consultant's answer was unfeasible.

Senator Colm Burke: Yesterday, the Oireachtas Joint Committee on Health decided to reject the draft Bill proposed by Deputy Gino Kenny. We took very detailed legal advice on the matter and it was found that the Bill had serious defects. It is important to convey the message that medicinal cannabis is available where a medical consultant is satisfied that it would benefit a patient. That consultant can apply to the Minister for a licence and once a licence is issued the product can be used.

It is a myth that medicinal cannabis is not available to anyone for medical reasons. The Health Products Regulatory Authority, HPRA, issued a detailed report on the matter earlier in the year. It set out three areas where medicinal cannabis can be used. It is important to convey the message that the decision by the Oireachtas joint committee is not about preventing medicinal cannabis being used. The system has been set up whereby a medical consultant can apply for a licence and the product can be used once he or she is satisfied it will benefit the patient.

I wish to clearly state that there is no scientific evidence to support the use of cannabis for medicinal purposes. There is a question to be answered when a GP prescribes it. Would a GP's professional indemnity policy adequately cover him or her if there was a subsequent claim against the GP for giving incorrect advice? A view exists that the committee took the wrong decision. I can confirm that all of the members who attended the meeting took the unanimous decision that the Bill, brought forward by Deputy Gino Kenny, was not the way to deal with this matter. The Minister has effectively dealt with the matter over the past six to eight months. It is important that we get that message out.

My colleague in the Seanad raised the issue of hospital appointments. I agree with him that there is a need for change in the area. Some hospitals have brought forward a change. There is a problem with people not turning up for appointments. I heard about one clinic recently where only three people turned up for the six available appointments.

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Senator Aidan Davitt: That is not the case in the oncology department and I made that point.

Senator Colm Burke: I refer to a particular area that is very close to oncology. As many as three of the six people did not turn up for their appointments.

Senator Aidan Davitt: That is not the case. The Senator is talking rubbish.

Senator Colm Burke: The HSE could introduce simple measures such as texts to solve the problem of non-attendance. Many units text patients in order to remind them of their appointments. Texts would be one way to solve the problem and should be introduced in all cases.

Senator Máire Devine: I support Senator Mullen and his offering for what to do with our waste. I have asked myself the same question as I am sure we all have. I recall that a fire took place at a waste provider in Ballymount a few years ago. On that occasion it was thought that the company had hoarded a large amount of recyclables as they had been deemed valuable. Some recyclables are deemed more valuable than others. I am concerned about where all of our rubbish goes and what we are doing with landfill.

I wish to refer to broken promises. A protest by disabled people and their families is taking place today at the front gate from 12 noon until 4 p.m. I urge all of the Senators to engage with the protesters. They have christened their protest “Broken Promises” because they feel that they have never been listened to and their views have not been taken on board. A lot of people have talked about the issue. We must recognise that the Government has failed for ten years to ratify the UN Convention on the Rights of Persons with Disabilities that was adopted in 2006. As a result people who are disabled have waited ten years. The Government has failed to reintroduce the transport and mobility grant that was cut in 2013 so people who are disabled have waited four years. Fine Gael promised in its manifesto of 2011 to fund a personalised budget. The Government has failed to implement the initiative so these people have waited six years. The Government has failed to implement in full the Disability Act 2005 and, therefore, these people have been waiting 12 years. I respectfully ask all of the Senators to go out and engage with the people who are disabled and their families at the front gate. I urge them to find out what these Houses can do to improve their lives.

Senator Paul Coghlan: Go raibh maith agat. I listened with interest to Senators Leyden and Gavan on the issue of Brexit. They both made interesting and relevant point, with which we can all agree. While I think the Departments are prepared, in a sense we will be forced to hasten slowly because Britain is all over the shop. The United Kingdom has a weak Prime Minister, a divided Cabinet, and every time that Boris Johnson appears in public, he tosses his hair before he opens his mouth and then he says the European Union can go whistle. Michel Barnier, who is I believe a considerate and a very good man, says he does not hear any whistling but merely a clock ticking - one that will do damage to Britain. On the other hand the other Secretaries of State, David Davis and Philip Hammond, take a different view from Boris Johnson. As to what will happen when they get into detailed negotiations, no can tell at this stage.

Of course, there must be give and take. They will have to give serious consideration to staying in the customs union, as they want the benefits of the customs union. They cannot it have it both ways. The negotiations will be a long road. The transition period could be long and it will be very important.

Senator Pádraig Mac Lochlainn: On a bonfire in east Belfast in recent days, there was

a coffin with a picture of Mr. Martin McGuinness, deceased on it, and in other parts of the Six Counties there were bonfires with election posters of SDLP, Sinn Féin and Alliance candidates, some of whom are elected MPs, MLAs, MEPs, our national flag and various other effigies. A couple of years ago, when a priest sadly took his life in west Belfast, they had an effigy of the priest hanging from a gallows in the bonfire. These are symbols of hate. What troubles me is that children and young people were looking on at the bonfires, so another generation is being infected with the cancer of sectarianism and bigotry.

Had a picture of the Reverend Ian Paisley been placed on a coffin that was put on a bonfire in a nationalist area, and the Sinn Féin representatives who were asked to comment remained silent, everybody would know what would happen. Every radio and television station, and rightly so, would call them to account for their complete lack of leadership and cowardice in the face of bigotry, evil and sectarianism. We have to ask whether the DUP, whose members are the leaders of the unionist community in the North, have been silent on this matter. Why is that party holding the British Government in place? How can we be serious about anti-racism measures and sectarianism on these islands if the SDLP, Sinn Féin, Alliance Party elected politicians have their posters and, much worse, the effigies of those who have died placed on bonfires and that behaviour is not challenged?

Will the Government demand an explanation from the DUP? Will the Government demand an explanation from the British Government as to why it is not challenging the DUP, its partners in Government about its silence on this issue? This is an issue of major importance. People are outraged, they are sick of such behaviour and want an end brought to it in the year 2017.

Senator Frank Feighan: Yesterday I joined in condemning the behaviour that Senator Mac Lochlainn has described, the burning of effigies, the coffin with the picture of the late Martin McGuinness and also the election posters from all parties. We saw the burning of flags, the European Union flag, the Tricolour, and the flag of the Ivory Coast, which is the Tricolour back to front. I do not know what the Ivory Coast has done to the Orange Order.

Senator Mark Daly: They are broadening the grudge.

Senator Frank Feighan: I will be raising it at the British-Irish Parliamentary Assembly which is meeting in plenary session in County Kilkenny this weekend. The Government can do so much but the DUP and Sinn Féin were in a power sharing arrangement in Stormont and I think there are other ways it can be raised.

However, the PSNI has said that this was the most peaceful 12th July for some years. It was great to see that the Ardoyne flash-point passed off without any violence. Fr. Gary Donegan who has worked closely with the residents and the various stakeholders from the two communities has said that this was a major step forward. Yesterday, we were very pessimistic but today we should see it as a major step forward. We need to continue to dialogue, build bridges and break down the barriers. The PSNI said yesterday was the most peaceful 12th July in recent years and this is very welcome. People who burn effigies must be brought to account. I said yesterday that I am sure that the PSNI should have some video evidence of exactly what happened in this Love Ulster March as in 2006. I would hope there will be knocks on doors in the next weeks and months.

Senator Rose Conway-Walsh: I thank the Sinn Féin leadership in Ardoyne who are responsible for showing real leadership in keeping the peace in that area, so that people can cel-

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celebrate in a safe way that leaves behind sectarianism, bigotry and hatred that we need to stamp out.

A number of weeks ago I raised as a Commencement Matter the dire situation with the crisis in physiotherapy services in County Mayo. It has not improved since then. The situation is still the same. We have an area, the size of Erris with a population of approximately 10,000 people without a physiotherapy service of any kind. A person would have to travel almost 50 miles to the nearest physiotherapist. There are significant waiting lists which are growing longer and longer. It is absolutely unacceptable that this situation be allowed to continue. I know that people talk about investment in Dublin and not being in competition with the regions. I would ask anybody from an urban area to understand what it is like for the most vulnerable people in society not to be able to get something as basic as physiotherapy in their own communities. That ranges right through the life cycle, from elderly people to children to people who are recovering from injuries. The damage that is being done physically and indeed mentally to people because they cannot get physiotherapy is completely unacceptable. We talk about a rainy day fund. It is a rainy day in Erris when one cannot get a physiotherapist. It is a rainy day in north Mayo when there is not even one paediatric physiotherapist supplied by the HSE. They hide behind the cloak of maternity and long-term sick leave. It is unacceptable that one would have children with disabilities who are medically deemed to need physiotherapy every week who have not got physiotherapy for months just because they come from an area in rural Mayo.

I ask the Leader to bring this to the attention of the Minister for Health again, to ask him to intervene and do something immediately about it.

An Cathaoirleach: I hope that Senator Norris is not too sore after the wasp sting. Before I call on the Leader to respond, I will make an observation, which I rarely do from the Chair.

Fish quotas were mentioned earlier. I come from the sea shore. With Britain leaving the European Union, this is the first time since 1973 that we will have the opportunity to revisit the fish quota. The fish quota granted to Ireland in 1973 was grossly unjust and there was no opportunity to raise the issue in the past five decades. The treatment of the Irish in 1973 was grossly unjust. Those who have influence, whether it is the Leader, the Minister or our people in Europe, should take this opportunity. An increase of just 1% in the Irish quota in Europe would mean many jobs for rural Ireland and for coastal communities that have been decimated over the years. When the fish quota was given out in 1973, the Irish negotiators or the Irish fisherman were hiding behind something because they got a very bad deal. If there was ever an opportunity to change this, there is one now with the Brexit negotiations currently taking place. Places like Castletownbere, Killybegs and Rossaveal are struggling to survive because we do not have the fish. If there was ever an opportunity, there is one now. With negotiations taking place, there is leverage, for the first time in 50 years, to redress that grave injustice.

Senator David Norris: Hear, hear. Very well put, a Chathaoirligh.

An Cathaoirleach: I have been talking about fishing in these Houses for nearly three decades. Rarely as Cathaoirleach do I venture into issues but this is a historic issue that has damaged communities and island people around the coast since 1973. With the possibility now of negotiations, that injustice might be in some way moderated. I urge those with the power to use this opportunity to do so.

Senator Rónán Mullen: There will not be a filibuster from the Chair, I presume.

Senator Jerry Buttimer: I thank the 16 Members of the House and the Cathaoirleach for their contributions to the Order of Business. I thank Senator Mark Daly for the extensive discussion yesterday. It is important we achieve the right result at the end of the process. Rather than creating a situation next week in which we will not necessarily have finality in terms of the Bill, I suggest to Senator Daly that we might take the time to let it progress. Given the extensive negotiations and discussions from all sides yesterday, there is a willingness to work together on this. I hope we can ensure an outcome that is positive for everybody. That is what we all want to achieve.

Senator Daly also referred to the summer economic statement. Listening to him brought to mind Deputy Howlin's remarks on the radio yesterday morning about public private partnerships. He said the exact same thing.

Senator Mark Daly: Imitation is the greatest form of flattery.

An Cathaoirleach: I do not think Deputy Howlin would suit Senator Daly.

Senator Jerry Buttimer: I am happy that the new bromance between the Labour Party and Fianna Fáil is beginning to happen.

Senator Mark Daly: With the numbers, we might discuss the quota.

Senator Jerry Buttimer: It was Senator Daly's party in government that introduced many public private partnerships for roads, schools and so forth. There is a need to look at the whole issue around PPPs. The Senator mentioned the 10% and I do not necessarily disagree with the remarks made by him or by Deputy Howlin on this matter. We will have that discussion next week as part of the economic statement.

When it comes to the summer economic statement and our economic strategy, the Government's key aims are to ensure that we have sound management of our economy and our public finances. We must also see to it that public expenditure ensures valuable return for the taxpayer and that we have targeted public investment. This concerns infrastructure but it should be in tandem with the provision of facilities. Senator Colm Burke has always made the point that we have built many schools and new roads but has asked when did we last build a new hospital. That is part of what we need to discuss collectively.

A further point we must address, and I make no apologies for this, is to ensure we have a fair tax system that rewards those who work. We cannot have people escaping paying tax. A fair system means that people who have had to endure a decade of pay cuts and tax increases will be rewarded for the huge sacrifice and contribution they made to the recovery of our country. In so doing, we must also ensure our country is open for business and for targeted investment.

The summer economic statement outlined by the Minister yesterday is ambitious. I completely disagree with Senator Daly on this point. It is ambitious in terms of infrastructure development and the need for broadband. This will be the Government that delivers broadband to our people across rural Ireland. We will have that debate in the context of the new Department later. It is important, however, that we work to make sure rural Ireland is not forgotten but becomes central to our recovery. It is important there is a balance between taxation and investment in the budget. Senator Daly is right that we need targeted investment.

Senator Mullen raised the issue of diversity in public broadcasting. He raised a very good

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point because there is a certain *status quo* in our national broadcaster. There are very few female presenters on some of our daytime radio programmes. I commend the former Senator and chairperson of the Joint Committee on Communications, Climate Action and Environment, Deputy Hildegard Naughton, who had a very good meeting in Galway last week on the future of public broadcasting. Senator Mullen is right to highlight the need for diversity in this area. I pose the question, as many of us do, as to whether we are getting value for our licence fee. The director general of RTE has asked for an increase. I would not support that increase when we see that last weekend, for example, many people were unable to watch our national games on RTE and had to watch them on Sky. The point the Senator made is a good one and I would be happy to ask the Minister to come to the House.

Senators Devine and Mullen posed a question about waste. This is a debate we need to have as a society. We became hung up on waste charges last week when there was a kerfuffle. We did not focus on the substantive issue which is what we do with our waste. Where does it go? Senator Mullen is right to highlight the levels of packaging - for example, styrofoam cups - we produce. There is an important question here, however. It is easy to oppose paying for something. That is the easy option. The hard option is to be responsible and have a debate about how we can reduce the amount of waste going to landfill and how we can recycle and incentivise families to do so. This is debate we need to have. It will not happen before the recess but I would be happy to have it in the autumn.

Senator Ó Clochartaigh and the Cathaoirleach both referred to the mackerel quota. As Senator Ó Clochartaigh knows, we had a positive outcome for Irish fisheries in 2016 when we saw an increase in tonnage to 86,000 tonnes, up 10,500 tonnes. This is worth approximately €10 million to us. The Senator and the Cathaoirleach are right to highlight the need to broaden the discussion. The Minister for Agriculture, Food and the Marine has had a consultative process and is currently assessing the whole issue. Those submissions are available. Given the London Agreement and the decision by the United Kingdom, it is important the Minister comes in to the House. I will endeavour to arrange this for next week, if I can. It may not be possible next week but I will certainly try.

With regard to Senator Ó Clochartaigh's comments on JobPath and the activation measures, I suggest the Senator might find submitting a Commencement matter a quicker way to raise it. We have a lot of legislation to go through next week and the Minister will be at a European Council meeting in Estonia. We will put this on the agenda, however, as this issue concerns ensuring that people do not have to endure the round trip the Senator mentioned.

Senator Ó Ríordáin raised the issue of schools selling off lands. It is a matter of concern when we see the loss of vital amenities and recreational land. He cited, in particular, a number of schools in which the State had invested money. I would be happy to have the Minister come to the House to address this. I again suggest to Senator Ó Ríordáin that submitting this as a Commencement matter for next week might be a more prudent and expeditious way for him to get information.

I join Senator Ó Ríordáin in congratulating Mr. Vincent Browne and wishing him well on his retirement. Many of us who have had the pleasure or agony of appearing on his programme can associate with the Senator's remarks on detention. Vincent Browne brought insight and intellect to journalism, as well as fairness towards all the Members of the Oireachtas who appeared on his programme. We may not have always agreed with him, and we can disagree with his recent remarks, but we wish him well in his retirement and thank him for his service. Like

Senator Ó Ríordáin, I also wish to pay tribute to Ms Ursula Halligan. I was not aware that she was retiring. I thank her for her courtesy to all of us in this House when we met her and when we were interviewed by her. Senator Ó Ríordáin referenced the flower pot incident, which I remember very well. Ms Halligan's contribution to the marriage equality referendum was one of the stand-out moments. Her act of courage and bravery is one we should all applaud and admire. I wish her well in the next phase of her career.

Senator James Reilly raised the deprivation index. We all agree there is a need to have it examined. It is not just about the index but about the model used for DEIS status and how we can now have people allocated in different ways. It is a matter we need to re-examine because, as the Senator rightly mentioned, it is partly about different types of housing, including social housing, and this is based on an outdated model.

Senator Leyden referred to the Brexit committee report. I thank all Members of the House for their contributions yesterday. It was a very important and worthwhile debate. The Senator's suggestion is primarily a matter for the Seanad Committee on Procedure and Privileges. I certainly have a great desire to see the Brexit committee report issued widely. On the agenda for the meeting of the Seanad Committee on Procedure and Privilege this afternoon, there is a request from the clerk of the committee to do something similar to what the Senator suggested in terms of going on tour, if I may use that phrase. It is about us, as a Parliament, playing a key, pivotal role. In my remarks yesterday, I acknowledged the Senator's work in Europe. It is important that we consider positively what the Senator suggested because it is about us, as Members of the Upper House, taking the initiative and working with the British-Irish Parliamentary Assembly, the Council of Europe, OSCE or other bodies to ensure the voice of Ireland's Parliament is heard in tandem with the work of the Government. I would be very happy to see whether we can do something along the lines suggested because it is important.

Senator Leyden also referred to the Taoiseach, Deputy Varadkar. The Senator is correct that he needs to go on the charm offensive like the former Taoiseach, Deputy Enda Kenny. On the Senator's last point, the Government has created a new section to deal with Brexit. It is an all-Government approach. I will be very happy to determine how we can make progress on what the Senator suggested.

Senator Terry Leyden: It is very welcome news.

Senator Jerry Buttimer: Senator Gavan made reference to the issue of the right of citizens of the North to vote in European Parliament elections. That is a matter the Minister for Foreign Affairs and Trade, Deputy Coveney, and the Minister for Housing, Planning, Community and Local Government, Deputy Eoghan Murphy, will consider. I have not got the direct answer for the Senator but it is a matter we should examine. It is important that, in the case of the North, there be a voice within Europe. The Government has always been about an all-Ireland approach to Brexit. The Senator's point is that we should certainly not allow for circumstances in which there would be no voices from the North being heard in the European Union, be it in the Parliament or elsewhere. We should consider the suggestion.

Senator Mulherin raised the issue of carers and mentioned a specific case. The issue of transferring credits in this case should be considered. Given the large volume of legislation next week, the Senator might consider submitting a Commencement matter. It is a matter we should certainly have examined.

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Senator Humphreys raised the issue of social housing and asked whether we have no affordable scheme. I was not aware of what the Senator said until he said it. I will have the Minister of State, Deputy Damien English, liaise with the Senator on the matter. I will take my note to him after the Order of Business.

Senator Davitt spoke about the HSE and waiting times. It seems to be the practice for a long time that the same appointment times are given to people. It beggars belief at times. Everyone gets a 1.30 p.m. appointment or a 10 a.m. appointment, resulting in there being 20 people in a waiting room in an outpatient clinic or elsewhere. It is a model that needs to be examined because, as the Senator said, the elderly, the severely disabled or those who are physically hurt need to be minded and looked after. It creates problems. We will take it up with the HSE on the Senator's behalf after the Order of Business.

Senator Aidan Davitt: Would the Minister come in to talk about it?

Senator Jerry Buttimer: It is an operational matter for the HSE rather than the Minister. I will talk to the Senator about it after the Order of Business.

Senator Colm Burke referenced the issue of the medical cannabis Bill and the decision of the committee yesterday. He has highlighted quite rightly the process available and the protocols associated with supply and the availability of medical cannabis. It is a medical matter and it is important that people recognise that. It requires a doctor or consultant to sign off, and that is something that should not be lost.

Senators Devine and Conway-Walsh made reference to people with disabilities. It is important that we acknowledge there is investment in the area of disabilities. The Minister, Deputy Harris, is very committed to that. As Minister, he is working to ensure we have a national disability strategy. We need to continue with this now that we have more money available to us to invest in the services for people with disabilities. I commend Senator John Dolan on his conference with the mayors on the matter of disability. It was a worthwhile exercise.

Senator Paul Coghlan also made reference to Brexit. The point he made was similar to that of Senator Leyden.

Senators Mac Lochlainn and Feighan made reference to the North and the bonfires yesterday. On Tuesday and yesterday, we had this discussion on the Order of Business. My position has not changed. There is no room for sectarianism or bigotry in any part of our country. We all have different traditions and cultures but there is no excuse for some of the behaviour that was allowed to take place. I am sure the Minister for Foreign Affairs and Trade, Deputy Coveney, will voice his concerns, as he always does as a representative of the Irish Government, and relay them to the UK Government.

I hope we see a return to power-sharing in the North. All of us want to see devolved government rather than direct rule. Thankfully, however, there was a relatively peaceful day in the North yesterday, as Senator Feighan rightly said. Both Senators Conway-Walsh and Feighan referenced Ardoyne. That was the flash point for years. Thanks to the good work on all sides, there was a relatively peaceful day yesterday. It requires leadership. Martin McGuinness's son deserves great praise for the way he handled himself and the way in which he asked people to be calm and respect the fact that there is a better way of doing politics. Megaphone diplomacy and the behaviour we saw in the imagery yesterday does not do anything. From a health and safety point of view, having some of the bonfires so close to schools and buildings is not accept-

able. We have come a long way and there is a journey to go. I am thankful that common sense prevailed. Leadership was shown yesterday, which is to be commended.

I am not familiar with the issue Senator Conway-Walsh raised regarding physiotherapy in Mayo. It seems a bit strange that there is no physiotherapist available but it is an operational matter for the HSE, the body that deals with the matter, and not the Minister for Health. I will be happy to liaise with the Minister on the issue for the Senator.

Order of Business agreed to.

Sitting Arrangements: Motion

Senator Jerry Buttimer: I move:

That, notwithstanding anything in the Standing Orders relative to Public Business, the Seanad shall meet at 12 noon on Tuesday, 18th July, 2017 and the Order of Business shall be proposed at 1 p.m.

An Cathaoirleach: I forewarn Members that we are sitting at 12 noon next Tuesday.

Question put and agreed to.

Recognition of Irish Sign Language for the Deaf Community Bill 2016: Motion

Senator Mark Daly: I move:

That the Order of the Seanad of 21st June, 2017, fixing the Report Stage of the Recognition of Irish Sign Language for the Deaf Community Bill 2016 for Friday, 21st July, 2017, be discharged and that the Report Stage be taken on Tuesday, 18th July, 2017.

Senator Terry Leyden: I second the motion.

Question put and agreed to.

Sitting suspended at 12.40 p.m. and resumed at 12.45 p.m.

Ministers and Secretaries (Amendment) Bill 2017: Second and Subsequent Stages

Question proposed: "That the Bill be now read a Second Time."

Acting Chairman (Senator John O'Mahony): I welcome the Minister on the first occasion he has been in the House since he was appointed and I congratulate him.

Minister without Portfolio (Deputy Michael Ring): I am pleased to come to the Seanad to present the Ministers and Secretaries (Amendment) Bill 2017 which will establish the new

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Department of Rural and Community Development. The Senators may wish to know the Bill was passed by the Dáil last night.

This Bill has just one purpose, namely, to establish the new Department, confer a name on the Department and to provide for a Minister who will be in charge of the Department. It is important to note the Bill does not confer any functions on the Department. The new Department's functions are still being finalised and these will be transferred at the earliest opportunity following the enactment of the Bill.

The establishment of the new Department underscores the Government's commitment to rural and community development. It reflects the priority Government places on both and ensures that efforts across all of Government to support rural Ireland and to develop vibrant rural and urban communities will achieve the maximum impact. This will be a key focus for me as Minister for Rural and Community Development.

To this end, the Department of Rural and Community Development will deliver on the Government's commitment to bring a greater co-ordination to all the work of Government that impacts on rural Ireland and the development of vibrant sustainable communities, both rural and urban. It will guarantee a priority focus on rural and community matters, ensuring that tailored policy approaches are developed that will have a real and lasting impact for rural and urban communities alike.

The new Department will also work closely with other Department's that have a role in supporting the twin objectives of rural and community development, whether the Department of Agriculture, Food and Marine, which reaches into rural Ireland through its many policies and programmes that support farming and fishing communities, the Department of Enterprise and Innovation, which is key to facilitating job creation in the regions through its support for enterprises, from start-ups to multinational companies, or the Department of Justice and Equality, the Department of Children and Youth Affairs and others which work closely with disadvantaged communities to improve their social inclusion, education and job prospects.

The Action Plan for Rural Development provides a whole-of-Government framework to support rural development through practical actions, with clear timeframes for delivery by named Departments and agencies. The action plan will form the basis of the work of the rural development division of the new Department. As the Minister for Rural and Community Development, I will continue to work tirelessly with other Departments, public bodies and stakeholders to deliver on the actions in the plan.

We have had many debates over the past 12 months in this House and in committees about rural Ireland. While we may have had differing views from time to time about matters of detail in these debates, no Senator or Deputy believes that supporting rural Ireland is a bad thing. I see the talent and potential of rural Ireland every day. I see how the people of rural Ireland have adapted and changed with the times. Rural Ireland in the 21st century is modern, dynamic and creative, and is an important part of our identity and our economy. It is my job to help realise that potential. As Minister for Rural and Community Development, I will work with my ministerial colleagues to bring more job opportunities and better services to the people of rural Ireland.

Rural Ireland is a diverse and varied place. There is no one-size-fits-all approach to supporting rural Ireland. That said, there are many examples of very successful approaches that can be

captured and copied across the country. The great western greenway in Mayo is a fine example of this and has led to huge interest in other greenway projects around the country, while the emergence of new enterprise clusters in areas such as agritech in the west also point the way forward for creating high value-added jobs.

I want to change the narrative around rural Ireland. I want to build on the positives. I see and meet many exceptional business people and many exceptional rural communities. The establishment of the new Department of Rural and Community Development provides an unprecedented opportunity to build on the work the Government commenced last year to work in partnership with business leaders and communities to make a real and lasting difference to the lives of the people who live and work in rural Ireland. All of this, of course, will be complemented by the work of the community development division in the new Department. In order to move forward and grow as a country, we need strong and vibrant communities. Strong communities are the glue that hold our society together and enrich our lives.

The Framework Policy for Local and Community Development in Ireland is a critical piece of work in this regard. It sets out national priorities and a framework for a cross-Government approach to improving engagement between national and local government and local communities in the planning, delivery and evaluation of policies and interventions that affect them. It focuses on tackling poverty, disadvantage and social exclusion. It seeks to provide better ways of working with communities to identify local priorities and develop local solutions to address these, with the aim of securing positive impacts on jobs, gender equality, poverty, rural communities and people with disabilities. Delivering on the commitments in the policy will be a key priority of mine and the new Department, working in partnership with other Departments, State agencies and the range of community development, local development and community and voluntary sector stakeholders.

Developing a strong relationship with local government will also be critical, given the significant role local authorities and the newly established local community development committees, LCDCs, will have in translating the policy into local actions and approaches. By working together, locally and nationally, we can identify better ways to provide more effective services for those who need them most. We can plan in a way that involves communities in identifying their own needs and priorities, that co-ordinates what we do and, most importantly, that delivers real outcomes for all involved.

A strong relationship with local government and the new local governance structures will be important in terms of programme delivery. Local community development committees have a role in the new Department's Leader programme in many rural areas, as well as responsibility for delivering the Department's social inclusion and community activation programme, SICAP, at local level. SICAP is the country's primary social inclusion intervention and, as such, I am keen to support its ongoing development, to work closely with those managing its delivery and to ensure that it continues to support those who need it most. The new SICAP, which will be rolled out in 2018, will also be complemented by the new communities facilities scheme and the new RAPID programme which will provide capital funding for projects that seek to enhance communities, address disadvantage and improve social cohesion at a local level.

The contribution of the community and voluntary sector to the well-being of the nation should never be taken for granted. If there is one thing all public representatives have in common, it is their awareness and direct experience of the vital impact voluntary work has at community level. A key focus of the new Department, therefore, will be to raise awareness

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of the contribution that the community and voluntary sector nationally, while developing and strengthening policy approaches and existing supports that will grow the sector in years to come.

The establishment of the new Department of Rural and Community Development will strengthen delivery on the Government's commitments to rural Ireland and its communities. The primary function of the Department will be to support local communities and to ensure that rural areas, market towns and villages can develop and thrive. The Department's role in leading the Action Plan for Rural Development and the Framework Policy for Local and Community Development in Ireland will bring an added impetus to the local and economic development of rural Ireland and will improve the lives of those living in disadvantaged communities nationwide. I am excited by the potential for this new Department to achieve real progress for rural Ireland and our communities. I look forward to finalising as soon as possible the transfer of functions order, which will set the role of the Department in more detail. I commend this Bill to the House.

Senator Paul Daly: I welcome the Minister and congratulate him on his new appointment. As a rural man like the Minister, I am aware of the need for immediate action in rural Ireland. It is, to coin a phrase, dying on its feet and has been for some time. Fianna Fáil supports the main principles of the Ministers and Secretaries (Amendment) Bill 2017, which establishes the new Department of Rural and Community Development. However, we believe that it makes for better policy coherence to have rural and Gaeltacht development policy centred in one Department. That is why we submitted amendments on Committee Stage in the Dáil last night to include the Gaeltacht in this portfolio. I had to watch the debate last night to find out whether those amendments had been accepted.

For a portfolio and an area of representation that is so important for those outside the M50, the Bill smacks of being rushed through. I appreciate why the Minister wants to establish the Department, which we are doing today. We are setting up a Department and we are not aware of, or we do not know, its real functions. We do not know what budget will be associated with the Department. We do not know what role the Minister will have in the Gaeltacht, regional affairs and the islands. Has the Minister responsibility for broadband, which is a major issue in rural Ireland? Will he have responsibility for the rural social schemes, the Tús scheme, farm assist, etc.? As was said in the Dáil last night, we are buying a pig in a bag here. It is imperative that as soon as the Minister's role is sanctioned and he finds out what his portfolio is definitively and what budgets will be at his disposal, he would come back here at his earliest convenience because, as many representatives here are from rural areas, we need a full and frank debate on the Minister's role in the future.

Fianna Fáil set up a senior Ministry for community, rural and Gaeltacht affairs having responsibility for the Gaeltacht and islands. Unfortunately, the Fine Gael-Labour Party Government in 2011 abolished the Department and only after pressure, assigned a junior Minister to rural affairs.

The new Taoiseach has decided to break up the rural Department set up in 2016 by splitting rural development from the Gaeltacht and the islands and by putting these portfolios into two different Departments. This shows poor judgment and illustrates the knowledge deficit of the new Taoiseach towards rural Ireland. Once more, it shows that Fine Gael just does not understand the policy challenges facing rural parishes countrywide and continues to favour development in fewer locations.

With the greatest respect to the Minister, the Government's Action Plan for Rural Development is but another false dawn for rural Ireland and rehashes existing announcements, programmes and employment forecasts. There is little substance in this document that will immediately improve service provision, infrastructure and employment opportunities in rural Ireland. The ultimate litmus test will be what additional new funding, if any, will be ring-fenced for this plan.

It is the fourth rural development plan in 33 months produced by Fine Gael, following the CEDRA report, the rural charter and the programme for Government. Clearly, there has been a systemic rural policy failure on its part. There is no long-term vision and planning as the depopulation of rural parishes escalates. As a rural person, I hate to say rural Ireland is dying on its feet. Shockingly, over 500,000 rural households and businesses must wait until 2024 for State intervention to have moderate speed broadband. As the plan was first launched in 2012, it spans a period of 12 years. The ultimate test will be how much additional funding will be ring-fenced for the current plan.

Fianna Fáil is committed to building an Ireland for all where the fruits of recovery will be felt throughout the country, with greater regional balance. In the confidence and supply arrangement to facilitate a minority Government it extracted policy commitments for rural Ireland to be implemented during the Government's term. We have seen successful partial delivery of some of these commitments, including the re-establishment of the CLÁR programme, expansion of the rural social scheme and the reversal of the 2012-13 farm assist scheme cuts, but much more needs to be done. It is appalling that only €6 million of the €250 million allocated to the Leader programme in the period 2014 to 2020 has been spent in the first three and a half years. It is also disappointing that the newly appointed Minister for Rural and Community Affairs, Deputy Michael Ring, has refused to allocate money under the programme for the repair of non-county access roads.

The Minister and I could be here all day rehashing the problems in rural Ireland, of which we are both well aware. I noted with interest that he did not mention Brexit or the challenges it would pose in his new portfolio, in particular for Border regions. There is the decimation of many areas through the closure of post offices and Garda barracks, two cornerstones of communities. I will not go into all of the existing problems, but I will mention Brexit as it is a major problem coming down the line. I am disappointed that the Minister did not refer to it. The agriculture sector is a cornerstone of rural Ireland and will be hit the hardest by Brexit, particularly along the Border that runs all of the way from County Louth to the tip of County Donegal. It has been left in a very precarious position with Brexit looming. Brexit should, therefore, form a major part of the Minister's brief. He has inherited the problems in rural Ireland and will inherit others down the line. I wish him the very best of luck and look forward to working with him. He is a man whose heart and soul are in rural Ireland. I see the need for a Minister dedicated to dealing with rural affairs. I am disappointed, therefore, that we are rubber stamping a title because we have no idea how much funding will be allocated to the Department or of what the Minister's portfolio, duties and role will consist.

Senator Maura Hopkins: I welcome the Minister. There is no better individual to handle the rural and community development portfolio. It is extremely important that the new Cabinet includes a Minister with responsibility for rural and community development. To be honest, it is also important for us. In 2011 the Department of Finance was divided in two and we are now in a position to support rural communities which were falling off a cliff. The newly appointed Minister is very much a man steeped in rural communities. As such and having been a Minister

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of State, he is very much aware of and well briefed on the issues that have to be dealt with. I look forward to working with him to secure better outcomes for rural communities. The new Department will play an important role in delivering action within the context of the action plan for rural development that was launched recently.

As a young Senator from the west, I know that the main issue with which we are faced is unemployment. We need to see more young people return to the west. In that regard, councils are becoming more proactive to encourage parts of companies to establish in areas across the country. We know, from an IDA Ireland perspective, how difficult it is to encourage companies to set up in rural communities, but it is possible. I strongly encourage the new Minister to ensure companies that could relocate parts of their organisation to different parts of the country will be incentivised to do so. Let me give an example. The CUBE is a new hot desk facility that has been established in the new civic offices in Roscommon town. It offers high speed broadband which will allow people to live and work in rural areas, yet remain connected to a company in another part of the country or elsewhere in the world. It is an important initiative that supports job creation in rural areas. It is extremely positive that the unemployment rate has been reduced to 6.3%, according to the figures released for June. However, the challenges in providing employment in rural areas are great. As the Minister said, he will work closely with the Minister for Jobs, Enterprise and Innovation. Job creation will be the key priority because rural communities will find it difficult to survive without employment opportunities to attract and retain people.

The Minister is very aware of other issues such as broadband provision, which I mentioned. It is the single most important piece of infrastructure needed in rural areas. The delay in rolling out broadband is extremely disappointing and has left rural areas at a competitive disadvantage, which is not good enough.

The Minister is very familiar with the N5 route between Longford and Ballaghaderreen. The construction of the Ballaghaderreen bypass has been a positive move that has increased access to the west. The N5 upgrade must be part of the capital plan. Roads infrastructure must be provided to allow rural areas to compete fairly with other parts of the country.

The Minister alluded to the need to breathe life back into market town centres. On previous occasions he mentioned the importance of supporting towns and villages. Westport and other towns are doing well. I come from north Roscommon and believe the Minister in his new role must focus on supporting towns and villages that need the most help.

I encourage the Minister to consider relocating his Department to the St. Brigid's Hospital site in Ballinasloe, County Galway. It measures 31 acres and the Department would act as a gateway to the west. Relocating it to Ballinasloe would demonstrate the Minister's strong commitment to the development of rural areas. The HSE owns the site following the closure of the psychiatric hospital a few years ago. The site is very accessible and relocating the Department to it would send an important signal to those living in rural areas.

This evening I will attend the launch of the Douglas Hyde conference near Frenchpark, County Roscommon, with the Minister of State, Deputy Seán Kyne. The conference is an example of communities working well together. We have good success stories from the Brideswell Pattern Festival to the O'Carolan Harp Festival in Keadue. Such conferences, events and summer schools are rooted in rural Ireland, but they need to be supported properly.

I commend the Minister for the reopening of the CLÁR programme and the rural recreation scheme. Funding for rural areas has been increased, but we need more. The Minister has shown leadership in supporting rural areas and I look forward to working with him in the years ahead.

Senator Trevor Ó Clochartaigh: Cuirim fáilte roimh an Aire. Go maire tú do nuacht. Caithfidh mé a rá leis an Bhille seo a bhfuil sé d’aidhm aige soiléiriú a thabhairt maidir leis na Ranna Stáit nua, go bhfuil a mhalairt fíor. Is iomaí polaiteoir anois a leagann béim ar an gá chun an saibhreas nua, mar dhea, a roinnt go cothrom ar fud an Stáit ach ní fheicim aon bhéim ar na réigiúin sa chreatlach nua seo ar chor ar bith.

Last year, the partnership Government of Fine Gael and Fianna Fáil was insistent on placing regional development as a high priority. The programme for partnership Government is full of references to how essential it is to revitalise all of Ireland by doing so. This lipservice was clearly a knee-jerk response to the utter failure of Fine Gael’s “keep the recovery going” campaign. Fine Gael’s inability to appreciate the utter lack of recovery and regional disparity in our State led to voters voicing their frustration at the ballot box. The creation of the new Department was a cosmetic exercise only. None of the responsibilities or budgets was transferred into the Department of Arts, Heritage and the Gaeltacht.

The former Minister of State with responsibility for regional economic development, Deputy Michael Ring, has now gained full ministerial office, but regional development has been axed. The Minister might argue that regional affairs are still within his remit, but officially they are not. The responsibility has disappeared. It is important to highlight the importance of titles as they indicate who is answerable for what. The absence of a title indicates that the Government no longer considers regional development a priority. Within the Department itself utter confusion abounds. It does not know what is happening. We have asked on a number of occasions what the new titles are and when the transition is happening only to be told, sheepishly, “We don’t know”. Clearly, this is not a decision that was teased out, planned for or considered. This was a ministerial position fashioned as a reward for loyalty. That is not to say that the Minister is undeserving of the role. This is no criticism of the Minister’s personal abilities. Rather it is a structural issue. This is a role and ministerial office conceived in haste for which we will repent at leisure.

The constant chopping and changing of Departments to suit political agendas is costly in expenditure and time. Confusion over demarcation is inevitable. Projects which require time, dedication and intimate understanding are not given the opportunity to get off the ground. Over the past 15 years, the coalition of ministerial titles including community, Gaeltacht, culture and so forth has changed five times. From 2002 to 2010 we had the Department of Community, Rural and Gaeltacht Affairs. We then had the short-lived Department of Community, Equality and Gaeltacht Affairs followed by the Department of Arts, Heritage and the Gaeltacht, which reigned from 2011 to 2016. Last year saw the birth of the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs. As soon as I could actually remember the full title of the Department, it had changed once more.

What is truly worrying is the absence of leadership, direction, responsibility and proper cohesion. There is no steerage. I have said time and time again that the Government is rudderless regarding regional development and this is nowhere clearer to be seen than in the absence of a national spatial strategy. We have not had one since 2002. We are awaiting a draft national planning framework this summer. Why has it taken so long? Given that this is Fine Gael’s second term in government, the delay is incomprehensible and inexcusable. This is nothing new.

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A White Paper on rural development was published 21 years ago under the Fine Gael rainbow coalition which focused on balanced regional development. The paper prioritised investment incentives to attract FDI to rural areas but this did not happen. We have seen the uneven delivery of jobs by the IDA over the past five years, for example. In 2010, 37% of inward investment was outside the Cork and Dublin areas. In 2011, this was 27% and in 2012 it fell further to 23%. While the figures have improved, investment is still skewed 60% towards Dublin and Cork.

The White Paper stressed the need to provide “broadband or high speed telecommunications facilities, in particular, to facilitate the regional distribution of new services in the rapidly developing e-commerce sector”. It further stated: “The provision of services necessitates the development of the requisite infrastructure including fibre optic cable networks and structures for the development of wireless technologies”. We are all painfully aware that this has not happened. The same Fine Gael coalition also promised the provision of 22,000 additional local authority houses and support for social housing to encourage developments in villages and small towns which would enable people to live in or as close as possible to their own areas. This did not happen either and there is no political will currently to provide the necessary social housing. What really got me was the commitment by the Government 21 years ago to retain the post office network, and ensure “its use for the delivery of the most comprehensive range possible of State services to all citizens”. What we have seen instead is 198 post office closures in Fine Gael’s first term of Government and up to 500 closures this year. As such, post office retention most certainly has not happened.

References have been made to the SICAP programme which was an unmitigated disaster in Galway, as I am sure the Minister is well aware. It has to be addressed in the second round. An issue was raised this morning around the deprivation index used to calculate some of the funding provided to different State agencies, which also needs to be reviewed. The role of LCDCs is also questionable in that they have removed power from local communities. Another issue which I know is close to the Minister’s heart is the future of our rail network. He might address that. A report is doing the rounds making the case for the closure of our rail networks. Arguing as we are for the establishment and extension of the western rail corridor, we certainly do not agree with that. I would welcome the Minister’s commitment to the maintenance, extension and improvement of our rail network nationally. I look forward to further debate with the Minister on these and other issues in the months to come.

Senator Paul Daly: With the permission of the Chair, I want to put the record straight regarding three references in Senator Ó Clochartaigh’s contribution. I do not like to interject when someone is speaking. Senator Ó Clochartaigh referred three times to the Fianna Fáil-Fine Gael partnership Government. Fianna Fáil is facilitating a minority Government through a confidence and supply arrangement.

Acting Chairman (Senator John O’Mahony): That is not relevant now. The Senator has made his point.

Senator Paul Daly: If only Sinn Féin would do the same on both ends of the island, it might be a help to the country going forward.

Acting Chairman (Senator John O’Mahony): That is not relevant.

Senator Gabrielle McFadden: Cuirim fáilte roimh an Aire. I welcome the establishment of the new Department of Rural and Community Development. Ireland has one of the highest

proportions of rural dwellers of almost any EU country. Approximately 40% of our population lives in rural areas whereas the EU average is 27% and the proportion in the UK is 12%. Far too often in the House and elsewhere we hear, as with the contribution just now, people consigning rural Ireland to the scrap heap while painting a picture of terminal decline. While I acknowledge that our rural areas face huge challenges, as do urban areas, there is a great deal that is positive about life in rural Ireland. We must be positive about the future. I believe in rural Ireland. We must challenge the narrative that rural society faces inevitable decline. We must help those who can only see the downside in everything to see that there are positives in rural Ireland. We must lead them to dream of a bright future for our rural communities.

Earlier this year, I welcomed the launch in Ballymahon, County Longford, of the Action Plan for Rural Development by the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs, Deputy Heather Humphreys. It showed a clear commitment by the Government to building a positive future for rural Ireland. Unlike previous plans, the action plan set out specific actions which will have measurable benefits for those living in rural areas. The establishment of this new Department is another demonstration of the priority the Government accords to rural Ireland. It demonstrates once again the commitment and determination of the Government to do something positive. Great things can be achieved when we set our minds to them. Over the history of rural Ireland, a litany of organisations have contributed positively, from the GAA and the co-operative movement to the ICA, Muintir na Tíre, Macra na Feirme and Irish Rural Link. The common trend has been the desire to build a better future for rural Ireland.

During the boom, the Fianna Fáil Government ignored rural Ireland with the exception of Charlie McCreevy's decentralisation plan, which was designed at the time to assist the re-election of Fianna Fáil rather than to help rural Ireland. The party also failed to deliver in that regard. When the crash came, therefore, rural Ireland was particularly badly hit. It suffered huge drops in employment and reductions in services. We are now in the process of recovering from the devastation wrought by Fianna Fáil's mismanagement. The recovery, which was first seen in Dublin and surrounding areas, is now starting to spread right across the country. We will have full employment by the end of 2018, which is soon. Employment is not the only priority for rural Ireland however. We must now start to imagine how it could be different and put the means in place to achieve that ourselves.

There is no shortage of potential in rural Ireland. What we need at local level is for communities to take responsibility for shaping their own futures. At national level, we need the imagination and support to help them in this endeavour. This new Department provides the opportunity for such developments and it reflects the commitment of Government to rural Ireland. This is not just about rural Ireland in that community development, which forms part of the Department's title, is equally relevant in Artane, Athlone and Achill. It supports the work of the individuals and organisations that strive to paint a positive future and see community development as a means of addressing poverty, social exclusion and inequality and wish to see social change and to contribute to the creation of a more just, sustainable and equal society.

In these situations, the role of the Government is often to take a step back and allow communities to decide for themselves and to then support them in realising the priorities they have set themselves. Whether in Ballymore, Brawny or Ballymun, the people of Ireland have the right and the potential to build a better future for themselves. My hope and my belief is that this Department and its enthusiastic Minister will support them in that venture.

Senator Paudie Coffey: I did not intend to start on a negative note but I was disappointed,

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although not surprised, with the negative contribution of Sinn Féin with regard to rural Ireland. Having listened to Sinn Féin contributors over many years I thought they had a deep interest in rural affairs and they would welcome a specific Department with responsibilities in that regard, headed up by a Minister of the calibre of the Minister, Deputy Ring. I thought they would have welcomed this and that they would have sought to support the Minister in coming up with solutions rather than engage in constant, negative commentary. Perhaps, it is no surprise that Sinn Féin does not have great rural electoral support.

Senator Trevor Ó Clochartaigh: That is not true.

Senator Paudie Coffey: It is a fact. Sinn Féin does not have a clue when it comes to rural affairs.

Senator Trevor Ó Clochartaigh: We have plenty of support in Waterford.

Senator Paudie Coffey: I welcome the Minister, Deputy Ring, to the House and I congratulate him on his appointment. I wish him and his officials well in the new Department, the establishment of which signals that Government is treating rural affairs as a top priority. There is no better man than the Minister, Deputy Ring, to lead this Department. He is passionate about, committed to and believes in rural Ireland. As Senators, we should support him in his endeavours.

It is important the funding streams are adequately resourced to support the Minister in his action plan and endeavours. As mentioned by him, the Leader programme and the social inclusion and community activation programme, SICAP, are already supporting many rural communities. They have unlocked funding to enhance and support enterprise, tourism, agri-innovation and various other projects in communities throughout the country. It is important that we continue to exploit the potential of rural Ireland. Networks such as the GAA, Muintir na Tíre, the ICA, the IFA and voluntary community groups are committed to improving rural areas in a positive way and they need to be continuously supported.

The Minister already has a track record in this area in terms of his previous Ministries in the sports and tourism areas and his role in regard to the development of the greenways in Westport and Achill. There is also a greenway in Waterford, for which I thank the Minister, Deputy Ring, and previous Ministers. Despite that the greenway has been open for only a few months it is already generating rural enterprise. Thousands of tourists who previously never set foot in Waterford are now visiting the area and the many small enterprises located along that 50 km stretch. This is one example of an intervention made by this Government in supporting local authorities to generate rural enterprise. I have no doubt that the Minister will continue that action.

In regard to the action plan which the Minister proposes to develop and spearhead, I will support him in that regard. However, there is one particular area that I believe needs attention. I welcome that the Minister will sit at Cabinet with colleagues who have responsibilities in this area, including rural community security. The Minister will be aware that there are a number of community groups throughout the country that operate text alert systems. While these groups have previously received some funding from the Department of Justice and Equality and by way of community grants from local authorities, these funding streams are being reduced because they do not form part of the core business of the Department and so on. Today, I am asking the Minister to consult with the Department of Justice and Equality and other Departments on the introduction of a long-term funding mechanism to sustain these community groups.

They will do the work, which they are passionate about, but they need support. There are three such schemes in Dunhill, Portlaw, and Ballyduff-Kilmeaden, which are in my area, and they are enormously successful. They work well with the Garda and they have secured the support of their rural communities. We need to support them on an ongoing basis. I ask that the Minister consider my proposal in the context of his action plan so that we can bring confidence back to rural areas in terms of security. We can support rural communities to work with the Garda but action in this area needs to be spearheaded by the Minister.

I wish the Minister well. He has my support, including in terms of the upcoming budget and his efforts to secure adequate funding for his brief. We can make whatever asks we want but if the funding is not made available we cannot move forward.

Senator James Reilly: I congratulate the Minister on his appointment and I wish him well in this new and important Department. I was glad to hear other Senators, including Senator McFadden, make the point that community development relates not only to rural communities but all communities across Ireland.

One might wonder why a Senator from Dublin would want to speak about rural communities but there is huge agricultural endeavour and land mass in Fingal, which brings with it lots of opportunities in terms of housing provision and job creation. I would like to focus my contribution on the rural communities in Ballyboughal, Naul, Garristown, Oldtown, Balrothery, Loughshinny and Balscadden, all of which are thriving villages and communities but they need support and special attention. I know that the Minister, in terms of his extensive knowledge and experience of rural life and rural communities, small towns and villages, will give this area the attention that it deserves. Outside of those villages, there are people involved in local businesses who are trying to be innovative and to create employment. One such initiative is the delivery of fresh meat to rural areas by a local man, in respect of which he holds a licence. This is important to elderly people in particular who live in areas not served by the level of transport provided in towns and cities. It is also important in the context of our desire to maintain rural communities. There is nothing new in this. When I was a child living in north County Dublin, people in Lusk, the population of which at that time was about 500, had bread and milk etc. delivered to their homes. When people come up with innovative ideas around delivery services, be that of meat products or groceries generally, they need to be supported and encouraged.

In another area in between Lusk and Ballyboughal there is a farmer who wants to develop an abattoir and a new business which specialises in Dexter beef. There is a lot of interest in this initiative but he needs support to get up and running. If he is successful more jobs will be created and more people will be able to remain in that community. The Minister more than anyone else will understand the value of families and communities being able to stay together. Nowadays, it is a luxury for parents to have their adult children living within a commutable distance from them so that they can help and support them in rearing their children and they, in turn, can support them as they grow older. There are also huge opportunities in Fingal in terms of tourism with the Séamus Ennis Arts Centre in the Naul. Rural Fingal is a hidden gem, close to Dublin city.

I previously raised on the Order of Business the issue of the deprivation index and I made the point that in terms of the manner in which it is put, it does not reflect reality nowadays. We need to support our communities as they develop, particularly towns such as Rush, Lusk, Skerries and Balbriggan, which have exploded in terms of population. These areas need more support from Youthreach, Foróige and other groups. I know that the Minister, of necessity, will be

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operating not only in this Department but across a number of Departments. I wish him well. Senator Coffey spoke about greenways. There is an opportunity for a coastal greenway stretching from Sutton-Portmarnock to Malahide and on to Balbriggan, with the added advantage of train stations all along that route such that if a person was cycling the greenway and felt too tired to cycle home he or she could hop on a train. This could be a wonderful amenity not only for rural Fingal but for all the people in Dublin city and the 27 million people who pass through Dublin Airport. There is so much more I could say on this issue. I want to emphasise that the Minister's role will extend to, and have a very important impact upon, the towns and villages of Fingal. I wish both him and his Department well in their endeavours.

Acting Chairman (Senator John O'Mahony): As nobody else has indicated to speak I will now call on the Minister to make his concluding remarks.

Minister without Portfolio (Deputy Michael Ring): I will talk about some of the issues raised here, starting with Senator Paul Daly's comments on the amendments debated last night. The Taoiseach decided when forming the Government that the Department of the Gaeltacht would be included in Deputy Humphreys's Department, now the Department of culture, heritage and the Gaeltacht. Deputy Joe McHugh has been appointed as Minister of State in that Department and has his delegation order.

Deputy Ó Cuív made the argument last night that the Department of the Gaeltacht has its own budget and Department. I have no doubt but that it will in the future have, not one, but two Ministers at Cabinet. I am very pleased with that. As Senator Reilly has said, I will be working with all of the Ministers across the Departments. The Department of the Gaeltacht includes Údarás na Gaeltachta, and it has its own brief for bringing jobs and industry into Gaeltacht regions. I will work with the údarás, just as I will with Enterprise Ireland and the IDA.

This is a very short Bill. All we are seeking to do with this Bill is to set up the Department. I have to go away and work with my officials on getting my order from Government and establishing what responsibilities I have. We have 90% of the job done. I have no problem coming either into this House or into committees to discuss the issues that will come under my responsibility.

Senator Daly mentioned the important issue of Brexit. We already have cross-Border co-operation between Strabane, Donegal County Council and our own Department officials, who meet on a regular basis. The Government is taking Brexit very seriously. Nobody knows what effect it will have on rural Ireland. My job is to work with Government to make sure that it does not have a major negative effect.

Reference was made to roles in local improvement schemes, LISs, an issue which has also been raised by my parliamentary party colleagues for weeks now. I have already sent my officials into discussions on this matter with the Department of Transport, Tourism and Sport. I will be looking to set up such a scheme and I hope that the Department of transport will come up with some funding for it. I will also be looking for funding from Government. The Taoiseach is committed to having such a scheme. I want a scheme that will work and that will target people in rural Ireland, particularly when there is a home in question, or even two or three homes or whatever the case may be. This issue was raised last night in the parliamentary party. Fine Gael has been putting a lot of pressure on me for a long time about local improvement schemes. I hope to do something about this in the near future. It is something I am currently looking at and working on.

Senator Ó Clochartaigh discussed regional development. My brief includes responsibility for the regions. We did not want to specifically include this in the title of the Department because it would give the impression that I had responsibility for the regions and nothing else. I have responsibility for rural Ireland, including the regions, along with every other section of the country. I will be working with the Western Development Commission, Leader programmes and with all the relevant State agencies to ensure balanced regional development.

Senator Hopkins raised the important issue of jobs. Jobs is the key to all of this and the key to keeping young people and businesses in rural Ireland. Jobs, jobs, jobs. Senator Coffey raised the very valid point that we have to stop the negativity. There are people in this Department looking back 20 or 30 years. Now, however, we have a more modern rural Ireland. We have very good industries, high-tech jobs and highly qualified people in rural Ireland. Of course we need broadband, as the Senator has raised, along with every other Senator and Teachta Dála in these Houses. I am working with the Minister for Communications, Climate Change and Environment as well as with the local authorities to make sure that on a day-to-day and minute-to-minute basis more and more homes will get high-speed broadband. We will not hear from the homes who get this broadband, of course. We will hear from those who do not. These are the homes that we have to deal with. It is all very fine for eir and the other commercial companies. They will target the high-population centres, the big towns and villages. What they do not want to do, however, is go into rural Ireland. That is why we are putting a contract in place to make sure that every house, village and town in rural Ireland will have broadband. Since coming into this Ministry I have chaired two meetings on broadband. A lot of progress is being made. We have to be very careful with this and get it right. We do not want the situation around licences that we had before, which dragged through the courts for 15 years. This has to be done properly and legally. When the licence is finally awarded, we will make sure that the company in question is ready to roll it out. I have worked with and provided funding to the local authorities to ensure this.

I will be meeting some suppliers from the telecommunications industry to discuss the areas with very poor quality mobile coverage. We will meet to see if the rural communities themselves can come up with sites. Every Senator and Deputy knows that, while everybody wants a mobile phone service, nobody wants a mast beside their home. I am asking communities to assist us with this. The mobile companies are telling us that they will work with us on this if they can get the sites.

The action plan is a very important issue, perhaps the most important. My job is to go in and work with Government to get the necessary funding for rural Ireland. My second task is to make sure that every piece of legislation raised by every Department is rural-proofed. This goes back to my point about jobs. The IDA has done tremendous work on this and unemployment is down from approximately 15.5% to 6%. This can be very clearly seen in Galway and in certain towns around the country, but there are still many small towns that need a lift. We need initiatives to get the IDA and Enterprise Ireland to bring jobs into the regions.

Let us talk about my own town of Westport. We recently opened a new industrial unit, high-tech and complete with broadband. We thought that we might not get enough people to fill the centre but we actually ended up with twice that number. We have a huge amount of talent, a huge number of young people, and jobs will be created over the next few years. We want to start building these kinds of facilities in every rural town that we can, in places where we can bring young people in, provide them with a telephone line and broadband and give them a chance to get started. When these people start progressing and building up their own companies

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they will eventually move out of the units and we will be able to move somebody else in. It is working very well.

Let us consider the town and village renewal scheme, the rural recreation scheme and the CLÁR programme, which I recently reinstated. I will give the House some examples from my previous role in the Department of Transport, Tourism and Sport. I remember one evening when the budget was announced - it was the Government in which Senator Reilly was a Minister - and we first heard about the Wild Atlantic Way. I heard a commentator on a certain radio programme making a joke that this was something that was thought up to give to Deputy Ring. It was in fact, because I had looked for something for rural Ireland. No Deputy, Senator or councillor can tell me now that there has ever been as simple an initiative that has done as much for tourism in rural Ireland.

Let us think of towns like Newport and Belmullet and of areas like Erris and Blacksod Bay. These places had seen very few visitors for years. The solution was very simple: a bit of funding; a bit of signage; and most importantly, overseas marketing. Sometimes people did not like it, but when I went abroad I mentioned the Wild Atlantic Way at every opportunity I got. The west of Ireland is now the second most popular destination for tourists coming to this country. I honestly believe this is because of the Wild Atlantic Way. Rural Ireland needs more initiatives like this one; simple ideas that will not cost big money.

It is not all about money, however. My Department is currently putting together a policy on social inclusion and social schemes. We have met a lot of groups who are working with communities and raising some funding themselves from their own industries. All they are looking for is some support from Government and that is what they are getting. The town and village renewal scheme, the rural recreation scheme and the CLÁR programme are all targeted schemes to help and support rural Ireland. I make no apology to anybody about funding for these schemes. I intend to go back to Government and try to get further funding. These are simple targeted schemes that are working well and we must get Government to come up with a few initiatives. That is my job and my role.

I thank the Senators, first of all, for their good wishes. I thank them for their contributions. We might disagree on issues but the one thing we do not disagree on is the need for a strong, vibrant rural Ireland where we have people working, where we have families, where we can keep schools open and we can keep communities living.

Question put and agreed to.

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

Sitting suspended at 1.42 p.m and resumed at 2 p.m.

Criminal Justice (Victims of Crime) Bill 2016: Second Stage

Question proposed: "That the Bill be now read a Second Time."

Minister of State at the Department of Justice and Equality (Deputy David Stanton): This important Bill marks a change in the approach to criminal law in Ireland, providing for the first time a comprehensive framework of statutory rights for victims of crime, and I am very pleased to present it to the House today.

Under the Bill a victim of a crime will have the right to receive information in clear and concise language on the criminal justice system and the range of services and entitlements available to him or her; the progress of the investigation and any court proceedings; and the release, including temporary release, or escape from custody of an offender who is serving a sentence of imprisonment.

Victims will also have the right to an individual assessment to establish measures that may be necessary to protect them from secondary or repeat victimisation, intimidation or retaliation; and the right to request a review of a decision by the authorities not to initiate a prosecution in their case.

Before outlining the content of the Bill in more detail I would like to provide some context for the legislation. The main purpose of the Bill is to give effect to provisions of EU Directive 2012/29/EU, establishing minimum standards on the rights, support and protection of victims of crime. The EU victims' directive is largely being implemented on an administrative basis by the criminal justice agencies.

An Garda Síochána is central to dealing with victims. It is the first to receive an official report of an alleged crime, and is still with the case when a person is convicted and sent to prison. The establishment of dedicated victim service offices in every Garda division has been an important step in delivering the services victims are entitled to under the victims directive. These offices are staffed by a Garda and a civilian during office hours, making them accessible and predictable for members of the public.

An Garda Síochána has also established divisional protective service offices in three of its divisions. These are staffed by dedicated and specially trained officers to investigate cases of domestic and sexual violence. Once these units have been operating effectively and any teeth-ing problems resolved, units will be rolled out to all remaining divisions.

All the criminal justice agencies meet quarterly under the chair of my Department to review progress in implementing the directive and to resolve outstanding issues.

Support for victims of crime is provided initially by the crime victims helpline, funded by the victims of crime office in my Department. The helpline provides information on the criminal justice system, emotional support and referral, where necessary, to face-to-face support for victims of crime. In addition to its service funding, additional money has been provided from the Dormant Account Fund to allow the helpline develop cinema advertising and three short videos for victims on different aspects of the criminal justice system. This complements a range of written material online and the individual one-to-one explanations that are given over the phone by the helpline.

The vital work being done by the wide range of non-governmental organisations in continuing to provide supports to victims of crime is something which I wish to warmly acknowledge this afternoon. These organisations are providing essential support and information to victims of crime, including emotional support, court accompaniment, accompaniment to Garda interviews, accompaniment to sexual assault treatment units, counselling and referral to other services. They provide a hugely valuable source of support to people at what often can be a traumatic time in their lives.

The Government's strong commitment to supporting this work is reflected in the programme for Government and in the allocation of €1.7 million which my Department provided to fund

organisations supporting victims of crime in 2017.

I would like to outline in more detail the content of the Bill. Part 1 of the Bill contains a number of standard provisions concerning the Short Title, commencement and expenses. In addition, section 2 defines a range of terms used in the Bill. The most significant of which defines “victim” as any person “who has suffered harm, including physical, mental or emotional harm or economic loss, which was directly caused by an offence”. This is a broad and inclusive definition which reflects the victim-centred nature of this Bill and the EU directive. The victim is not defined in relation to the offence or the offender but rather by the effect which the crime has had on him or her. The victim benefits from the rights provided under the Bill, whether or not a formal complaint is made or a suspect has been identified. Where a victim has died as a result of an offence, section 2 provides that the victim’s family members may avail of the rights provided in the Bill.

Part 2 of the Bill addresses a very important aspect of the Bill, namely, the victim’s right to information about his or her case. Section 6 sets out a wide range of information which victims must receive when they first make contact with the Garda, or in certain cases, the Garda Síochána Ombudsman Commission. Victims will be entitled to receive detailed information on the criminal justice process and the role of a victim in that process. This will include information on the procedure for making a complaint, where to direct inquiries and the circumstances in which they may be able to obtain protection measures or assistance by way of interpretation, translation, legal aid, compensation or expenses. The section provides that a victim may bring someone with them when first contacting the Garda about an offence, including a legal representative if they wish.

I have already highlighted the vital services provided to victims of crime by victim support groups. This section ensures that victims will be offered information about victim support services and may, with consent, be referred to such services.

Section 7 outlines the information which a victim will receive, if he or she wishes to receive it, to keep him or her informed of the progress of his or her case through the criminal justice process. Victims must be given information on any significant developments in the investigation, including the arrest, charging or release on bail of a suspect, and on any trial and any sentence imposed on an offender. Where an offender is imprisoned or detained as a result of the offence, the victim will be entitled to receive information from the Irish Prison Service, the Central Mental Hospital or a children detention school, in respect of any release, including temporary release, or escape from custody by the offender.

A particularly important right under section 7 is the victim’s right to be informed when a decision is made to end an investigation or not to prosecute an offender and to be given reasons for that decision. Sections 8 and 9 provide that in the case of a decision not to prosecute, the victim will be entitled to seek a review of that decision. This measure is intended to help victims to better understand the reasons that in some cases it is not always possible to get justice. Part 3 of the Bill concerns the protection of victims during investigations and criminal proceedings. Section 11 provides that the victim may be accompanied by a person of their choice, including a legal representative, when making a complaint and must receive a written acknowledgement of that complaint.

Falling victim to a crime when one is away from home can be particularly difficult and there are a number of specific rights to address the needs of victims of crime in member states other

than where they live. The Bill also sets out other measures for the protection of victims during interviews and medical examinations.

This is a victim-centred Bill. As such, it focuses individually on the victim and his or her needs. Sections 14 to 18, inclusive, make provision for the assessment of victims and the implementation of protection and special measures identified by the assessment. Each victim will be individually assessed to establish any particular protection needs he or she may have and if they would benefit from any special measures during the course of the criminal proceedings. This assessment will take into account the nature and circumstances of the crime but the focus is on the personal needs of the victim.

The protection needs which may be identified include advice on personal safety and the protection of property, advice on safety orders and barring orders and applications to remand an offender in custody or to seek conditions on bail. Special measures available during an investigation may include carrying out interviews in specially adapted premises by persons specially trained, by the same person or by a person of the same sex.

The prosecutor must take the assessment report into account in determining whether to apply to the court for special measures such as allowing the victim to give evidence via live television link, through an intermediary or from behind a screen.

The Bill recognises that child victims of crime are particularly vulnerable and provides additional protections for children. In assessing the child's needs, gardaí must have regard to the best interests of the child and must take the views of the child and his or her parents into account. They must also ensure that a child victim is accompanied by an appropriate adult during interviews and in court proceedings. Other special measures available to victims include a power for the court to exclude the public from proceedings and to prevent unnecessary questioning regarding a victim's private life. Under the Bill, all communications with a victim must be in simple and accessible language and take account of the victim's ability to understand and be understood.

Part 4 amends a number of other Acts. Provisions of the Criminal Evidence Act 1992 are extended to facilitate the increased use of evidence via live television link, through an intermediary or from behind a screen. Further amendments to the 1992 Act will be introduced on Committee Stage to take account of changes introduced by the Criminal Law (Sexual Offences) Act 2017 since the publication of this Bill. The Criminal Justice Act 1993 is amended to extend the right to make victim impact statements to victims of all offences or, in certain circumstances, their family members. The Bill also amends the Courts Service Act 1998 to require the Courts Service to make arrangements for the separation of victims and their families from offenders in the course of criminal proceedings and to provide separate waiting areas for victims. In addition, several statutes are amended to ensure that a support worker may always remain in court with a victim.

Before I conclude I would like to thank all of the criminal justice agencies who have a role in providing services to victims under this Bill for their assistance in developing these proposals and implementing many of these rights on a non-statutory basis since the EU directive came into force in November 2015. I also acknowledge and thank the many victim support groups and community groups that have contributed to the development of this Bill over a number of years. Victims need to be treated with respect, courtesy and sensitivity. They need information on the criminal justice process and their role within it and they need to receive that information

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in a manner which they can readily understand. Victims need to have a voice in the process and they need to know that someone is listening to them. Victims also need to feel safe, to be protected from further victimisation and to receive appropriate support tailored to their individual needs.

This Bill will ensure that victims have a statutory right to have these needs met in a timely, professional and sensitive manner and I would ask Senators to support its passage through the House. I commend this Bill to the House.

Senator Diarmuid Wilson: I welcome the Minister of State, Deputy Stanton, to the House. Fianna Fáil will be fully supportive of this legislation. We believe that it is long overdue. As the Minister of State has stated, it transposes into Irish law the EU directive which establishes minimum standards in respect of the rights, supports and protection of victims of crime. We believe that the victims of crime need to be fully supported at all times. Too often the justice system seems to be balanced in favour of criminals and repeat offenders while ordinary people who fall prey to criminality are very often left unrecognised. While we are supporting this Bill, we have a number of amendments which we will bring forward on Committee Stage.

There is often a feeling that our laws do not do enough for victims and that they are not consistently applied. A criminal act leaves a victim vulnerable and, often, in need of assistance. Very often victims feel that they have been left on their own. A victim is often involved in the criminal justice system for the very first time and may have to speak to members of An Garda Síochána, solicitors or other professionals and ultimately go to court. This can be a daunting experience which can add to levels of distress. In Ireland, a person who has been the victim of a crime receives a letter from An Garda Síochána which acknowledges that they are a victim and informs them that the matter is being investigated. This letter offers them information on how to follow up should they need to do so.

I welcome the fact, which the Minister of State has outlined, that in addition to this, and as a result of this legislation, the victim will have rights including: the right to receive comprehensive information on the criminal justice system and his or her role within it; the right to a range of services and entitlements which he or she may access; the right to receive a written acknowledgement of the making of the complaint; the right to be provided with information concerning the progress of the investigation and any court proceedings; the right to be informed of any decision not to institute a prosecution in respect of an offence committed against him or her and the right to request a review of that decision; the right to receive information on the temporary release or the escape from custody of an offender serving a sentence for an offence committed against the victim; the right to receive information in clear and concise language; and the right to interpretation and translation where it is necessary to enable the victim to understand and to be understood, particularly in the criminal justice process.

As the Minister of State mentioned in his contribution, transposing this EU directive is about ensuring that victims are recognised and treated with respect and dignity. They are two of the most important words in the Minister of State's contribution. It is also about ensuring that victims are protected from further victimisation and intimidation from the offender and further distress when the victim takes part in the criminal justice process.

This is an EU directive. The Bill enshrines the directive, which gives these particular rights to victims, in Irish law. I understand all these same rights apply in all other EU countries. Is that the case? Have all European Union member states transposed this directive into national

legislation in their own jurisdictions? In respect of Brexit and whether it will go ahead, which it seems it will, how will Irish citizens who are victims of crime in mainland Britain and the Six Counties of this island which are under the British Government's control be treated? If Brexit happens this EU directive will no longer have any effect in that jurisdiction. Will the Minister of State answer that question? I say again that we will be bringing forward a small number of amendments, which we believe are relevant, on Committee Stage. We will be fully supportive on Second Stage.

Senator Victor Boyhan: I thank the Minister of State, Deputy Stanton, for a comprehensive overview of the Bill which clearly sets out many of the points involved. As a group of Independent Senators we will be bringing forward a number of amendments on Committee Stage. We are working on them. We have been talking to and engaging with a number of organisations which represent victims of crime. When talking to victims, one learns at first hand of their personal experiences and of some of the nuances of things that we, as legislators, perhaps do not always think about. The key message I take from what the Minister of State has said, and the message which is already in the Bill, is that this is about a voice for the victims. This is to empower victims and to give them a voice. This is about dealing with their concerns in an appropriate and timely manner. That has to be welcomed.

Clearly, the objective of this Bill is to transpose into Irish law the 2012 EU directive which established the minimum standards for the rights, supports and protections of victims of crime. When one looks through the Bill and teases it out in simple language, which is also very important, it introduces statutory rights for victims of crime for the first time. It introduces and talks about the establishment of a statutory definition of a victim for the first time. It provides victims with a right to certain information about their case from when they first make contact with the competent authority. It is worth mentioning the competent authority because I will be returning to that concept to clarify and qualify it in a moment. The Bill allows the victim to make a complaint about any investigation during the criminal proceedings and following a conviction, if applicable. It allows a victim the right to request a review of a decision not to proceed with a prosecution made by the Director of Public Prosecutions, the DPP, or by An Garda Síochána. It makes provision for a victim to avail of protection measures during investigation and criminal proceedings. It provides that all victims must be individually assessed to ascertain whether they would benefit from the protection of special measures during an investigation. That must be welcomed.

It provides victims with a right to avail of interpretation and translation services. The Minister of State spoke about language and about being listened to, heard and understood. That is very important in terms of victims telling their stories. The Bill makes certain important amendments and makes provision for giving evidence in court from behind a screen, via an intermediary or a television link-up. That is also an important measure. It extends the right of giving victim impact evidence to any person who has suffered harm as a direct result of a criminal offence. This is right, appropriate and important.

I will make two or three other points on which I have been advised and I want to share them with the Minister of State. Article 4 of the victims' directive relates to the right to information and provides that all victims of crime have the right to certain information on first contact with the competent authority. I mentioned that a moment ago. The competent authority is not defined in the victims' directive from the European Commission, with justice guidelines giving an indication of what should fall within the definition. The term "competent authority" is broader than "the law enforcement authority", or police in this case. The competent authorities

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acting in criminal proceedings under this directive are determined by national law. This does not exclude, for example, customs or border agencies if they have the status of law enforcement authorities under national law.

Will the Minister of State clarify that the Criminal Justice (Victims of Crime) Bill only applies to investigations conducted by the Garda and the Garda Síochána Ombudsman Commission and that it only deals with those two groups? Such a restriction prevents victims from accessing criminal prosecution in any other form of prosecution or investigation; any statutory authority with the potential power to prosecute a criminal offence would fall under the remit of section 4 of the victims' directive, dealing with the right to information. There is a significant list of bodies falling within that remit, including but not limited to the Health and Safety Authority, HIQA, Tusla, the Health Service Executive and ComReg, for that matter. These bodies have the power to investigate and prosecute criminal offences. Victims should be provided with information from these prosecuting authorities in accordance with Article 4 of the victims' directive. Will the Minister of State consider a recommendation that "investigating authorities" should be substituted in the Bill in place of mentions of the Garda Síochána and Garda Síochána Ombudsman Commission? It is an important issue that I am putting to the Minister of State at this early stage so he might reflect on it.

I will also speak about reporting on training given to gardaí and authorities, which is important. There are clear measures regarding reporting and training for Garda authorities. The victims' directive states: "Without prejudice to the judicial independence and differences in the organisation of the judiciary across the member states, member states should request that those responsible for the training of judges provide general and specialist training to increase the awareness of judges and prosecutors for the needs of victims." There is a Government proposal for a judicial council, and potentially it is an area that such a judicial council could examine. It is certainly envisaged in Mrs. Justice Susan Denham's recommendations for a judicial council. The Minister of State might bear that in mind. Of course, judges must have ongoing training, which is important, and I do not suggest they would not want it. They would want it.

There is the issue of access to information. Throughout the Bill, references to the Garda Síochána should be replaced with references to the "investigating authority". This matter was raised by a number of groups and did not originally come from me. It is something the Minister of State might take on board. There is mention of referral of support and information services. The Bill indicates gardaí "may" refer a victim to support and information services, meaning it is ultimately discretionary. I suggest this could and should be changed to "shall". The Minister of State might also take that on board.

I will wrap up with a final request that has been asked of me. There is an idea of a one-stop shop for victims of crime and a designated ombudsman to deal with such issues. The Minister of State indicated, as mentioned in the Bill, that we must never forget the victims of crime, and children and minors in particular. We are seeing a growing number of them being affected by serious crimes. There is a case for specialist support and training for this particular category. All victims suffer and need support. In essence, this is good legislation. It may need some tweaking and that is what the parliamentary process is about. I wish the Minister of State well.

Senator Martin Conway: The Minister of State is always extremely welcome here on his regular visits. He has come here today with extremely important legislation. It is transposing a European directive on victims of crime into Irish law. Much legislation coming here is a result of European directives, which is one of the great benefits of our membership of the

European Union. The importance of looking after victims of crime is something we have not prided ourselves on; we certainly have not crowned ourselves in glory in that respect over the years. The first effort made to do anything constructive to assist victims of crime was when Mr. Derek Nally, who ran for the Presidency at one stage, set up an organisation called the Irish Association for Victim Support. At the time he got quite a bit of publicity. To be fair, it did very good work but issues have become more complex since then and they require a much more comprehensive response. It is a very welcome development that the rights of victims will be enshrined in legislation.

Much of the trouble victims have arises from not getting information. They might be constantly ringing a Garda station and not being put through to the people looking after the investigation. They might not know when somebody is going to get temporary or compassionate release. They might be walking down the street and suddenly see on the other side of the street the perpetrator of the crime on temporary release, which is totally unacceptable. It should not happen. To be fair to the courts and the Irish Prison Service, it does not happen as a rule. We will enshrine it in legislation to ensure it does not happen.

The Cathaoirleach will remember, as the Minister of State will from when he was Chairman of the joint committee dealing with justice, that we had a presentation from a number of victim groups. One that stands out in my mind was from a group that presented on tourists who were victims of crime. At that stage, there was a proposal for a designated office in the capital city which would deal with tourists who were the victims of crime. Perhaps the Minister of State might update the House on whether the organisation still exists and whether the work it hoped to do is being done. The problem with a tourist who is a victim of crime is that English may not be his or her native language and passports and travel documents may be stolen. In such cases, embassies would be involved and the process could become quite complicated. A designated one-stop shop, to quote Senator Boyhan, to deal with victims of crime who are tourists in our country would be extremely important. It is bad enough for them to be victims of crime but if the State lets them down, it is double the crime.

By and large, the measures in the Bill are strong and welcome. I note colleagues have suggested amendments and those which strengthen the legislation would be very welcome. I appeal to the Minister to be proactive in dealing with amendments that come from colleagues on the other side of the House. Everybody wants to protect victims of crime as much as he or she can do so. We have a duty of care to our citizens who fall victim to crime to ensure they are properly treated and well looked after.

Senators Boyhan and Wilson mentioned the issue of minors and children being victims of crime. For too long in this country children have been the victims of crime and have not been listened to. It is great that the Irish Courts Service is taking a far more humane approach to dealing with children who find themselves in the very unfortunate position of having to give evidence. Most judges, from my experience or understanding, are tender and gentle in engaging with children. It is no harm to have these measures enshrined in legislation because it takes only one bad egg to spoil things for everybody. The purpose of this legislation is to ensure that no victim suffers more than they have already suffered as a result of a crime. I hope the Minister of State, Deputy Stanton, will be taking all Stages of this legislation through the House because having served with him on the Joint Committee on Justice and Equality I know he has a unique understanding of the challenges faced by the victims of crime.

Senator Niall Ó Donnghaile: Mura miste leis an Chathaoirleach, tá mé dul an óráid seo a

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léamh ón táibléad. Ní raibh seal agam é a chló, ar an drochuair. I welcome the Minister of State to the House and ask for his indulgence as I will be reading my speaking notes from my tablet.

Sinn Féin welcomes this Bill, which should have been introduced a long time ago because the deadline for implementation by this State of the EU victims' rights directive 2015. There is no excuse for this delay.

The Garda Inspectorate report 2014 outlined serious deficiencies in An Garda Síochána's approach to the victims of crime. The report also noted that while front-line gardaí and detectives may recognise and believe in the importance of keeping victims updated, they often could not find the time to do so. Much of this is down to resources. The success or otherwise of what is provided for in this legislation will also hinge on whether there are resources to follow it.

Too often, initiatives by this State in the criminal justice area are more about being seen to be doing something rather than having an impact on the original objective. There is a danger that if victims' rights are not resourced adequately this legislation will fall into the same category. Up to now, there has been an inconsistent approach in the manner in which gardaí have updated victims and there are no official guidelines on how and when this should take place. The EU victims' rights directive is a useful mechanism to frame practice in this area. I urge the Government to ensure that this legislation complies with what is required by the directive. Once the requisite changes are made to ensure it is compliant, I would urge the Minister to publish an implementation plan to demonstrate how it will be work in practice.

In my role as a public representative I have had interaction with people who have been victims and not sought assistance because they felt they were not listened to by the authorities. This will be an increased feature of public life given that people are becoming more uncomfortable with the idea of speaking out when they have been wronged by employees' organisations that are agents of the State and those charged with investigating crimes, including not only members of An Garda Síochána but members of the Health and Safety Authority.

Too often people struggle not only as a consequence of the crime perpetuated against them but also as a consequence of their not being listened to or not receiving support in the aftermath. Historically, the emphasis in the criminal justice system has been solely on the rights of the accused and the rights of the prosecution, with victims merely playing the role of witness to the crime perpetrated against them. Sinn Féin is not seeking a fundamental alteration of the mechanisms of the criminal justice system; rather it is seeking to ensure that the rights of victims of crime in criminal proceedings are upheld. It is Sinn Féin's view, and the view of the EU, that the State has an obligation to uphold these rights. I know that the Minister of State accepts that. The victims' rights directive, if implemented in full, would give the victims of crime a codified set of rights, supports and protections to safeguard them and their families in criminal law proceedings.

Sinn Féin commends the victims' rights movement in Ireland but we do not want to see their legitimate concerns and calls for victim protections appropriated by the introduction of what effectively boils down to legislative soundbites. It is unfortunate that we are not dealing with the parole Bill in tandem with this legislation. We are constantly hearing that An Garda Síochána does not have the resources to do many things. How can it be expected to effectively assist victims when resources is an issue? This Bill is a good move but I believe it falls short of what is needed. For this reason, I ask the Minister of State to consider the formulation of an implementation plan.

Where a victim has consented to referral to a victim's support service but the garda involved in the case "could not or would not" make this referral, there is the potential that the victim will feel the same as he or she would have had the legislation never been passed, re-victimised and ignored by the system which is meant to assist him or her. The directive is clear on this issue. For this legislation to comply with it, that wording would need to change. Where consented to, referral must not be open to discretion. If this is to be recognised as a right, then it cannot be dismissed owing to the State's unwillingness to allocate the resources to uphold it.

There is no statutory scheme for restorative justice in this State. We welcome that Report Stage of this Bill allowed for the inclusion of the scheme sought by Sinn Féin. It was hard fought. We need a restorative justice scheme and we need it to be effective in meeting the needs of victims and ensuring that offenders are accountable for their deeds in a way that will reduce reoffending. Resources and training will be key in this regard. Sinn Féin sees an increasingly important role for restorative justice in the justice system of a future united Ireland. We know that in many cases it is more socially effective than retributive justice as it results in higher victim satisfaction, lowering instances of repeat offending and greater chances of offenders' rehabilitation and reintegration into their communities.

Senator Diarmuid Wilson: Hear, hear.

Senator Niall Ó Donnghaile: This restorative dimension leads to much higher levels of victim satisfaction with the process. This is principally because restorative justice, wherever possible, involves all those who have a stake in a specific offence. It aims to collectively identify and address the resulting emotional, physical and financial harm and associated needs and obligations of all involved to ensure the victim or victims get more direct redress.

Sinn Féin has a number of concerns regarding what is not included in this Bill and, like other colleagues, we will be bringing forward amendments which we are confident will enhance the legislation. I know we will be pushing against an open door with the Minister of State, Deputy Stanton.

Senator Ivana Bacik: I welcome the Minister of State, Deputy Stanton, to the House. I also welcome the opportunity to debate this important Bill with him, which the Labour Party supports. As said by other speakers, this Bill is long overdue but nonetheless it is extremely welcome. It represents an increasing move towards recognition of victims' rights in our criminal justice system, which is a welcome development.

Others have spoken about the origins of the victims' rights movement in Ireland and the role played in this regard by Derek Nally and many voluntary organisations and NGOs, which the Minister of State acknowledged in his contribution is hugely important to mention. We have now moved to a point where victims' rights need to be enshrined in statutory format. For this reason, this legislation is important.

At this point I should declare an interest having researched in the past and published on victims' rights in the rape law process, in particular the rape trial process in 1988, and more recently with colleagues in Trinity College around victims supports more generally, one of the findings of which was the difficulty in terms of accessing services for victims on a practical basis across Ireland. Given much of the service provision in this area has been traditionally provided by voluntary groups, the service is rather patchy. The increases in funding mentioned by the Minister of State are welcome. While the picture in this area has improved considerably

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in recent times there has been a difficulty over many years in accessing victim supports, including for court accompaniment which is time intensive and in many cases is undertaken by members of local rape crisis networks and so on. These services, where provided, have been very important. As I said, the difficulty has been a lack of consistency in their provision nationally.

We know from the work done by NGOs and academics on victims' rights, particularly in our own system, that there are three serious difficulties that have arisen. This Bill seeks to address those difficulties. The first is a lack of information for victims within the process. This is the key issue which the Bill will address significantly. I know from the rape study in which I was involved that victims felt excluded not only from decision making because the DPP must exercise decisions independently and impartially, but from information in regard to how a process is unfolding, why a prosecution is not being taken or why an offence reported as rape is being prosecuted as a sexual assault. This type of information has all too frequently been lacking and unavailable to victims and they felt excluded as a result.

The second difficulty is the victim's lack of voice in terms of putting forward his or her own perspective. Within our system, the victim is a witness for the prosecution and no more than that and he or she has no entitlement to legal representation. I should point out that there is a small exception in that regard, following lobbying by the Rape Crisis Centre in the late 1990s under the Sex Offenders Act 2001, whereby a complainant in a rape trial has the right to separate legal representation where she or he is likely to be cross-examined as to prior sexual history. We have that limited entitlement to legal representation but it is in a very limited situation.

That brings me to the third difficulty, which is a bigger difficulty than this Bill could hope to address. I refer to the nature of our adversarial criminal justice system. As the Minister of State is well aware, our system differs from the system used in many continental European countries where the criminal justice process is run on an inquisitorial basis and, as a result, one sees much less forceful cross-examination of complainants or victims in the stand by counsel for the accused. The Irish system is a due process based system that has cross-examination built in. We must be conscious that research into victims' experiences in Ireland, Britain and other adversarial systems shows a serious problem. It has often been called a secondary victimisation. Individuals feel they are on trial because they have been cross-examined so aggressively, in some cases, by counsel for the defence. That is a real issue when trying to protect victims in our system and it is a much bigger issue.

In many ways, the Bill seeks to address not just the lack of information and lack of voice but the more detrimental aspects of the adversarial system for the victim, which is welcome. Section 6 deals with the right to receive information at the first point of contact, which is welcome. Senator Boyhan raised an issue that the Victims' Rights Alliance has raised with many of us, namely, the fact that currently the Bill appears to only apply to the Garda Ombudsman Commission. There are other prosecuting bodies like the Health and Safety Authority. I know this matter has been raised in the Dáil. I ask that other bodies with the statutory authority to prosecute are included within the remit of the Bill. The directive appears to envisage that they might be included.

Section 8 is hugely important because victims will now receive information from the Garda or the Director of Public Prosecutions on a decision not to prosecute. The DPP had operated that for some offences, although on an informal basis. It is a hugely important measure for victims.

I refer to sections 13 to 16, inclusive, on the way the Garda conduct interviews with victims. These are very useful and important provisions. It must be recognised, and perhaps it is absent from them, that these victim interviews, as they are referred to, in practice in the Irish system will, in many cases, form the basis on which individuals or the accused persons are prosecuted. The statements will enter the book of evidence. If there are a number of statements or interviews with the victims, as envisaged by these sections, and frequently in practice there are a number of interviews, discrepancies between the statements that arise from the interviews will be picked apart during cross-examination by the defence. We need to be cognisant of the fact that in our system victim interviews are hugely important as a basis for prosecution and as a basis on which victims will be cross-examined later in court. Perhaps the provisions that stem from the directive do not quite take that fact into account. I know we will have time to tease out these issues in more detail on Committee Stage.

Sections 18 and 20 are welcome and they refer to a court having discretion where a victim is questioned about his or her private life. How do we square that with the current rights of the accused to question a victim on prior sexual history? We have tried to protect victims by building in protections in the legislation. However, we have seen aggressive questioning on sexual history. It is a very unpleasant secondary victimisation for complainants in sex offence trials and deters people from making allegations. We must consider how these important measures will affect the criminal justice practice based on our own model.

I refer to the resource implications, which others have mentioned. Resources are a huge issue. The Bill rightly envisages that there will be significant additional implications for the Garda and DPP's office as witnesses and victims will have formal rights *vis-à-vis* the Garda. We need to ensure the Garda is fully resourced to do so. We need to address the Garda Inspectorate's report. The Minister of State is a former Chair of the Joint Committee on Justice, Defence and Equality. Senator Martin Conway and I were also members of that committee. Therefore, I know that the Garda Inspectorate met the committee to discuss its very comprehensive 2015 report. On that occasion, it identified serious concerns about the recording and investigation of offences by the Garda, attrition in domestic violence, which was a point that was picked up by Professor Evan Stark during his recent visit to Ireland, the misrecording of offences, and the difficulties and failings in the Garda prosecution and investigation of individual criminal offences. We must be mindful of resource implications. I would like to know when the Bill will be commenced because one must be clear that enough resources are in place before it is enacted. Section 1 envisages that the legislation will come into effect on being commenced. Clearly, the legislation must pass through the Houses first. When is it proposed that the legislation will come into force?

Minister of State at the Department of Justice and Equality (Deputy David Stanton):

As always, I am very impressed with the work and thought that Senators have put into this legislation. I listened with interest to what Senators had to say about the Bill and thank them all for contributing to the debate. I am very pleased and grateful that the Bill enjoys wide support in the House. The Bill has already been improved by the contributions that Members made in the other House. I know that the Minister is open to considering proposals that would further improve the Bill and the rights and protections for victims, which it provides. That is the bottom line.

Senator Wilson asked for the number of European Union countries that have transposed the directive. I am not sure but we will get that information to him at some stage. As Senators will know, the Brexit situation is changing all the time but there have been developments today. I

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understand that the UK has transposed this directive into national law. The directive may not be in force in the UK after Brexit but victims' rights are protected under national law. None of us knows how Brexit will play out. I hope that my response has answered the question raised about Brexit.

Senator Wilson also mentioned that appearing in court is a daunting experience, and Senator Bacik and other Senators made the same point.

Senator Boyhan said he will table amendments and I await them with interest. He said the voice of victims and the definition of "victim" are important. He also made a point about a competent authority, and Senator Bacik also raised the matter. We are talking about expanding the scope of the Bill to other investigating and prosecuting authorities. It has been suggested that the scope of the Bill should be expanded to include other bodies with a role in the investigation or prosecution of a criminal offence. I do not believe that is required by the directive. The EU directive is targeted at criminal offences. Under continental justice systems, there is generally a distinction made between criminal offences and civil and administrative offences. The same distinction is not present in this jurisdiction. That does not mean the directive should have a much wider application here than in other member states. For that reason, the Bill focuses primarily on applying the provisions of the directive to victims of criminal offences that are reported to the Garda.

I acknowledge that other agencies and bodies have investigation and prosecution functions such as local authorities, some Departments, specialist authorities, Revenue, etc. To cover all those agencies would go far beyond the intended scope of the directive and it might not be of great help to victims. We can discuss the matter further if amendments are tabled. I suggest that Senators reflect on what I have said. The term "investigative bodies" is very general. I suggest that Senators specify each one but then that might pose other difficulties.

Senator Ó Donnghaile mentioned that the mandatory referral of victims to support services is required. That is not the case under the directive. The directive requires member states to facilitate the referral of victims to victim support services. This is implemented in the current legislation by requiring the relevant authority to offer every victim information on services that provide support for victims of a crime and in section 6(8) by establishing a system whereby a victim can be directly referred to a victim support service where that is necessary. We must bear in mind that a system that provides every victim with information about victim support services, and directly refers only those who have a particular need of such referrals, strikes the appropriate balance and meets the needs of victims and respects their autonomy. One must recognise that not all victims, especially those in the case of minor crimes, will require specialist support. We must strike a balance and I suggest we tease out the matter. Senator Martin Conway mentioned the Irish Tourist Assistance Service, which is still in operation and doing a very good job. I recall its representatives appearing before the Joint Committee on Justice and Equality and making a very strong case for the important work it does.

I have listened carefully to the contributions of all Members. The interesting points made by Senator Ivana Bacik about the protected rights of accused persons should be reflected on and considered in looking at how the rights of both the victim and the accused are protected during cross-examination, particularly in view of the adversarial nature of the justice system.

I thank Senators for their contributions and support in what has been a very interesting debate. I look forward to the issues raised being discussed on Committee and Report Stages. I

am unsure whether it will be me or the Minister who will be present, but there has been a good debate on the very important issue of victims being looked after, informed, having a voice and being protected. In that regard, it is always important to have adequate resources available. As I said, much of this is happening on a non-statutory basis. A lot of good work has been done and resources have been allocated, but there can never be enough. There will always be a need for more, no matter how many are made available. The Government is committed to providing support in dealing with this very important issue. Similarly, restorative justice which was also mentioned is important and part of the matrix in assisting and helping people in working their way through the criminal justice system.

I again thank Senators for their contributions and wish the Cathaoirleach well during the summer break.

Question put and agreed to.

Committee Stage ordered for Tuesday, 18 July 2017.

Sitting suspended at 2.55 p.m. and resumed at 4 p.m.

Business of Seanad

Senator Jerry Buttimer: I ask for the permission of the House to suspend the sitting until 5 p.m. as the Minister of State, Deputy Paul Kehoe, is on active duty in the Dáil dealing with defence matters. I apologise to Members and staff for any inconvenience caused.

An Leas-Chathaoirleach: Will that debate conclude before 5 p.m.?

Senator Jerry Buttimer: It will. There will also be a vote on the matter being discussed in the Dáil.

Sitting suspended at 4.02 p.m. and resumed at 5 p.m.

Naval Service Deployment: Statements

Minister of State at the Department of Defence (Deputy Paul Kehoe): I welcome the opportunity to address the deployment of the Naval Service to Operation Sophia in the Mediterranean. Following a Government decision, the Dáil today approved Defence Forces participation in the UN-mandated EU naval mission, Operation Sophia. The Dáil decision completes the final part of the triple lock procedure, as Members are aware. Earlier this year, following discussions with the Defence Forces general staff, I asked the Deputy Chief of Staff, General Brennan, and the Naval Service Flag Officer, Hugh Tully, to visit the Operation Sophia headquarters to meet with its commanding officer and report back to me. The subsequent advice and recommendation I received from the Defence Forces general staff was that Ireland should participate in Operation Sophia. The mission operates in the southern central Mediterranean. The Government approved participation on Tuesday and the required Dáil mandate to participate in this UN mandated mission was given this afternoon. The Government decision is for the Naval Service to transfer to Operation Sophia at an appropriate juncture and the preparatory work for this to take place, which will take place over the coming months, can only be commenced

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now that the triple lock procedure has been completed. The Government decision mandates Ireland's participation in the operation until December this year.

The EU naval operation against human smugglers and traffickers in the southern central Mediterranean was launched as a common security and defence mission in June 2015. In October 2015, the mission was given the name Operation Sophia. The mission is named after a baby born to a Somali refugee on board a rescue vessel and is intended to be a way of honouring the lives of the many people being saved and protected in this way. It is also intended to send a message to the world that, by fighting smugglers and criminal networks in this way, we are protecting human life. Operation Sophia's mission is to identify, capture and dispose of vessels and enabling assets used or suspected of being used by migrant smugglers or traffickers. The objectives of the operation are not only to disrupt the activities of smugglers and traffickers but also to prevent further loss of life at sea and to reduce the suffering and exploitation of migrants by countering and challenging the criminal organisations engaged in such activities. Together with other EU member states, Ireland must continue to play its part in managing the increasing numbers of migrants arriving via the central Mediterranean route. The UN migration agency has reported that 95,768 migrants and refugees have entered Europe by sea in the first six months of 2017, almost 85% of whom arrived in Italy. There have been 2,169 deaths recorded in this period. Irregular migration into Europe on the central Mediterranean route increased by 18% in 2016 and by a further 19% in the first six months of 2017 compared to 2016. Libya is the main country of departure for these migrants. The migratory flows from Libya into Italy and the continuing loss of life in the Mediterranean is an issue of serious concern. There is a need for solidarity among EU member states in addressing these issues and Ireland must play its part.

Operation Sophia is one element of a comprehensive approach to addressing the migrant crisis. The mission also provides capacity building and training to the Libyan coastguard and navy and contributes to the implementation of UN Security Council Resolution 2292, which imposes an arms embargo on Libya in an effort to prevent the flow of illicit arms and related material into that country. In relation to disrupting people smuggling and trafficking operations in the Mediterranean, Operation Sophia is being implemented in a number of phases. The first phase, to support the detection and monitoring of migration networks through information gathering and patrolling in accordance with international law, is complete. The mission is currently at phase 2, part (i), and involves the targeting, seizure and diversion of the vessels of human smugglers and traffickers on the high seas. There are no proposals currently to move to the next phase, phase 2, part (ii). Moving to this phase, which relates to operating within Libyan territorial waters, requires a further UN Security Council resolution and-or the consent of the coastal state. Similarly, there are no proposals to move to the third phase which would involve taking all necessary measures against vessels including disposal or rendering them inoperable. Ireland will only participate in those aspects of Operation Sophia which are authorised in accordance with UN Security Council resolutions, and Ireland will declare caveats to this effect should the Dáil approve this motion.

It is understandable that some have concerns about participating in this mission. I am aware of the concerns raised in a report by the United Kingdom House of Lords which was published yesterday which questioned the effectiveness to date of the Operation Sophia 3 mission. However, a recent EU strategic review of Operation Sophia determined that the prominence of Operation Sophia on the high seas off Libya continues to hamper the human smugglers' business model and is having a deterrent effect in supporting the arms embargo.

It is important to note that this mission is only one part of the EU response to addressing the causes and not just the symptoms of the crisis. Irish troops are contributing to the EU's efforts as part of EUTM Mali. The EU also has a training mission in Somalia and EUFOR Chad, where we led and had troops previously. All of these are CSDP missions with a UN mandate. In May 2015, Ireland provided €1 million to the International Committee of the Red Cross to meet urgent humanitarian needs in Libya. Ireland also supports the humanitarian response in Libya through contributions to the European Commission and to the UN Central Emergency Response Fund. Assistance is being provided to internally displaced persons, returnees and other vulnerable groups. In total, the European Commission has allocated almost €20 million in humanitarian aid to Libya since the current crisis started in mid-2014.

One of the root causes of the conflict in the region is the Syrian civil war. Since the Syria crisis began in 2012 Ireland has provided over €76 million in humanitarian assistance to those affected by the conflict. Our funding supports those inside Syria and refugees across the region, including Lebanon and Jordan. We have also provided €33.5 million in humanitarian assistance to Somalia since 2012.

I want to restate that Ireland is fully supportive of the comprehensive EU approach to the migration crisis including the current deployment and Operation Sophia. Ireland contributes to its costs through the financing structures of the EU's Common Security and Defence Policy. This is the third year of our participation in Operation Pontus under which an Irish naval vessel has been deployed to the Mediterranean to undertake humanitarian search and rescue tasks as part of a bilateral arrangement with the Italian authorities. Overall, over 16,800 migrants have been rescued since Irish Naval Service vessels deployed in the Mediterranean, demonstrating clearly the value of Ireland's response to the migration crisis.

The Government and I believe that Irish people are extremely proud of the Naval Service contribution to this mission. Transferring to Operation Sophia will result in the redeployment of Irish Naval Service vessels from primarily humanitarian search and rescue operations to primarily security and interception operations. The Naval Service vessel will, however, continue to be available to respond to requests from the Italian maritime rescue co-ordination centre or other relevant authority, in terms of any vessels at risk in its area of operation. While the focus of Operation Sophia is primarily on security and interception operations, more than 36,600 persons have been rescued by vessels operating under this mission since October 2015.

I should also state that it is the duty of all maritime ships, including naval vessels, to render assistance to other vessels in distress in accordance with the UN Convention on the Law of the Sea. In addition to the continued presence of Operation Sophia assets in the region, a daily average of more than 50 merchant vessels and up to ten non-governmental organisations are operating in the central Mediterranean and are actively involved in search and rescue activities. The processing of migrants in accordance with international law and respect for human rights is a fundamental aspect of Operation Sophia. Accordingly, very close working arrangements with UN Higher Commissioner for Refugees and International Organisation of Migration have been put in place both in planning, training and conduct of the operation.

There are specific benefits for Ireland in joining Operation Sophia. We will form part of a broader multilateral operation in which 25 other member states are participating. The Naval Service will have access to air support and intelligence which it did not have previously and this will enhance the security of deployed personnel and assets. Ireland will be making a contribution to addressing some of the root causes of migration and human trafficking. There will

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be a more proactive role for the Naval Service in that it will be authorised to seize the boats of smugglers on the high seas and destroy them so they cannot be used again in such a way.

The sharing of intelligence with other EU naval forces will also be an important aspect of the mission and will assist in addressing the complex issue of illegal migration. Participation in Operation Sophia will help to build Naval Service professional capacity across a range of skills and enhance capability in interoperability with other international naval forces. Ireland has a long-standing commitment to peacekeeping and conflict resolution worldwide. Our Defence Forces have made a huge contribution to Ireland's image abroad through their professionalism and competence in the many missions that they have been involved in since joining the United Nations in 1955. Currently, over 650 members of the Defence Forces are serving overseas in various parts of the world, including 71 Naval Service personnel.

Threats to international peace and security are complex, multidimensional, interrelated and transnational in nature. The ever-changing complex and intertwined nature of threats to our citizens, individual states and to international peace and security must be acknowledged. No country acting alone can address such challenges. The best approach for Ireland continues to be to ensure that the countries on the borders of the EU and beyond the European neighbourhood are stable, secure and prosperous. Our membership of the European Union and the United Nations allows Ireland to deepen and sustain democracy, rule of law and respect for human rights through, among other things, participation in overseas peacekeeping and peace enforcement missions, which in turn will make Ireland more safe and secure. Naval Service vessels will now be redeployed to support EU efforts to disrupt the practices of those illegal and criminal elements engaged in people trafficking and exploitation of vulnerable populations.

From an operational and logistical perspective, the Government has directed that the timing of the transfer of Naval Service operations in the Mediterranean to Operation Sophia will take place at an appropriate juncture which I, as Minister of State with special responsibility for defence, will decide, based on the advice of the Department and Defence Forces.

Those criminal networks engaged in the exploitation of migrants must be dismantled. It is not acceptable that so many lives are being lost and so many vulnerable people exploited year after year. By participating in Operation Sophia, Ireland will be joining a mission that has 25 EU member states as contributors and naval vessels from six other member states - Italy, Germany, Spain, France, Belgium and the UK - addressing some of the root causes of migration and human trafficking.

Senator Mark Daly: I welcome the Minister of State to the House to outline the matters relating to the Government's decision. I was visiting the Italian Senate when the foreign affairs representative for the European Union outlined that it was closing down Operation Mare Nostrum, a naval rescue mission carried out predominantly by the Italian naval service, covering a vast area of hundreds of thousands of square miles. This was being done because migrants were being rescued in the middle of the Mediterranean, which was encouraging migration and the operation of traffickers. In 2013, after one year of the operation, it was scaled down and renamed Operation Triton, which only lasted one year. It only had two ships and a vastly reduced area of operation of 10,000 square miles in the Mediterranean. With regard to the Commissioner's objective of trying to slow migration from North Africa and whether it was a success, it was only when 1,000 migrants drowned in the space of a week that the EU saw the error of its ways. There were no rescue vessels in the Mediterranean but the traffickers were not stopping and the people in the boats did not realise there might be people to rescue them.

The EU's track record in operating in the Mediterranean is built on trial and error, with the error costing the lives of thousands or unknown tens of thousands of unfortunate migrants coming from North and central Africa and beyond in the hope of trying to improve their lives. It is part of a broader problem. It is not just about Syria. These are economic migrants in many cases, which the EU is not particularly interested in. Many of the problems in the home countries are caused by the EU's trade policies. For every €1 given by western countries in aid, they take €3 because of trade policies that force governments to accept unfavourable trade agreements that damage industries in African countries. It is a major problem and this is a Band-Aid on an open sore that will not be fixed by this reorientation of the policies of EU countries under this United Nations-mandated mission.

Listening to the head of policy on security and foreign policy saying the Mare Nostrum operation was being closed because it only encouraged people to come to Europe as it rescued them, one must wonder about the wisdom of this manoeuvre, which is meant to apprehend boats. If there are people who need to be rescued, that will be done. There should be careful monitoring by the Irish Government so we are not sucked into another version of Operation Triton, which was a scaled-down rescue mission. The Irish Government rescued people purely on humanitarian grounds in the last number of deployments by the Naval Service, which is to be commended by all people in this House.

I wonder about the EU's reorientation in this matter. I know the EU's long-term objective is a concern of many Members in this House. Fianna Fáil is very supportive of the triple lock, and this is a UN-mandated mission. The devil is in the detail when it comes to the EU's long-term goal. It is giving most of the assets to support this mission. In no less grand a venue than the Italian Senate, Ms Mogherini stated that her objective while in her position as head of the EU's foreign service and security arm was that the EU would replace the United States in operations on its own borders. There is somebody in the position of developing and creating policy for security in the EU's area of operation who is wishing to replace the United States in that respect, so one must wonder about the concerns of citizens in Ireland around the less than wholesome objectives by our European colleagues.

I do not doubt the Minister of State, the Government and the Irish people's commitment to assisting people who find themselves in this desperate position, but the EU is not that committed. Unfortunately and as a result of geography, the Italians are left bearing a major burden. The Minister of State pointed out that nearly 100,000 people were rescued so far this year. At the last count, quite some time ago, there were 96,000 unaccompanied minors rescued by EU and UN boats in the Mediterranean left in Italian refugee centres who can no longer be traced. It is a disgrace in itself.

There is the matter of our EU trade policies with African countries, as well as the reorientation of this mission to try to stop smugglers. It has the accidental side-effect of rescuing people because if there are people in need of rescue, that will be done. When these vulnerable people arrive on European soil, including girls, boys and women, they are left at the mercy of less than scrupulous individuals around Europe because the EU has no better policy than just to land them on Italian shores. The overall approach is then of concern. The Naval Service's rescuing of individuals in the Mediterranean in any circumstances is to be welcomed but it is a Band-Aid, as I stated, on an open sore caused by everything from a lack of credible and fair trade policies to the fact we are now orienting to go after smugglers. That is important but for those who find themselves in Libya and the north coast of Africa, as well as the refugees coming from Syria and fleeing trouble, the EU's solution is to send them to Turkey, a country with

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a less than commendable record - an atrocious record, really - when it comes to human rights there and beyond its borders. Every life to be saved by the Naval Service on this mission must be commended. It is done under the auspices of the Government and the Irish people and they welcome such action.

Senator Gerard P. Craughwell: I thank the Minister of State for coming to the House to debate the UN mandate for Operation Sophia. I am aware the proposal is subject to the triple lock mechanism and it must be mandated by the UN, the Cabinet and the Oireachtas. I am shocked it has only recently appeared on the Order Paper and is being rushed through the Oireachtas with little time for full debate at this 11th hour. I am further shocked that once again we are calling on the Defence Forces - in this case the Naval Service - and the people who will always do as they are asked at a time when young men are sleeping in ships in Cork because they have nowhere to live. This is a time when young officers are thrown from one end of the country to the other with little or no notice. It is a time when pay deals have been agreed with all the other uniformed services but because our Defence Forces cannot strike or take industrial action, they have been left outside the fray. I am shocked we are doing this to such people. It is pretty God-damned disgraceful that at this 11th hour we are now talking about putting our men in this position.

I want a commitment today that the sailors who go to the Mediterranean will immediately receive full UN pay and not be left sitting for the next two years, as they were when they first went out there. The mission is now being changed and this represents a marked departure from the current humanitarian mission. As we know, Naval Service operations in the Mediterranean have been based on a bilateral agreement with Italy and since 2015, the Naval Service has saved approximately 16,000 migrants in the southern Mediterranean who were trying to get to Europe from Africa or other locations. I have visited them. I have gone out to Sicily to witness at first hand what goes on out there. Our navy has been involved in a humanitarian mission and has been courageous and compassionate. The Minister of State can be proud of the work of the Defence Forces out there. I know he has voiced this on a number of occasions.

However, I wonder about the part being played in Operation Sophia. We are entering a new domain which may call our neutrality into question. I would appreciate it if the Minister of State dealt with this issue this afternoon. The aim of Operation Sophia is described as the disruption of the business model of human smuggling and trafficking networks in the southern Mediterranean by efforts to identify, capture and dispose of vessels used or suspected of being used by smugglers. I was in Pozzallo not so long ago as part of the COSAC commission. We looked at what the Italians are suffering. I question the fact that the Dublin Convention seems to have been set aside because I would expect that migrants who finish up on Irish ships are on Irish soil and should be landed in Ireland, not in Italy. That is something the Minister of State might deal with here as well.

Operation Sophia focuses on smugglers rather than on rescuing migrants even though saving lives can be part of the mandate. Effectively, we are moving from a search and rescue mission to what I would call a “seek and destroy” model where the smugglers are concerned. I support that because I have seen what these people are doing out there. We must stop the migration crisis and one thing we must do is take the smugglers out of the equation. Operation Sophia is now in phase 2. It may involve a more combative approach to tackling human trafficking, including possible action just off the coast of Libya. We need to be up-front about this. I know it will not happen automatically and would require UN and EU approval. However, given the increased flow of migrants across the Mediterranean this summer, it is easy to see how EU gov-

ernments could decide that such an operation is required. I find it ironic and concerning that we are rushing this decision through the Oireachtas during the very week that the UK cross-party House of Lords inquiry noted that while lives have been saved, Operation Sophia has failed in its core mandate of stopping the business model of human smuggling and trafficking networks. Given the number of people still trying to leave Libya, this raises the issue of the chaos and violence that exists there. I agree with the findings of the UK inquiry, which believes that any meaningful EU action against people smuggling networks inside Libya first requires a unified government that is able to provide security across the country. At a recent high-level meeting in Brussels, that issue came up, namely, that we must now deal with the Libyan Government. We must get a solid Libyan Government in place to stop these traffickers.

I am on record as being a staunch defender of the Defence Forces and the Minister of State knows that. In this case, we are over-extending ourselves in terms of resources. I keep hearing about recruitment. Only yesterday, I spoke about how 60 members are leaving the Defence Forces per week. Are we putting people to sea to go to the Mediterranean who were only recruits a couple of months ago? Will we find ourselves in a situation where Irish ships at home will not be able to put to sea for lack of officers because they are all tied up in the Mediterranean? I am glad the Minister of State is shaking his head because I want assurances.

The Minister of State and I know that the Defence Forces are severely lacking in resources so I need assurances. Whether he likes to admit it or not, the Minister of State is presiding over the Defence Forces which are falling apart. The study by the University of Limerick has shown that the Defence Forces are falling apart. We have two senior officers in Donegal. The Naval Service has been unable to put to sea because it lacked engineering officers. Has the Minister of State done something about that? I do not believe we have the capacity to do this job. I think we are overreaching ourselves.

Leaving aside the issue of our neutrality, which I believe may be compromised, I am seriously concerned. I look at statements from sailors, one of which states:

They throw money at new ships and they won't pay the men serving on them. They say they can't pay us but they're building new ships. Who's going to man these ships?

I could go on. There are lots of statements. The Minister of State has seen them. He can throw his eyes up to heaven. What about these young men and women? Is that a way to treat them? I got a request last week for a food parcel for a soldier. Is the Minister of State telling me he can throw his eyes up to heaven and dismiss that?

Senator Niall Ó Donnghaile: He just did.

Senator Gerard P. Craughwell: The Minister is sitting there throwing his eyes up to heaven. Damn it to hell, I have never been treated with such disrespect. I have respected the Minister of State every time he has come to this House. It is damned unfair of him to sit there and throw his eyes up to heaven when I bring him real facts. The Minister of State knows the facts that are coming down the road. He is presiding over the Defence Forces which are falling apart. He is sending them out to the Mediterranean. What will he do when they come back? He will pin a few medals on their chests. Will he give them the money? Will he pay them the full UN rate when they go out there? I am really disappointed. I have always held the Minister of State in high esteem. He sits there and throws his eyes up to heaven and now he is playing

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with his phone while I am trying to point out serious facts. I have treated him with respect every time I have seen him and he sits there and dismisses me as if I was something on the bottom of his shoe. Be like that. This is an outrage and a disgrace. How dare the Minister of State treat me like that.

Senator Gabrielle McFadden: I welcome the Minister of State to the House. As we have heard, since they were first deployed in the Mediterranean, Irish Naval Service personnel have saved a total of 16,806 people. That is more than every man, woman and child in a town the size of Malahide, Leixlip or Tullamore. Just picture that and try to imagine what might have happened to these people if the Irish navy had not become involved in this mission or if we had listened to all the people who said that it could not or should not be done. Luckily, the former Minister for Defence, Deputy Coveney, did not listen to them and those people were rescued by Irish personnel.

The question I often ask myself is why anyone would take the risk of boarding an overcrowded vessel with their children and undergoing such a difficult crossing. The obvious answer I come up with is that the alternative is much worse. While the conflict goes on, it is likely that the refugee situation will continue. We cannot allow traffickers to continue to profit from the desperate situation in which these people find themselves, often charging thousands of euro per head to people who have fled their homes and who have lost all they own without a care as to whether or not these people ever make it across to the other side. These traffickers are exploiting the most vulnerable and it is not good enough to rescue those on board and to allow the traffickers to continue to do the same again tomorrow. Disrupting this evil trade must be our priority. Merely continuing to rescue people is providing a very valuable humanitarian service but it is not attacking the trafficking problem at its source.

We must shift our focus to disrupting the business of human traffickers and bring this heinous crime and practice to an end. It is the advice of the Defence Forces general staff that the redeployment of Naval Service vessels to Operation Sophia will contribute more effectively to disrupting the practices of those illegal and criminal elements engaged in people smuggling and also in countering the risk to life posed to migrants attempting to cross the Mediterranean in unsafe and unseaworthy vessels. This must be our priority. It is important to remember that Ireland will only participate in operations which are authorised under UN Security Council resolutions. It is also important that we work hard to address the overall refugee and trafficking issue and indeed the underlying conflict but that does not mean that we should put off acting until this has been done.

In conclusion, I have always been immensely proud of the Irish Defence Forces, including the UN veterans. I would like to pay particular credit to the members of the Irish Naval Service who have worked so bravely and professionally in what must be very difficult and emotionally challenging circumstances. I urge the Minister for Public Expenditure and Reform, Deputy Donohoe, to keep this in mind in upcoming discussions on pay and conditions in the Irish Defence Forces. Military service is unlike any other profession and Defence Forces personnel deserve to have that difference recognised and remunerated accordingly.

Senator Niall Ó Donnghaile: Cuirim fáilte roimh an Aire Stáit. I start by noting that it was bad form for the Minister of State, Deputy Paul Kehoe, to treat Senator Craughwell as he did. There is probably no one else who comes to the House with as much passion and commitment on the issues affecting Defence Forces personnel and their families than Senator Craughwell. Perhaps the Minister of State will reflect on that. I understand that debates can become heated,

but what happened was not warranted.

Speaking of disrespect, it is a great pity that the House is coming to discuss the issue when it has already been voted on. Sinn Féin is opposed to this change of operational status but the decision has already been made. It shows a degree of discourtesy to the input Members of the Seanad should have on important matters like this. While I understand the protocols and procedures in place, it is worth pointing out that the Seanad should have a greater say in such an important decision. Not only will it affect the State's neutral status, it contains, as Senator Craughwell rightly outlined, potentially dangerous impacts for Defence Forces personnel. The implication for them is the danger they may be put in as Operation Sophia proceeds beyond its initial phase to phases 2 and 3. It is obviously those aspects of the suggested operation which have caused our party the most concern, given the potential nature of it.

This is an EU military mission under the guise of the Common Security and Defence Policy. The primary stated objective is to target and stop gangs using vessels for human trafficking, mainly from Libya. It has, however, a much wider remit than that. Phase 2, which is under way, includes the training of Libyan coast guards to capture refugees who are fleeing their war-torn countries and throw them into so-called "detention centres".

It has a third phase which mandates participating countries to take military action in Libyan waters and on Libyan soil if necessary. As I should have said at the start, I commend the Naval Service personnel who have been phenomenal in rescuing so many poor people in Mediterranean waters. What can one say without appearing almost glib? We know the tragic circumstances in which the refugee population finds itself. With the best will in the world and notwithstanding the substantial difference our Naval Service has made, people continue to perish and will continue to perish as a result. The EU's time would be much better spent reflecting on the "Fortress Europe" approach to the migrant and refugee crisis. The State would be much better served if we reflected on the provision we are making available here to support the relocation, rehousing and resettlement of people in this jurisdiction. I have very real concerns.

The detention centres to which I have referred have been documented and proven to violate the human rights of those imprisoned within them. The Libyan coast guards who are being trained have been guilty not only of abusing refugees but also of firing live rounds into overloaded refugee boats. Pushing refugees who seek asylum into such centres by military force is a human rights violation and morally disgusting. We should play no role in that.

Current Naval Service missions in the Mediterranean Sea operate under a purely humanitarian search and rescue remit. Over the past two years, Naval Service personnel have rescued some 16,000 people in the south of the Mediterranean Sea. This is outstanding work of which we can and should be rightly proud. However, that is as far as our intervention must go. We cannot allow the EU to undermine Ireland's neutrality and must stand against any further militarisation of the EU or forerunner to the creation of an EU army. Operation Sophia is a military response to a humanitarian problem and it will solve nothing. We must continue our search and rescue missions and increase significantly the relocation and settlement of refugees in Ireland. Unfortunately, we are too late in the game on this. I hope, however, that as it progresses, it will be known and recorded that at least some voices dissented.

Senator Alice-Mary Higgins: I welcome the Minister of State to the House. I regret very much that we did not have the opportunity to debate this before the motion passed in the Dáil. It is a very important discussion and decision. It is also important to be clear that a new

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decision has been taken today. In case a false impression be given, this is not the continuation of the very important humanitarian missions we have seen and the pride we have all taken in ships like the *LE Niamh* and the *LE Eithne*. What we are seeing today is a change and a new policy. As Senator McFadden rightly said, Irish ships have rescued and saved the lives of over 16,800 people. During the period when there was an Irish ship operating at any given time, the EU operation with six to ten ships saved approximately 34,000 people. With one ship operating at a time, the Naval Service rescued 50% of the number of people rescued by all EU ships combined. It is a stark reminder. The priority of the Irish ships was humanitarian search and rescue with the result that they were five or six times more effective than the EU mission. We should be very clear on that.

The Minister of State's own speech in the Dáil made it very clear that there is now a new hierarchy. He said, "Transferring to Operation Sophia would result in the redeployment of Irish Naval Service vessels from primarily humanitarian search and rescue operations to primarily security and interception operations." The new priority is securitisation. Humanitarian concerns and the search and rescue missions of which, having seen the pictures, we are so proud and for which we have rightly applauded Naval Service personnel, go down the line and are no longer the primary concern according to this mission. It is very important and clear to note what is happening today and it does not blur our rightful pride in the work we have done previously on search and rescue. It is clear that the focus will be on security with some potential for rescue.

On the success of Operation Sophia, I will not enumerate the details which were set out in the Oireachtas. We have a House of Lords report, however, which points very clearly to the fact that this has not been successful. Research from Goldsmiths, University of London and Oxford also points to the fact that it has not been successful in its stated aim of disrupting trafficking practices. Rather, the operation has simply led to changes in practice. Business, including the abominable business of human trafficking and smuggling, is very adaptable. We now see people in less safe boats who still face danger. The mark of the lack of success of Operation Sophia is that in 2016 we saw a 42% increase in deaths in the Mediterranean. That is the mark. It shows us that the operation is not working.

What is gained by today's motion? Perhaps there will be some new professional experience for Naval Service personnel, although some of the other proposals put forward might be a better way to contribute and recognise them. I refer to the proposals put forward by Senator Craughwell. There may also be some very short-term brownie points from the EU. We keep mentioning the EU 25 but we are in a group of hundreds of nations. Ireland is part of the UN. There is a bigger picture. It is not simply throwing its weight in behind Europe. While there will be some short-term brownie points from Europe, we have to ask what is lost through today's motion. Lives are lost because they are no longer given the same priority. At a European level we are pandering to the narrative of "fortress Europe" as opposed to the narrative of a Europe of freedom and rights and a Europe which can stand and hold its head up as a crucial beacon for democracy and human rights in the world. We subscribe to that narrative. We had a bilateral agreement with Italy. I know what the Minister of State will say about this. We are pandering to the threats to withdraw that bilateral agreement. We are pandering to the borders which have been put up between Italy and Austria. If Europe really wishes to tackle the migrant crisis, it needs to face up to the internal barriers which are being put up between its nations. We all need to take responsibility in respect of migration.

I will mention a very important point. The root cause of illegal migration is not boats. Let

us be very clear on that. I was quite concerned by parts of the Minister of State's speech. He spoke about going beyond humanitarian activities and said that with this mission, Ireland will now address the root causes of migration and human trafficking. Neither boats nor traffickers are the root causes. The root causes are issues such as climate change, conflict and the deep economic inequality which Senator Mark Daly described and which is caused by our trade policies, among other causes. These are the root causes. Ireland has an outstanding reputation in seeking to tackle these causes through our development programmes. We are now subscribing to a narrative of militarisation rather than one of community-building, peace-building and working for equality.

In terms of Europe's future, this is not the way to go and we should not pander to this approach. We have been, and will be, told that Ireland needs to play its part. Ireland has been playing its part. What is Ireland's part? It is a unique role. We have a role greater than almost any other nation in terms of the level of rescue work which we have done. We have a unique role in peace-building, a role which is internationally recognised and respected around the world. Ireland is a country which is recognised as an honest broker which operates on its own and has a different history from many of our European neighbours. As much as we respect and work with our neighbours, Ireland has had the experience of being a colony rather than a coloniser. We have a different history. This has meant that Ireland has been asked to intervene and support the peace process in Colombia. It has meant that Ireland has been called on to do the work of peace-building around the world. Ireland's own peace process has recognised the complexity of peace-building.

This is a vital point. I have been saying it in this House and I feel I will be saying it again. Peace-building is not the same as securitisation. In many cases the language of militarisation and securitisation can be at absolute odds with the vital work of peace-building, which we need now in Europe and the wider world. I question our international credibility if we are seen as simply another among the EU states. Ireland wants, and has been lobbying very heavily for, a place on the UN Security Council. That poses a question. Will we simply be representing Europe and Europe's interests, military or otherwise? Will we instead be seeking a place on the UN Security Council knowing that we can stand as a hugely credible independent actor which punches above its weight? We are swapping our unique role, our unique ability to punch above our weight and the unique contribution and bridge-building that Ireland can bring to be part of a flotilla. That is really regrettable. I wish that instead we had pursued a complementary role with our own missions, working in the bilateral way we have done thus far. I do not mean that to denigrate the EU states which may continue with Operation Sophia. It would have added more value.

Acting Chairman (Senator Gerard P. Craughwell): The Senator is out of time.

Senator Alice-Mary Higgins: I have two final points. They are very important. There are questions around peace, neutrality and Ireland's role. The Minister of State stated that "Ireland will only participate in those aspects of Operation Sophia which are authorised in accordance with UN Security Council resolutions". Does he anticipate that aspects of Operation Sophia will not be in accordance with UN Security Council resolutions? If we are only participating in half a project, but that project is in breach of UN Security Council resolutions, it raises a real concern.

I must mention the vital concerns regarding Libya-----

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Acting Chairman (Senator Gerard P. Craughwell): There are two more speakers.

Senator Alice-Mary Higgins: I will finish now. The Libyan coast guard has been mentioned. How can we justify supporting a coast guard which has used military fire against vulnerable people in this project, especially in light of conditions in detention centres? A crisis is not less of a crisis because we seek to hide it on other shores.

Senator Colm Burke: I welcome the Minister of State and thank him for bringing forward and dealing with this debate. It is important to emphasise again that there is a triple lock system involved in this matter. It requires a UN mandate, approval by the Government and approval by the Dáil. We are going through that system. We have done that before in respect of peacekeeping operations. There are already 25 EU countries involved in Operation Sophia. We are now also joining this operation. It is about co-ordination and working together. We should remember that this project has already saved more than 36,000 lives. We are now getting involved in an operation which has rescued and saved many people. It is very important that we continue in that role. It is also important, however, that we take on the people who are causing the problem. They are the smugglers who are making huge money. This is about ensuring that they are not extorting and extracting substantial sums of money from people who are being promised safe passage to Europe but are in fact getting something totally different and whose lives are being put in danger.

I have heard the arguments today about this project. They were the very same arguments which were put forward when Irish troops were deployed to Chad in 2008 under a UN mandate and with the approval of the Government and the Dáil. The very same arguments are being made today as were made in 2008. That was an EU project under which we assigned Irish troops to protect 570,000 people in refugee camps on the Sudanese border. I was a Member of the European Parliament at the time. I was on the Subcommittee on Human Rights and the Committee on Foreign Affairs. I actually went to the Sudanese border to see what it was like and what the Army would be doing. I prepared a report for the Subcommittee on Human Rights on that matter. That was about providing safety and security for the people from three or four different countries who were being forced into these refugee camps.

There were many complaints at the time that we were becoming part of an EU military alliance. It was far from it. It was interesting to watch how people in Europe reacted to this project at the time. The people who were pro-NATO did not want Europe getting involved because they saw that Europe becoming involved in a peacekeeping role would undermine the intentions of those involved in NATO. On the other hand, when the Irish Army was deployed there, a member of the British defence forces reported back to the committee in the European Parliament that the Irish Army had achieved more in six months than the French had achieved in the previous 30 years in some of the areas and villages around the refugee camps. That is the contribution that members of the Irish Defence Forces, including the Naval Service, can make. They approach situations in a totally different way - a peacekeeping way which is based on influencing others around them. That is why the Naval Service becoming involved in this operation influenced how others managed this project. It is about peacekeeping and saving lives.

It is extremely important that we give credit where credit is due. Much good work was done in those two years during which we worked within the European project on the Sudanese border in Chad and much credit was given at European level. I witnessed it. I saw that the contribution of the Irish Defence Forces was very much appreciated and recognised as having had a huge influence on the entire project. Likewise, I have no doubt whatsoever that the Naval Service

will have an influence on this project, even though we will only be one of 26 countries involved. We will have an influence in respect of the future management of this project and that is the important contribution we will make. When some people say we should stay outside the door, I say that this is UN mandated peacekeeping and that we are going through all of the procedures which are constitutionally required in respect of how we manage these operations.

I welcome this development. It is a way forward but it is also about influencing how others behave at European level. It is about saving lives and providing protection for the very vulnerable. I welcome the decision for us to partake in this project. I thank the Minister of State for debating the matter with us today.

An Leas-Chathaoirleach: I call Senator Boyhan. Should I say “Colonel” or “Corporal”?

Senator Victor Boyhan: I welcome the Minister of State and thank him for this statement in response to the deployment decision. It is important to have some context in regard to these matters. It is stated the Defence Forces cannot be deployed unless a mission has been approved by the United Nations, the Government and Dáil Éireann. It does not refer to Seanad Éireann or the Oireachtas. It is really important to state that.

Article 28.3.1° of the Constitution states: “War shall not be declared and the State shall not participate in any war save with the assent of Dáil Éireann.” That is really important to note. I am disappointed because I believed up to today that it was a matter for the Oireachtas, *6 o'clock* not just the Dáil. These are the facts. We have to deal with the facts, the parameters of the Constitution and the process in regard to the triple lock. It has to have a UN mandate and the approval of the Government and the Dáil. Therefore, the arrangement has met all its criteria, and it was overwhelmingly supported in the Dáil, with a very large majority. I watched the debate from my monitor in my office. That is the background and context. I thank the Minister for coming in here and taking us through the process and rationale for the decision.

I call on Senators on all sides to consider, on having read, debated and reflected upon the provision in the Constitution, a constitutional referendum that will insert “and Seanad Éireann” after “Dáil Éireann”. It makes sense. It would be a good idea. It is not the law as it currently stands. It is a proposal that I will promote. I hope many of us can work on it in the coming months. I call for deliberation and consideration by all Members of the Oireachtas with a view to having a constitutional referendum to amend Article 28.3.1° of the Constitution.

The Irish Naval Service has rescued 16,000 people from the Mediterranean under Operation Pontus. This is something we could be particularly proud of. The rescue was in conjunction with the Italian Government. I had the pleasure some weeks ago in Dún Laoghaire of welcoming the Defence Forces on their entry to the port, as did Dún Laoghaire-Rathdown County Council. All members of the Defence Forces spoke with great pride about their engagement in the Mediterranean and the work they had done. Nobody cast any shadow over it. They were eager and keen to engage again. That is the message I took away from these men at the port only a few weeks ago.

We know the Cabinet has approved Operation Sophia. We know it is on. It is a rescue mission. It was approved in Dáil Éireann this afternoon with a large majority. The Taoiseach said in the House yesterday that this is being done at the request of the Defence Forces, who want to do more and be part of a mission in the Mediterranean to rescue refugees and combat human trafficking. I support this. The primary, but not the only, objective of Operation Sophia is to

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target and stop gangs using vessels for human trafficking. The mission is a rescue mission. It is a humanitarian response to people's needs. It has the absolute support of the Naval Service. It has the support of many people. We, as a nation, were particularly proud to see our Defence Forces on a mission in the Mediterranean. I have met so many people who talked about the great pride we had in our Defence Forces when they were there. The triple lock has been complied with. The Dáil and the Government have approved the mission and we have to move on.

I rest my case with this challenge to both Houses of the Oireachtas. Let us, after mature reflection, consider amending Article 28.3.1° of the Constitution with a view to strengthening it to include Seanad Éireann in the triple lock. It is not included now. I thank the Minister of State.

An Leas-Chathaoirleach: Does the Minister of State want to make any concluding remarks?

Minister of State at the Department of Defence (Deputy Paul Kehoe): I thank all the Members of Seanad Éireann for their contributions today. Overall, I am heartened by the level of support in the House for this proposal. An open and honest debate is always very welcome and worthwhile. A previous speaker outlined why the decision was made before coming to Seanad Éireann. I was invited here to make statements. Just as Senator Boyhan has done, I remind Members that the triple lock is for a UN-mandated mission. A Government decision was taken on Tuesday last and a Dáil debate started last night and concluded today. Over 50% of those who voted were in favour of the motion. I have absolutely no say whatsoever in that.

Senator Niall Ó Donnghaile: I do not blame the Minister of State for that.

Deputy Paul Kehoe: It is totally up to the House.

The central Mediterranean route is now once again the dominant one for migrants and refugees who wish to reach Europe. The human suffering and cost of this are absolutely intolerable. The reasons for the influx of migrants are many and varied and include factors such as the instability in Libya and the ongoing conflict and poverty in sub-Saharan Africa.

Italy is one of the EU countries most affected by the sustained flow of migrants coming to European shores. No single member state can manage this issue on its own. Progress towards finding a sustainable, long-term solution to the migration challenge has been slow and, in the interim, many lives have been lost. Nobody in this House has the final answer to the migration crisis facing Europe.

Operation Sophia is a positive example of the EU partners working together to combat criminal activities, save lives and build the capacity of weaker nations while strengthening our own capabilities and creating new partnerships. Targeting the network of smugglers and traffickers has been acknowledged as a key part of any strategy to save and protect the lives of the very vulnerable people.

I am not sure whether Members saw "The Crossing" before Christmas. I wanted it to be filmed to educate the Irish on the crisis that has been in the Mediterranean for many years, specifically in recent years, and to show the capability of the Irish Naval Service and its contribution to tackling the migration crisis. Everybody would acknowledge that the Irish Naval Service has done an outstanding job over recent years. Its capacity to engage in Operation Sophia is great.

I am aware of concerns over the Naval Service's participation in Operation Sophia. I wish to offer reassurance. While the focus of Operation Sophia is primarily on security and interception operations, over 36,000 people, or almost 40,000, have been rescued by vessels operating under the mission since October 2015. I am not aware that there were six to ten ships operating at any one time. I could check but I do not believe so. As a matter of fact, the only participating countries with vessels in the region at present are Italy, Germany, the United Kingdom, Spain, France and Belgium. We will add to that. I am almost certain there were never more than four or five ships operating at any one time but I am open to correction in that regard. It would be wrong of me to leave this House-----

Senator Alice-Mary Higgins: The Irish Naval Service has still performed disproportionately well in terms of rescue.

Deputy Paul Kehoe: I have acknowledged that. The Naval Service will continue to be available to respond to the requests from the relevant authorities, namely, the Italian maritime rescue co-ordination centres, in terms of vessels at risk in its area of operation. Ireland will now be making an additional contribution to address some of the root causes of migration and human trafficking. Thus far, Operation Sophia has contributed to the apprehension of 109 suspected smugglers and traffickers and has removed 440 boats that were available to criminal organisations.

According to the most recent strategic review of Operation Sophia by the EU, a daily average of more than 50 merchant vessels and up to ten of the non-governmental organisations that are operating in the central Mediterranean are involved in search and rescue activities on an ongoing basis. Their work should be acknowledged and commended. Last week, I met one of the NGO groups involved in the operation. Operation Sophia is built on a partnership model, with member states working together and contributing their experiences in the shared interest of bringing to an end the tragic loss of life in the central Mediterranean. In addition to its role of disturbing the activities of smugglers and traffickers, Operation Sophia plays an important role in collecting and analysing data, information sharing and training of the Libyan authorities, supporting the establishment of a monitoring network and acting as a deterrent to the flow of illicit arms into Libya. Ireland's humanitarian effort to date would be strengthened by supporting this multilateral approach.

A number of the issues raised were outside of this debate. It is right and proper that I would have the opportunity to respond to the points made by some contributors. I am man enough to apologise to Senator Craughwell, but I have responded to the issues raised by him on a number of occasions in this House. I have never refused to come to this House. In recent times, I spent almost two hours in this House debating defence matters. I do not believe previous Ministers for Defence spent as much time in the Seanad as I have. It is my duty as Minister to do that and I have no problem doing so. I have addressed a number of the issues raised by Senator Craughwell on a previous occasion. I apologise to the Senator if he thought I was dismissive of him. However, it was unfair of him to put untruths on the record. I would like to reassure Senator Craughwell that the armed peace support allowance of €21.22 per day in respect of enlisted personnel and NCOs will be paid to personnel deployed in Operation Sophia.

An Leas-Chathaoirleach: I am obliged to point out to the Minister of State that he cannot use the word "untruths".

Senator Mark Daly: He also cannot use the word "lies".

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Deputy Paul Kehoe: Perhaps the House can guide me on what other word I might use in that regard.

An Leas-Chathaoirleach: I am sure Senator Boyhan will relay the Minister of State's remarks to Senator Craughwell.

Senator Victor Boyhan: I am not a messenger boy for anybody.

Senator Mark Daly: Senator Boyhan cannot relay untruths.

An Leas-Chathaoirleach: We cannot argue about the issue now.

Senator Mark Daly: The Minister of State will have to consult the dictionary.

An Leas-Chathaoirleach: The Minister to continue, without interruption.

Deputy Paul Kehoe: I was annoyed by Senator Craughwell's statement that the Irish Naval Service does not have the capacity to operate in this mission. That is a matter for the Naval Service and its Chief of Staff. If the service does not have the capacity to operate in the mission the Chief of Staff would inform me of that. I met him as recently as two hours ago and he reassured me that the Naval Service has the capacity to carry out this mission. If Senator Craughwell had concerns he should have raised them with me on one of the many occasions I have met him in Leinster House over the past two days. I reiterate the Naval Service has the capacity to partake in this operation. I have been assured by the staff of the Defence Forces that it has the capacity to meet the demands of this operation.

Senator Craughwell raised the issue of pay and he said that members have approached him asking for food parcels. If any Member of this House or the Lower House has been approached and told by members of the Defence Forces that they are unable to put food on their table they should bring that to my attention. As a public representative and as Minister of State, it is my job to address such matters. As I have said previously in debates on the Defence Forces, it is my responsibility as Minister of State with responsibility for defence to look after the personnel of the Defence Forces.

Since last March, PDFORRA members have accepted the terms of the Lansdowne Road agreement. All of its members are now benefiting from salary increases. The benefits which have begun to accrue include an increase of 2.5% from 1 January 2016 in respect of annualised salaries of up to €24,000 and a 1% increase for annualised salaries of between €24,001 to €31,000. This was backdated to 1 January 2016. Next week, an increase of €1,000 from 1 April 2017 on an annualised salary of up to €65,000 per annum will be paid. This amounts to an additional €19 gross per week. This means that privates who have completed their 29 weeks training and are in the first year of service will benefit to the tune of €1,500 gross per annum.

Officers represented by RACO earning below €65,000 gross per annum have already received this increase. A revised pay scale has been agreed for general service recruits and privates who joined the Permanent Defence Force after 1 January 2013. These revised payscales include the Lansdowne Road agreement increases. This will result in increases in gross pay for general service recruits of more than €38 per week in respect of their 17 weeks of training and in the region of €78 gross pay per week for private 2 star in their 12 weeks of training. The combination of revised gross pay and military service allowance for private 3 star will result in an increase of between €2,000 to €6,000 per annum, depending on the point at which they

are on the salary scale. The revised pay scales will be applied in the coming weeks and will be backdated to 1 July 2016. This will benefit some 1,300 members of the Permanent Defence Force in the Irish Defence Forces.

The extended Lansdowne Road agreement has yet to be approved by members of the representative organisations, who I was supposed to meet this evening at 6 p.m. However, it is important that as Minister of State I remain here to outline to the House the further benefits provided under the extended Lansdowne Road agreement, including increases ranging from 6.75% to 7.25% over the duration of the agreement in respect of salaries up to €32,000. As I said, this agreement is under consideration by the representative organisations.

The issue of the recent climate survey was also raised. I am happy to return to the House at a later date to listen to and address the concerns of Members on this issue. I have previously had that debate with Members of this House, during which I outlined that the interests of the Irish Defence Forces is at the heart of everything I do in this area.

An Leas-Chathaoirleach: We accept that answer.

Deputy Paul Kehoe: It is right and proper that I would have the opportunity to respond to the accusations made.

An Leas-Chathaoirleach: The Minister of State has done so.

Deputy Paul Kehoe: This was recognised in the public pay commission booklet, which I encourage members to read. I raised it here on the previous occasion, and told Members exactly what pages recognised the Defence Forces and the struggles they are under. I am happy the commitment to the Defence Forces is reflected in the recent pay talks. I thank Members for getting involved in the debate. If any issues need to be followed up I will get back in contact with the Senators directly.

Senator Alice-Mary Higgins: The issue of the Libyan coast guard-----

An Leas-Chathaoirleach: Order.

Senator Alice-Mary Higgins: -----and any aspects of operations that will be beyond the UN mandate.

An Leas-Chathaoirleach: Sorry Senator, the Minister of State has said he will come back. That concludes the statements.

Senator Gerard P. Craughwell: On a point of order-----

An Leas-Chathaoirleach: No.

Senator Gerard P. Craughwell: There has been an accusation that I lied.

An Leas-Chathaoirleach: No, you can have the chat outside.

Senator Gerard P. Craughwell: There has been an accusation on the floor of the House that I lied.

An Leas-Chathaoirleach: I am not allowing any further debate.

Senator Gerard P. Craughwell: I am here, and if I lied I want to be told where I lied.

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An Leas-Chathaoirleach: Hold on now.

Senator Gerard P. Craughwell: I am entitled to that. I am a Member of the House and I am entitled to that.

An Leas-Chathaoirleach: Listen now, you will not make a statement now.

Senator Gerard P. Craughwell: I have not lied in this House.

Deputy Paul Kehoe: I used “untruth”, and I apologise and I withdraw it.

An Leas-Chathaoirleach: I said there were no useful untruths. That was withdrawn.

Senator Alice-Mary Higgins: I asked direct questions related to the topic-----

An Leas-Chathaoirleach: I cannot. I would love to, but I cannot.

Senator Alice-Mary Higgins: -----and they were not answered.

An Leas-Chathaoirleach: The Minister of State has said he is prepared to come back again. That concludes statements. In accordance with the Order of the House today the Seanad stands adjourned until 12 noon next Tuesday, when matters can be pursued further.

The Seanad adjourned at 6.10 p.m. until 12 noon on Tuesday, 18 July 2017.