



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Déardaoin, 22 Samhain 2018

Thursday, 22 November 2018

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 Tim Lombard that, on the motion for the Commencement of the House today, he proposes to raise the following matter:

The need for the Minister for Justice and Equality to outline whether the atypical worker permissions granted by his Department for the fishing industry may be extended for a longer period.

I have also received notice from Senator Victor Boyhan of the following matter:

The need for the Minister for Housing, Planning and Local Government to provide an update on the social and affordable housing model proposed for Shanganagh Castle housing project within the administrative area of Dún Laoghaire-Rathdown County Council.

I have also received notice from Senator Brian Ó Domhnaill of the following matter:

The need for the Minister for Health to provide additional financial resources to the HSE to reduce the home support service waiting lists for older people.

I have also received notice from Senator Pádraig Mac Lochlainn of the following matter:

The need for the Minister of State at the Departments of Employment Affairs and Social Protection, Justice and Equality and Health to ensure iCare autism support group and the Bluestack Special Needs Foundation, both based in Donegal, are allocated funding for the full year in 2019 and for future years under HSE service level agreements.

I have also received notice from Senator Frank Feighan of the following matter:

The need for the Minister for Health to provide an update on the planned central sterile services department for Roscommon University Hospital.

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

22 November 2018

The need for the Minister for Health to provide an update on the opening of Teach Mhuire, also known as Abbeymount House, Western Road, Cork.

Of the matters raised by the Senators are suitable for discussion, I have selected Senators Lombard, Boyhan, Ó Domhnaill and Mac Lochlainn and they will be taken now.

The other Senators may give notice on another day of the matters that they wish to raise.

Commencement Matters

Work Permits Eligibility

Senator Tim Lombard: The Minister is more than welcome. My matter relates to the atypical work permits granted in the fishing industry and whether they may be extended for a longer period.

The more I researched the atypical work permit I found that it is an unusual work permit in many ways. We have ten different types work permits, one of which seems to be sitting in the Minister's Department. It is a bit of an outlier so I ask him to comment on how it has ended up in the Department. Nine are processed by the Department of Business, Enterprise and Innovation and one is dealt with by the Department of Justice and Equality. The Minister, therefore, might provide clarity on that issue because that would help me in the debate.

The atypical work permit is basically for crew in the fishing industry. This initiative was introduced in 2016 and it has been much welcomed by the fishing industry. As in many other industries, trying to attract has been an issue for the past decade. The atypical work permit has been a tool to bring in the foreign labour we require to ensure we have a viable fishing industry.

There are two major issues relating to the work permit. First, there is the duration. It is a 12-month work permit. Other work permits issued by the Department of Business, Enterprise and Innovation are valid for two years and can then be extended for three years. This seems to be a 12-month work permit only, which is very tight, particularly in the context of forward planning for the fishing industry. The 12-month limitation on the contract needs to be examined. It could be more flexible and work better with the industry in order that the industry can move forward and make better plans for the future.

Second, the contract needs to be certified by a practising solicitor, which is also an unusual condition for a work permit. This does not apply to the other work permits issued by the Department of Business, Enterprise and Innovation. This is an exceptional expense for the industry. I have heard of charges of up to €3,000 being required for that contract to be certified so there is an issue around why we have this condition tied into it. That is not like the other work permits because they do not have that contract certification issue tied to them.

As much as I am looking for the permit to be extended, the contractual issues must be examined as well. The Minister is wiser than I am but is his Department the right place for this permit to be processed? Does this need to be examined? Does responsibility for the processing of this permit need to be transferred to the Department of Business, Enterprise and Innovation? I went around the houses trying to get this matter taken because there is much uncertainty about

where responsibility for this work permit sits.

Minister for Justice and Equality (Deputy Charles Flanagan): I thank the Senator for raising this important issue. I regret it if he had some difficulty ascertaining within whose remit the issue lies. It is another example of the all-encompassing tentacles of the Department of Justice and Equality in the State.

First, a High Court case is pending so I am restricted in what I can say. It is now almost three years since the employment of non-EEA crew members in the Irish fishing fleet was highlighted. In November 2015, the Government established an interdepartmental task force, which was chaired by the then Minister for Agriculture, Food and the Marine, Deputy Coveney, with the objective of formulating a co-ordinated and effective cross-Government response to the issue. The culmination of this work was the development of a new scheme that involved putting in place detailed contracts between the vessel owners and the non-EEA nationals with a series of protections and a corresponding series of obligations contained therein. These include, for example, details of wage rates and the repatriation at the end of the contract period paid for by the vessel owner. It is only after this is in place that the matter of immigration permission arises to allow such workers to be legally resident in the State. This is facilitated by my Department through the Irish Naturalisation and Immigration Service, INIS, which issues the atypical permission.

A memorandum of understanding for the monitoring and enforcement of the scheme was put in place between all the appropriate parties to ensure the various bodies with oversight of the sector were part of the solution. The scheme applies to crew members working on licensed and registered fishing vessels in the polyvalent, beamer and specific segments of the Irish fishing fleet for vessels more than 15 m in length overall. There is no time limit as to how long the scheme will last. The only condition relating to time is that the permission under the atypical work scheme for crew members must be applied for annually. Applicants to the scheme are required to have a contract of employment for a minimum term of 12 months. The permission under the scheme is granted in line with the duration of the contract.

Currently, there are no plans to extend the period for which atypical permission for a crew member may be granted. However, the atypical working scheme makes provision for both the renewal of a crew member's permission and the transfer of a crew member to an alternative employer within the industry as and when that might be required. As was noted by the Joint Committee on Business, Enterprise and Innovation in its report of November 2017, the scheme crosses a number of Departments and agencies. The role of my Department, through INIS, is to provide the appropriate immigration permission to the non-EEA nationals who have gone through the contract procedure, which is overseen by the Department of Agriculture, Food and the Marine, and who have met the criteria to work as a non-EEA crew member in the State. As part of the atypical approval process, the person applying for the permission is required to present confirmation of compliance with the requirements from the Department of Agriculture, Food and the Marine in the form of a unique identifier number issued by that Department and its central depository for contracts.

The Department of Justice and Equality is committed to publishing statistics on the number of permissions granted under the scheme on a half-yearly basis commencing in January next year. I can confirm that 29 new atypical permissions were granted and 107 permissions were renewed in 2017. Up to 31 October last, 44 new permissions were granted, 109 permissions were renewed and 12 permissions were granted for a change of employer.

The granting of an immigration permission follows from the contract put in place by the vessel owner and the non-EEA employee. Like all work permits issued in the State, the immigration permission follows in line with the terms and conditions of the particular contract. There are provisions in the scheme for new contracts to be put in place and for the transfer of contracts from one vessel owner to another should the case arise. It would not be possible to extend the immigration permission without first ensuring that there is a contract in place. The contract is specifically designed to protect the employee by clearly setting out the terms and conditions and the obligations of the vessel owners.

Senator Tim Lombard: I thank the Minister for his comprehensive reply. The information provided is very helpful. The core issue I tried to articulate relates to a situation whereby a vessel owner might have an employment contract for 24 months, which is over 12 months, and whether the visa could follow that. The other issue is the legal cost attached, which does not pertain to other work permits. This is a grey area on which we might have to work. I accept that this matter relates to the Departments of Business, Enterprise and Innovation, Agriculture, Food and the Marine and Justice and Equality. I am of the view that the Department of Business, Enterprise and Innovation should have responsibility for the permit but these are issues we will have to tease out over time.

Deputy Charles Flanagan: The Senator makes an important point. While I do not have plans to extend the period for which the permission issues, I would be keen to have a proper and adequate flow of information for Senator Lombard, other Senators and the Cathaoirleach - having regard to his part of the country - in order that they do not experience the circumstances outlined, namely, not knowing who is dealing with a particular aspect of the scheme. I assure Senators of my assistance and support in that regard should the need arise.

The scheme is focused on ensuring that both the employment and human rights of migrant seafarers are fully protected and enforced to the highest degree through the combined work of all the appropriate agencies of the State. Different agencies and Departments have ongoing responsibility in this regard. It is the firm view of the oversight committee that if the scheme were to be suspended or abolished, non-EEA seafarers would be in a far more precarious situation. In such circumstances they would be open to a greater risk of exploitation. It would be remiss of me not to mention that a legal action is currently under way regarding the atypical scheme for crew members. The interdepartmental task force remains open to working with all the stakeholders to improve, develop and enhance the scheme where appropriate. My Department will continue to work with all the statutory agencies to ensure that those employed in the industry and their employers are in compliance with the regulations for employment in the fishing industry and with the general employment laws of the State.

An Cathaoirleach: Perhaps we should also reflect on the several non-EEA fishermen who were lost off Kinsale, Union Hall and Dunmore East. Nine or ten of them have come to harm in recent years. Fishing is a tough game. I thank the Minister and Senator Lombard for discussing this important matter.

Social and Affordable Housing Provision

Senator Victor Boyhan: I thank the Cathaoirleach for selecting this matter. It is a particularly important matter for me. I also thank the Minister of State at the Department of Housing, Planning and Local Government, Deputy English, for coming to the House to discuss it. The

Minister of State will be familiar with Shanganagh Castle but I will clarify some matters for those who are not.

Shanganagh Castle and its surrounding land of 28 acres were sold by the Department of Justice and Equality when Senator McDowell was the Minister in that Department. The council purchased 21 acres for €9 million and a further 6.3 acres comprising the period house, which is a protected structure, and surrounding grounds. What has happened since 2002? We are experiencing a housing crisis, as the Minister of State knows better than most, yet there is an issue with Shanganagh Castle. I acknowledge the work of Dún Laoghaire-Rathdown county councillors who, on a cross-party basis, have worked well together despite a number of obstacles and frustrations to try to get this site up and running. We talk about Rebuilding Ireland and tackling affordable and social housing, yet there is frustration that this site is not coming on stream. The Minister and Minister of State are committed but somehow there is a blockage with this site. It cannot be tolerated that we have such a blockage for an asset that is zoned and potentially ready for development, although I accept there are a number of infrastructural issues that need to be addressed. We have a housing crisis, nowhere more so than in Dún Laoghaire. There are thousands of people on social housing lists and while this applies to the whole country, it is particularly acute in an area where property prices are exorbitant - the highest in the country, as records will show.

I want to know who is funding this project and at what stage of development it is. Will this site be hived off to the Land Development Agency or any other agency? What is happening? The Minister of State and the Department owe it to the elected members to clarify what is going on. The Department owes it to the chief executive and the staff in the housing and planning departments of the council to explain what its plans are. It is getting harder to keep going back to people to say there is a delay with this massive site in Shanganagh, one of the finest sites for residential use in the country, as I believe the Minister of State will agree, having been there. When is it going to happen? What is the timeline for this to start? When will we see JCBs on the ground? What is the model that will be used and is the Department working with the council on this issue? How much will be social housing and how much affordable housing? All of those issues need to be addressed but there is a lack of clarity. I spoke to the elected members as recently as yesterday. There is absolute frustration as to what is going on between the executive, the elected members and the Department. All three need to come together to give greater clarity on how we can deliver much-needed affordable and social housing on this key site. I would appreciate a comprehensive overview of the timelines and funding commitments from the Minister of State.

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): I thank Senator Boyhan for raising the issue. It is a very important site. I got the guided tour from Councillor John Bailey and Deputy Maria Bailey over a year ago and I had a good look at it. I also met with council officials to look at various sites in the area. The Minister, Deputy Eoghan Murphy, has also visited the area.

We are very conscious of the importance of this area for delivering housing, whether social, affordable or private, in particular at this key site, which the State has invested in and which the local authority owns. It is important that we put it to good use. I am as eager as the Senator to see this and other prime local authority sites developed as quickly as possible. The Minister and I are determined to see the Shanganagh site deliver to its full potential and we would like that done as quickly as possible. It is a key housing authority asset that must be mobilised for the sustainable development not only of Dún Laoghaire-Rathdown but of Dublin as a whole. We

are all on the same page. I met elected representatives from different parties, who all see this as a valuable site. It is important we focus on its development.

While the development of any residential land in housing authority ownership is, in the first instance, a matter for the local authority concerned, including its elected members, we need to see new social and affordable homes realised from State housing land without delay, with particular emphasis on prioritising those sites with the greatest potential to deliver housing at scale in the short to medium term. Shanganagh is such a site and it can deliver the scale. While the Senator is right that there are infrastructural issues, it is my strong belief and that of the Department that infrastructural issues can be solved and addressed in parallel with the construction of houses. That is the way we have to approach these sites. It is very positive that the Dún Laoghaire-Rathdown County Council members have come together, on a cross-party basis, with a view to achieving the optimal housing outcome for this site, which can deliver over 500 new homes on a mixed-tenure basis.

The options for the delivery and financing of social housing are well established and understood at this stage. The Minister and I have made it clear that direct Exchequer funding is available for any social housing element of this mixed-tenure development. Again, we have been very clear with the councils and housing officials that the moneys are there, that we want a strong pipeline of projects and that we want delivery. Targets are set for each local authority and we are out there looking for a further pipeline of projects to be delivered this year, next year and the year after. We cannot be any clearer than that. The resources are there to make it happen across a range of mechanisms and schemes.

In terms of affordable housing, affordable purchase can be pursued in accordance with the provisions of Part 5 of the Housing (Miscellaneous Provisions) Act 2009, which are now commenced. This is a suitable site for affordable housing. The scheme is well defined in the Act and this will be followed up with associated regulations and guidance in the weeks ahead.

With regard to affordable rental, the Minister is determined that cost rental will become a major part of our rental landscape in the future. It is clear there is a gap between social housing rental and the private rental market that needs to be filled. Cost rental can make a sustainable impact on housing affordability, competitiveness and the attractiveness of our main urban centres as places to live and work. Importantly, unlike affordable purchase, cost rental homes remain available in local authority ownership and can be allocated as affordable units in the long term. Furthermore, they also provide an income stream that can be re-invested in more affordable housing or land. Again, this is a suitable site for any of these options.

Dún Laoghaire-Rathdown is leading the way on cost rental, working with the Housing Agency and a number of approved housing bodies, which is welcome. I commend the council on the signing of agreements on the pilot project at Enniskerry Road. I understand the tenders were opened yesterday, so the development of that site is imminent. I am glad this is the case because there has been a focus on it for a while.

In order to support local authorities to get their sites ready for affordable housing, additional funding is being provided for enabling infrastructure via the serviced sites fund, for which €310 million has been allocated for the next couple of years. While the Shanganagh site was not included in the first call after the Minister in June asked local authorities to submit proposals under the serviced sites initiative, we expect it will feature in a future call, once the infrastructural masterplan is available. Again, I stress it is quite possible in today's world to develop

infrastructure and housing at the same time, so they are both ready to be used at the same time.

Woodbrook-Shanganagh is also a designated major urban housing development site. In recognition of this, we have committed funding of just over €4 million under the local infrastructure housing activation fund to build public infrastructure which will open up the site for early development. In terms of moving this on, I understand a number of options have been examined. My Department is working with the council and the NDFA to compare the development approaches for the site - in fact, they are meeting again this afternoon - and a project board is in place to drive delivery. The Minister and I, no more than the Senator, want to ensure we make the most of this once-in-a-generation opportunity to get the development right. There are a number of different housing types that can be used there and the sooner it happens, the better, as far as we are concerned.

Senator Victor Boyhan: I thank the Minister for his comprehensive response. The key question is when JCBs will be on this site. There is a suggestion there will be no development on this site until 2022, which is a long time away. This has to be a priority. I ask that the Minister of State would keep his eye on the ball, which I do not doubt he will. I will email this to the 40 members within minutes as I think it is that important. They are keen but there is a deficit of information. I acknowledge the excellent work of the Department, in particular Mary Hurley and her staff, who do an extraordinary job in very difficult circumstances. I ask the Minister of State to commit to keeping his eye on the ball and giving us some indication as to the progress with this job. Can he outline his understanding of when building will actually start on this site? Has he a date in mind or does he know the date we expect a JCB to go onto that site and start delivering affordable and social housing?

Deputy Damien English: I thank the Senator for his focus on this site, and I thank the others involved as well. To be fair, it is an issue Deputy Bailey raises on a weekly basis with both our housing delivery team, under Mary Hurley's guidance, and our planning section. The two sections of the Department are very much focused on this site and I have had engagement there as well because we want to see it happen. I cannot give the Senator the exact date that a JCB will go onto that site. However, I see absolutely no reason it would possibly take until 2022. I have made it very clear on many occasions that infrastructural issues can be solved in parallel with the construction of houses on sites, and that is where we have to focus. This is a local authority controlled site and I cannot dictate the start date. All I can say is that we will fully support the local authority, whatever scheme it chooses to use. Dún Laoghaire-Rathdown County Council has one project that we like and it is involved in many others as well. It is a pressure area and there are opportunities there. This is a key site and, as a Department, we are fully ready across a range of measures to make it happen, the sooner, the better.

An Cathaoirleach: I am sure Senator Boyhan will be back to the Minister of State if there are not diggers there by 1 June next year.

Senator Victor Boyhan: Next week, not next year.

Home Help Service Provision

Senator Brian Ó Domhnaill: I thank the Chair for selecting this matter. I welcome the Minister of State at the Department of Health, Deputy Catherine Byrne.

11 o'clock

Many people are affected by the issue I am raising, namely, the delay in providing home help or support services. It has been raised in the Dáil by various Deputies, including during a debate last night. If one looks at the backlog for the home support service, one will discover that 6,423 people are on the waiting list for increased or new hours. That is according to the information the HSE supplied to me last week. Included in that are 228 people on the waiting list in my county, Donegal. This is an excellent, cost-effective service and the delays are causing numerous difficulties for the families and individuals concerned, with domino effects for the Department and the HSE in the context of late discharges from acute hospitals because no home care is being provided. That has been highlighted by the National Health Service, NHS, in the UK, which commissioned a report on this issue and found that late discharges were giving rise to additional costs in the context of its acute hospital budget. The NHS implemented the recommendations in the report to which I refer and has saved €60 million in the past 12 months alone by allowing people to go home sooner because the relevant care was in place. The NHS's calculations were based on a £313 charge per day for acute hospitals. The same is evident here if we can allow people to go home and avail of home help care or home support.

I am aware that additional resources are being provided to this service. Over the past four to five years, additional resources have been provided. Clearly, however, these are not sufficient to meet demand. If this is such a cost-effective way of dealing with the health needs of elderly people over the age of 65, then the shortfall in resources needs to be addressed as a matter of urgency. I have been informed by the HSE that it would cost €40 million this year to clear the backlog of 6,423 cases. I call on the Minister of State to make that money available to the HSE in order that it might clear the backlog before it increases. In County Donegal, the backlog has increased by 27% since May. That could increase again during the winter months and the situation could be much graver by February or March. I call on the Minister of State to provide the resources to reduce the backlog immediately and to put a better system in place to support home carers and those who provide care independently on behalf of the Department. I hope the matter relating to this excellent, cost-efficient service will be addressed as a matter of urgency.

Minister of State at the Department of Health (Deputy Catherine Byrne): I am taking this matter on behalf of the Minister of State, Deputy Jim Daly, who cannot be here this morning. I acknowledge and welcome the debate in the Dáil last night. I was there for some of it. I know there was support from every corner of the Dáil. I do not know if the statement I am about to read will provide the Senator with additional information. I will read it in any event.

We all share the common objectives of improving quality of life for our older citizens. This Government continues to strive to ensure that initiatives are put in place to provide older people with the type of care they need and that such care is delivered in the right place and in a timely manner. The home support service is a core service for older people and is highly valued by service users, their families and the HSE. The service provides supports which assist older people to live independently in their own homes for longer. It enables large numbers of people to return home following acute hospital admission who otherwise would remain in hospital or would be admitted to long-stay residential care. This allows care to be provided in the community, which is a key principle of the vision of and implementation of Sláintecare. There has been sustained significant investment in these services in recent years. As a result, the home support budget has increased from a base of €306 million in 2015 to almost €420 million in 2018. Continued investment in home support is a key consideration of the service planning process. Overall, the 2018 HSE national service plan provided over 17 million home support

hours to be delivered to 50,500 people at any time. In addition, a further 156,000 hours, relating to adverse weather funding, were provided from spring 2018. Intensive home care packages will be delivered to approximately 235 people at any time and will deliver approximately a further 360,000 hours in the full year.

Despite this significant level of service provision, demand continues to rise. All those waiting are assessed and provided with a service, if appropriate, as soon as possible and having regard to their assessed needs. People being discharged from acute hospitals who are in a position to return home with supports are prioritised. At the end of September, preliminary figures indicate that there were 6,423 people approved for either new or additional home care supports who were waiting for funding to be available. The Minister of State, Deputy Jim Daly, has overseen investment in other areas of community supports such as in the availability of transitional beds aimed at reducing the need for older people to stay in hospital while awaiting long-term care packages such as home support or fair deal funding to be finalised. Transitional care also facilitates a cohort of patients who require further convalescence care but do not need to remain in acute hospitals. The number of approved transitional care beds has increased year on year and the availability of these beds is an important community-based support year-round, particularly during the winter. Following the recent budget announcement, the HSE and officials from the Department of Health are in the process of developing and agreeing the HSE national service plan 2019, which will set out, in detail, the type and quantum of services to be delivered in 2019 including services for older people.

The Senator's concerns included the 228 people in Donegal waiting to be assessed for or provided with a home care package. I will raise that with the Minister in question. We all want to make sure that older people and not-so-old people who would like to live in their communities get the care to be able to. The Minister is doing everything possible. With the continued development and agreement of the HSE national service plan for 2019, we hope that more funding will be made available. I will come back to the Senator after his next contribution.

Senator Brian Ó Domhnaill: I thank the Minister of State. The HSE has provided the cost to me. Some €40 million would clear the backlog. It is unfair that there is no backlog if one lives in Kerry, north Cork, south Cork, Carlow, Kilkenny, south Dublin or County Louth. If one lives in Donegal, Sligo, Mayo, Galway or Cavan, there is a substantial waiting list. That is wrong. The HSE is a national organisation and should provide the same service to all. Investing in transitional care and other hospital facilities is much more costly. This is more cost-efficient and I would appreciate the Minister of State raising it. I know there are many competing demands but it makes economic and social care sense to deal with this.

An Cathaoirleach: The Minister of State has already committed to bring this back to the Minister of State, Deputy Jim Daly.

Deputy Catherine Byrne: I welcome this debate, which I am taking on behalf of the Minister of State, Deputy Jim Daly. Like Deputies in the Lower House last night, I welcome the provision of 550 additional home care support packages. These are really needed at this time and, in particular, as we come into the winter months. All of us with older parents or people who have certain requirements and need to be at home want to make sure that they get the best care, particularly in the communities in which they live. I am of the view that people want to stay in their communities. The Minister of State is very conscious of this. After I took last night's debate in the Dáil on his behalf, the Minister of State spoke to me about a vision for the future whereby people who cannot live at home will be able to stay in a managed environment

- and have their own hall doors - or in retirement homes where their loved ones can visit and where there could be services nearby. The Minister of State is pursuing that option.

Services for People with Disabilities

Senator Pádraig Mac Lochlainn: In recent days we celebrated the 18th birthday of the iCARE organisation in the Inishowen Peninsula of Donegal. It provides precious support to more than 100 children and young people with autism and their families. It is a vital service, not just for the Inishowen Peninsula but further afield. For all of these 18 years it has kept the door open by relentless fundraising and has had tremendous support from the wider community. We are speaking about parents and carers who are tired and weary and who have been taken for granted for far too long by the State.

The HSE refers families and young people with intellectual disabilities to iCARE but until this year, when it provided some funding, it had not provided funding resources. Not so long ago in this Chamber I held up a map that showed where the funding went throughout the 26 counties of this State. Out of a large number of organisations, only one north of the famous Galway to Dublin line got funding. The Bluestack Special Needs Foundation, which is based in Donegal town, is fantastic. It, iCARE and Extern applied for funding and, yet again, were turned down. There was absolute outrage at this and it was clear there was discrimination against the people of Donegal. We all stood together and the HSE has finally given some funding to Bluestack Special Needs Foundation and iCARE this year.

What the families and carers in the Inishowen Peninsula and the rest of Donegal, iCARE and the Bluestack Special Needs Foundation need to know now is that there will be a service level agreement with the HSE with funding on an ongoing basis to take the pressure off them. I understand that following a meeting last Friday HSE management in the region, including Donegal, is recommending funding for the two organisations. The decision now lies with the senior management of the HSE, the Department of Health, the Minister of State with responsibility for disabilities and the Minister for Health. I am asking for confirmation that both organisations will have the funding they desperately need and the pressure will be taken off them. They cannot continue. Both organisations almost closed this year. That would have been a disaster for the families, children and young people with intellectual disabilities and other disabilities. We cannot have repeat of this in 2019. We need it dealt with once and for all. When we think that iCARE has waited 18 years and Bluestack Special Needs Foundation has waited 12 years they have proven the need. They have worked tirelessly and now need State funding. I urge the Minister of State to give us good news today.

Deputy Catherine Byrne: I am taking this matter on behalf of the Minister of State, Deputy Finian McGrath. I acknowledge the Senator's comments and I agree with him about the many community organisations running services on the ground. Without constant fundraising by their members and extended families many organisations would have huge problems. I acknowledge this.

As the Senator is aware, iCARE provides a range of activities for children and young adults with autistic spectrum disorder in the Inishowen area. The organisation also provides support services for siblings and parents of children and young adults with autism spectrum disorder. I also acknowledge Bluestack Special Needs Foundation's extraordinary achievements since it was established in 2006. The foundation operates a range of educational, practical and emo-

tional support programmes using a family support model and provides evening and weekend activities as well as summer camps and a diverse range of activities. Through its funding activities, the foundation has made very significant donations to charities in the area over a number of years. The family-centred approach adopted by iCARE and Bluestack is an important move away from a system designed to suit the needs of the service provider and towards a system that is designed to meet needs of service users and their families. This model ensures that families are empowered by being supported and included in the planning of their children's care.

While the HSE does not have a formal funding agreement in place with Bluestack Foundation, I understand it has, on occasion, received modest funding through the national lottery, including €3,000 in 2016 for the purchase of equipment and €5,000 towards the cost of summer camps in 2017. Following a request for urgent funding earlier this year, the HSE met representatives of Bluestack Special Needs Foundation and funding of €36,000 was awarded to assist the organisation.

I understand that both organisations have submitted current funding applications to the HSE. The HSE's national service planning process for 2019 is under way. Pending completion of this process it would not be appropriate for the Minister of State, Deputy Finian McGrath, to comment on specific funding requests at this time. We know that, sadly, there was a time when members of our society with disabilities, whether sensory, intellectual or physical, or indeed those with a learning difficulty, were excluded from many aspects of everyday life, and often, unfortunately, stereotyped due to ignorance, prejudice or misinformation. The success with which iCARE and Bluestack have integrated their services into the community goes an enormous way towards challenging this historic exclusion and is very much to be welcomed.

The Government remains committed to providing services and supports for people with disabilities, which will empower them to live independent lives, provide greater independence in accessing the services they choose and enhance their ability to tailor the supports required to meet their needs and plan their lives. As part of this commitment a radical programme of reform of disability services is under way. This significant programme of reform is set out in policies such as Transforming Lives, Time to Move on from Congregated Settings and New Directions. Implementation of these policies will continue to have a practical and tangible impact on the lives of young people and their families.

An Cathaoirleach: Senator Mac Lochlainn may ask a brief supplementary question, bearing in mind that the Minister of State, Deputy Byrne, is not the line Minister.

Senator Pádraig Mac Lochlainn: Absolutely, but I am mindful the Department officials are following the debate and they are the people who need to pay very close attention. There is much positive commentary about iCARE and Bluestack Special Needs Foundation and that is very welcome, particularly the model they use that integrates the young people, children and their families and works in partnership with the wider community. It is a fantastic groundbreaking model but the organisations are being taken for granted. This is the point. They do not need pats on the back. They do not commendation. They need money and resources. They need the ability to deliver these services on an ongoing basis.

There was absolute funding discrimination in the outrageous allocation earlier this year. It is shocking that an EU co-financed programme with millions of euro for disability support organisations throughout the State - a so-called national programme - included only one organisation north of the line from Galway to Dublin, with Donegal excluded. A very large geographic

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area was totally excluded from funding. On the back of the outrage from this some funding was provided to both organisations. What we need now is for this to be formalised. We need a service level agreement for iCARE and Bluestack Special Needs Foundation and we need it confirmed this year. I am delighted the HSE in Donegal is backing us 100%. We need the Government to do the same and we need confirmation of this as soon as possible.

If confirmation is not given by the end of this year there will be absolute war from the people of Donegal. We will not accept these two organisations being left behind again. If the Government does not do what is right this time the people of Donegal will have a war with the decision-makers in Dublin.

Deputy Catherine Byrne: I take on board the concerns and passion with which the Senator has spoken about the two services. I will bring back all of his issues. It is important we acknowledge organisations such as these and if that acknowledgement comes to me in a statement such as the one I have here, I must read it out and acknowledge the fact. It is not about just patting people on the back for the sake of it, it is about acknowledging sincerely the fact these two organisations do wonderful work.

I agree with the Senator that we need to put our money where our mouth is at times. These are two organisations about which he has spoken. I will convey his concerns to the Minister of State, Deputy Finian McGrath. I will ask him, in the context of the HSE's national service plan, to consider the two organisations in a different light regarding the views of the Senator, and I am sure his views are shared by more people in Donegal. The two services provide important individual and family supports. I will convey the Senator's profoundly thoughtful concerns to the Minister of State.

An Cathaoirleach: Perhaps the Minister of State, Deputy Finian McGrath, might meet the Senator as well.

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

Order of Business

Senator Neale Richmond: The Order of Business is No. 1, Fossil Fuel Divestment Bill 2016 - Committee and Remaining Stages, to be taken at 12.45 p.m.; No. 2, Home Building Finance Ireland Bill 2018 - Committee and Remaining Stages, to be taken on conclusion of No. 1 and to adjourn not later than 2 p.m., if not previously concluded; and No. 3, motion regarding the withdrawal of the United Kingdom from the European Union, to be taken at 2 p.m. and to adjourn not later than 4 p.m., with the time allocated to group spokespersons not to exceed eight minutes and all other Senators not to exceed five minutes, and the Minister to be given not less than six minutes to reply to the debate.

Senator Catherine Ardagh: I raise a housing issue I have raised previously in the House. It relates to the Player Wills site on the South Circular Road. This site abuts a site owned by Dublin City Council at St. Teresa's Gardens. It is in the control of NAMA and is on the vacant sites register with a value of €23 million. In the week NAMA put it up for sale, I asked in the

House that the Government take control of the property for mixed housing use, but this has not happened. This is a great example of how we could have a really well planned urban village off the South Circular Road. When the Player Wills site and St. Teresa's Gardens are taken into account, it is an enormous site. We need to come up with clever planning solutions and a way to develop the site so that it is in harmony with the rest of the area.

The area lacks playing fields and an area within the St. Teresa's Gardens site is earmarked for a decent playing pitch. We need to ensure a planning application is submitted and see some movement on the St. Teresa's Gardens site. If the NAMA site is sold to a private developer we need to ensure the private developer develops it in line with the ultimate plan for the area because it represents a great opportunity.

I express my disgust at the vandalising of the Haunting Soldier statue in St. Stephen's Green.

Senator Pádraig Mac Lochlainn: Hear, hear.

Senator Tim Lombard: Hear, hear.

Senator Catherine Ardagh: My great grandfather, Patrick Ardagh, served as a baker in the British Army at that time. I find it disgusting that thugs would cause this damage to a statue of a soldier when so many of us have relatives who fought in the First World War.

I thank Martin O'Neill and Roy Keane for their service to the Irish football team. I once had the opportunity to meet Martin O'Neill and he is a real gentleman. He and Roy Keane did us proud over their tenure. I will be sad to see them go. In my opinion they found it difficult to get decent players to come over. I am a big fan of Martin O'Neill and Roy Keane. I thank them again.

An Cathaoirleach: I seek clarification from the Acting Leader. Is No. 3, the debate on Brexit, to conclude or adjourn at 4 p.m.?

Senator Neale Richmond: It is to conclude at 4 p.m.

Senator Joan Freeman: Two distressing issues came to my attention in the last 24 hours. Senator Ó Ríordáin was with me last night at Scoil Chiaráin in Donnycarney where we met parents of children with special needs who are being utterly neglected. Scoil Chiaráin is an ordinary primary school and yet almost 50% of its pupils have special needs or are on the autism spectrum. While the school is magnificent and supportive in every way, none of these parents can get outside help for their children from the HSE.

One parent became quite distressed during the evening. Her son is nine and because he is on the spectrum every year his needs change, which is quite normal for a child with autism. Last year this child was eating clothes. This year he has lost all sense of mobility, which is also quite normal during the development of a child with autism. However, it took four years for the HSE to assess him and he has now been waiting for two years for a follow up. That was just one parent. Several other parents also broke down. The people who are looking after the children are the parents along with the special needs assistants and teachers in the school. None of them is sufficiently qualified to be able to handle children with autism.

There was a distressing article on *thejournal.ie* this morning about another child, aged 15, who is presenting with terribly disturbing behaviour. She is self-harming and suicidal all the time. If she sees tablets in someone's handbag, she will grab them and swallow them. She has

been placed in Wexford General Hospital and yesterday had spent 115 days waiting for a child-appropriate bed, yet the HSE will state over and over that children with mental health difficulties stay, at most, two or three days. A bed is available for the child in Kildare but she cannot be placed in it because the HSE says it does not have the funding, yet it is costing it €40,000 per month to keep the child in Wexford General Hospital. I do not get it. After two and a half years listening from this side of the fence and after decades on the other side, I suggest we should petition to have children's mental health and disability services removed from the Department of Health and placed under the remit of the Department of Children and Youth Affairs, under the guardianship of its Minister, Deputy Katherine Zappone. I do not know whether this is possible but I will try to pursue it because the children are being overlooked all the time by the Department of Health. Every single day we hear about issues concerning children, and every single day they are being ignored. I ask Members to support me on this.

Senator Robbie Gallagher: Hear, hear.

Senator Pádraig Mac Lochlainn: I join Senator Ardagh in condemning, in the strongest terms, the vandalism or attack on the First World War monument last night. Many years ago I was part of a delegation, organised by the late Paddy Harte, a man who served these Houses for many years. I travelled with mayors, including mayors from Donegal, and republicans, nationalists and unionists. We went to the battle sites of the First World War and the memorial points, including the Somme, Ypres and Messines. The monument site is a place where republicans, unionists and nationalists can, and must, unite to remember the tens of thousands of young men from this island who went to the region and were slaughtered in the most horrific circumstances. We can all agree on this. The memorial at the Island of Ireland Peace Park does not glorify the war; it remembers the men who died on both sides and, in particular, the poetry of individuals such as Francis Ledwidge. We need to make it clear on this island that this is not a debate about wearing poppies but about remembering nationalists and unionists who, 100 years ago and more, were slaughtered together. It is a matter on which one can unite the traditions on the island to try to move away from the violence in our own history and find points that unite us. The memorial site is a place at which we can unite. Last night's attack, therefore, was an attack on the Irish people collectively. It has to be condemned. Those who believe in the viewpoint demonstrated in the attack need to be challenged by republicans, unionists and nationalists.

I convey my concern to Senator Richmond and the Government on the direct provision centre developments in recent times. The system is built on the private sector making available hotels, old convents and family centres, such as Mosney, to be utilised for the service. What is happening, however, is that around Dublin such buildings are now becoming profitable and viable as commercial entities, and they will be closed one by one. I was the Chairman of an Oireachtas committee that examined the system and visited the centres. I know the system well. Centres have been pushed further and further from Dublin. The most recent development is in Merville on the Inishowen peninsula. It is not practical for the asylum seekers. The Irish Refugee Council has spoken out strongly about what is happening. This needs to be dealt with urgently.

There is a complete absence of consultation with local communities. There is a lack of additional resources. One cannot say to those in a place such as Merville, which has a population of 1,300, that in two weeks there will be 100 additional people and that the authorities have not talked to the general practitioners, schools and community groups in advance. It was stated that consultation or a public meeting is not helpful to the process. One cannot work on that basis. It is certainly not in the interest of the poor asylum seekers who have come here to try to build

a better life and who are stuck in the system. It is certainly not in the interest of communities. One should remember that in all the experiences we have had so far, the communities will stand by and help the asylum seekers but they just want to be respected. They want to be afforded the basic courtesy of being told what is happening and being assisted. There needs to be an urgent review and it needs to be dealt with.

Senator Kevin Humphreys: I wish to raise two issues with the Leader this morning, one being Operation Freeflow. Traffic congestion has become a genuine issue since the recovery, bearing in mind the number of people who have returned to work and the way in which our city centres, in Dublin, Limerick and Cork, have become extremely busy. Peter Horgan has been raising this issue in Cork for a long time. What I propose was not practical when Templemore Garda College was closed by the previous Government. It has reopened, however, so there is an opportunity to use the trainee gardaí to keep our bus corridors free. The initiative needs to be much bigger, however. There has to be a joined-up plan to suspend non-essential road works during busy periods and to provide temporary park-and-ride facilities that encourage people not to use their private cars and instead use public transport to go to our commercial centres. I would very much like the Leader to raise this issue with the relevant Ministers. It covers the Departments responsible for both justice and transport. I would very much appreciate it if the Leader raised this with them as soon as possible.

The other issue is much more important. It concerns our response to the housing crisis. There is a lack of long-term planning. In our speedy reaction, allowing private developers to respond, we will create another crisis. In the centre of Dublin, in particular, large institutional investors are buying up the available properties. An article in *The Irish Times* today referred to a development of approximately 170 homes in Rathgar. They are to be purchased by institutional landlords to rent. There is a role for the rental market but there is also a need for supply to allow people to purchase a home. Supply is drying up because of institutional investors. There is no opportunity for people to buy and this will lead to long-term problems. There will be a reduction in supply for purchasers. Our pensions system operates on the basis that people will have finished paying their mortgages at the age of 65 or 66. If the Government has decided to move the vast majority of people into rental accommodation, not out of choice but out of necessity, it will have long-term implications for those concerned when they reach pensionable age, at which time their income will be reduced. They will be unable to pay the high rents sought by institutional investors. We need rent for life, not for profit. We are very much seeing rent for profit now. It is an ideological problem because the Government is wedded to the idea of private development. We need to get away from this. We need a long-term solution, and the State can play a much greater role. We are driving young people out of our city centres with the policies the Government is unfortunately pursuing. It is supporting landlords and not young couples and families who want to purchase homes of their own.

Senator Frank Feighan: I also condemn the criminal damage done to the First World War soldier statue in St. Stephen's Green. While we can be very upset, it certainly does not reflect the mood of the people. Over the past few months and weeks of commemoration, the generosity shown by the people and politicians across all parties has at last shown respect to men and women from our country who died between 1914 and 1918. These mindless idiots should go away because they are not welcome. Their views are not welcome and are out of touch with the commemoration and respect that has been shown in the past few months.

Senator Robbie Gallagher: Tá súil agam go ngabhfaidh an Cathaoirleach mo leithscéal go bhfuil mo shrón plúchta inniu. I raise the plight of school secretaries. Everyone in the

Chamber fully appreciates the great work school secretaries do throughout the country. Many schools could not operate without them. The problem we have is there is a two-tier structure for school secretaries. There are approximately 3,500 of them throughout the country and 10% are employed by the Department of Education and Skills and enjoy decent terms and conditions. Unfortunately, 90% do not enjoy such luxuries. They are paid out of school funds which are also used to pay the school caretaker and other expenses. As we all know, funds for schools are very limited. The problem the 90% have is that when it comes to school holidays, they are forced to sign on for social welfare. They do not enjoy any sick leave entitlements. Their salaries are also very poor. On average, they earn slightly over €12,500 per annum. It is something that needs to be addressed. I ask that the Minister for Education and Skills comes to the House to map out a road plan for us so that 90% of school secretaries, who we all agree are doing an excellent job, are paid a decent wage and have decent terms and conditions for the more than decent job they do.

Senator Gerard P. Craughwell: I join with others who have mentioned the damage to the sculpture in St. Stephen's Green this morning. When I joined the British Army and arrived in the depot of the Royal Irish Rangers, one of the things one had to learn was the battle honours of the regiment. The battle honours of the regiment included the battle honours of the Connaught Rangers. It included the Royal Dublin Fusiliers and the Royal Munster Fusiliers and all the great southern Irish regiments. I have never been any less an Irish man than anyone in this room. Like thousands of other Irish men, I served under the Crown. The damage last night was carried out by thugs who see themselves as more Irish than me and more Irish than the thousands like me who served in the British Army. I was delighted to hear a member of Sinn Féin condemn the behaviour this morning.

The Acting Leader will be aware of the work being done by Vice President Timmermans in the European Union with respect to subsidiarity and proportionality. It strikes me as rather odd that Europe is trying to drive decision-making to the lowest possible level and in Ireland we are trying to centralise it. It is something we should explore in the House given the majority of our electorate are members of local authorities throughout the country. I wonder why we feel the need to take away from local authorities the powers they have and strip them of powers. It has been ongoing for some period of time. The Timmermans report has been published and everybody in this House should get their hands on a copy of it and read it. It would be in order to have a debate in the House to discuss it. I ask the Acting Leader to bring it to the attention of the Leader to see if we can organise it with the appropriate Minister.

Senator Ray Butler: I will talk about mental health services and the lack of any facilities or plans in the area. To listen to Senator Freeman this morning, one would think we had it planned but we have nothing planned. I will talk about mental health in Ireland in 2018. There are very few proper facilities. Family members, young and old, have to go to Northern Ireland or England to get proper facilities. At second level, children with mental health issues are being prescribed drugs. If they are not willing or if parents do not want their kids to take these drugs they are told to take them out of school and educate them at home. That is the status of mental health services in Ireland in 2018. Last Christmas in my constituency of Meath West, we had family members on the banks of the Boyne and Blackwater rivers waiting to hear news of family members who had disappeared. The other night I lost a friend with mental health issues; it was sad to see Colin suffer over the past few months. The services did absolutely nothing. We have put €30 million to €40 million into mental health services in the past two years in two budgets but it has gone past the day of prescribing medicines and drugs and letting people back

out on the streets, saying “There you go, you’re all right now, off you go.” We need proper facilities. We need a plan. Perhaps in certain cases we have to look at the way it was done years ago. I do not think letting people with mental health issues back out on the streets does them or their families any good. We really have to look at this issue. I would like a discussion in the House and to bring in the Minister and look at a plan for the way forward in mental health services in Ireland.

Senator Niall Ó Donnghaile: Strangely enough I also want to talk about an ex-British soldier. I am sure the Acting Leader, political animal that he is, will be familiar with Harry Leslie Smith who finds himself gravely ill in hospital in Canada. For colleagues who do not know - I am sure they are a minority - Harry was born in 1923 in abject poverty in a time before the NHS in England. He fought in the Second World War as an RAF pilot. Even at this advanced stage of life in his 90s, he is the most active of activists in international solidarity and social justice, supporting the plight of refugees all around the world. He has gone to visit refugees and also taken on the culture and ideology that tries to stop these poor unfortunate people from travelling to sanctuary and safety wherever in the world they are. I became familiar with him via Twitter because even in his 90s he was as vocal as he could be about the rising tide of fascism in Europe and North America. He was still prepared at this stage in his life, as he was in his 20s, to take a stand against it and encourage all of us to take a stand against it. He is gravely ill in Canada. He was just about to take part in another visit to refugee camps and unfortunately his son, John, is now using Harry’s Twitter to tell us about the day-to-day situation they find themselves in as a family.

Harry Leslie Smith has been a champion of the NHS in Britain.

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He has alerted the British people to the impending destruction and dismantling of that most precious and inspiring creation of the British state and people. The strange thing is that his Twitter handle is @harryslaststand but I am sure this is not his last stand. We should all follow his example and take that stand for what he believes in and has stood for, his principles and his approach to life.

Senator Aodhán Ó Ríordáin: I raise again the issue raised previously by Senator Freeman, namely, that of children with special needs. I also attended the meeting last night in Donnycarney and I listened to parents in deep distress talk about the lack of services available to them. I have also been dealing this week with a family in Raheny whose daughter, Abigail, was diagnosed with autism at two years of age. The family has been told that she is unlikely to get access to an early intervention team until she reaches five years of age. Without wanting to get political about this, the Taoiseach stated that he can throw away €3 billion in taxes over the next five years. This is at a time when families are exhausted, suffering and wounded by their experience of having to go to war with the State, which is what happens when one has a child with special educational needs. The State does not provide these people with support to maximise their children’s potential. In effect, they must go to war with the State.

The Department of Health, as Senator Freeman suggested, and the Department of Education and Skills are completely unequipped to deal with this matter. It may be time for the sections of those Departments which deal with children with special educational needs to be transferred to the Department of Children and Youth Affairs in circumstances in which they do not have a feel for it, warmth for it or compassion for it, perhaps because there are so many other things

on their agendas. For children with special educational needs, their families and parents who are exhausted and war-weary, it is time for the State to implement an administrative change by moving responsibility to another Department. Certainly, I hope the Taoiseach will talk less about tax cuts and more about investment in children and families.

As others have done, I condemn absolutely those who last night vandalised the monument to those Irishmen, mainly, who died in the First World War. Family members of mine are buried at Gallipoli and the Somme. The Ó Ríordáins were once the Riordans but my great grandfather, who was a tailor in the British Army, inserted an “Ó” to emphasise his Irishness. I have family members who fought in the Easter Rising, the War of Independence and the Civil War. I would not wear a poppy or a lily, but anyone who decides to paint on or desecrate a monument of that nature, as happened last night, insults every single Irishman and Irishwoman in this State and across the globe. It is gratifying and comforting to know that people from across the House have prioritised that message this morning and are stating collectively that we want to remember those who have fallen in war and ensure we never make those mistakes again.

Senator Tim Lombard: When will the Local Government Bill 2018 come before the House? The Bill is currently on Second Stage in the Dáil. I am deeply concerned about the pace at which the Bill - the purpose of which is to make major changes to boundaries in Cork city and county - is being dealt with. The Bill contains a proposal to transfer responsibility for 147 sq. km of land and 80,000 residents from Cork county to Cork city. It is significant legislation but the real issue is the timing relating to it and where we are going in the context of the local elections that are due to be held in the middle of next year. There are genuine concerns at local authority level and among the general public regarding the clarification of boundaries in order that we might know where the city and county will be divided. From a purely administrative point of view, if one is going to transfer responsibility for 80,000 residents from the county into the city, there will have to be significant administrative changes all the way through local government services. The Bill is primary legislation designed to facilitate all of that.

We have been informed that it is hoped to enact the legislation by the end of the year. That is a very tight timeframe. We are looking at the bones of three and a half weeks to get it through yet it has not even come before the Seanad. I ask the Leader for clarity on the status of the Bill, when it will be coming to the Chamber and whether we will be in a situation whereby sufficient time can be provided before Christmas to enact it and have it signed into law by the new year. This is a significant issue. If the legislative change is not going to be brought in by the end of 2018, it is quite possible that it will be pushed out into February. That will present us with an unfortunate dilemma in circumstances in which we need certainty about boundaries and where officials are moving to. These issues need to be clarified.

Senator Aidan Davitt: The review of councillors’ pay and expenses was to be produced by Ms Sara Morehead, SC, before the end of November. The Leader might find out for the House if that is on track and if we will have it next week. The substantive issue I raise today involves a call for the Leader to bring the Minister for Transport, Tourism and Sport, Deputy Ross, to the House to explain what he intends to do to reverse the untold harm he is doing to rural Ireland. He made a shallow promise of buses for rural Ireland as part of his legislative agenda but it has proven to be a pipe dream. There was only one public house in my locality and that closed in the last month. It was the only one within a seven mile radius. The closure of the Cloughan Inn was a direct result of the new measures introduced by the Minister. At various stages, it was a céilí house, a grocery store and, in more recent times, a meeting place for all political parties, the IFA, many GAA clubs and most other initiatives in the locality. While the adjoining restau-

rant is struggling on, the closure of the bar does not paint a rosy picture for that either. This is a blow by proxy to the community of Cloughan and the surrounding area. I ask the Leader to bring the Minister to the House to account for his campaign against rural Ireland. He made a promise on transport, but it was a puff of smoke. His statements regarding what he would do to save rural Ireland were mere smoke and mirrors.

Senator Gabrielle McFadden: I wish to raise an issue that was brought to my attention by members of the Defence Forces based in Athlone, namely, a marked increase in the number of drones being flown over the midlands. The air ambulance is based in Custume Barracks, Athlone - which is something of which I am very proud and for which I fought hard - and it serves the midlands and areas further afield very well as it responds to medical emergencies. It operates at all times. According to the Defence Forces, drones should not be flown within three miles of Custume Barracks or, indeed, any barracks because they interfere with helicopters taking off and landing. Any such interference, puts lives at risk. I ask the Acting Leader to ask the relevant Minister - I am not sure whether we are talking about the Minister for Transport, Tourism and Sport or the Minister for Justice and Equality - to come to the House for a debate on the use of drones near Custume Barracks in Athlone. The Department of Transport, Tourism and Sport is responsible for drones, but the Department of Justice and Equality is responsible for who enforces the existing laws in this area, which need to be enforced.

Senator Victor Boyhan: I welcome the students in the Gallery. It is always great to see young people in this House. I assure them that we talk about them here.

I would like to respond to what Senator Freeman has said about a child who is waiting for services. It is an appalling vista. The Taoiseach has spent the past few weeks talking about making tax cuts over a period of five years. Every programme that the Government announces now is for another five years. We do not need to remind ourselves that Fine Gael has been in government for seven years. I am not here to criticise Fine Gael because it does many good things and I support many of its initiatives. I can honestly say that the treatment of children in this State is an absolute disgrace. Senators Freeman and Ó Riordáin and other Members have spoken about the appalling and disgraceful experiences of children. It is an indictment of politics, and of the system across the board, that our children are being told they cannot have access to facilities and proper and decent healthcare because of funding. I spoke in this House recently about the closure of the children's unit in the National Rehabilitation Hospital in Dún Laoghaire. We constantly hear excuses from the Minister when he says that these are budgetary matters. He blames the HSE and everybody else. The Minister for Health and the Government are ultimately responsible for the delivery of proper and appropriate healthcare services for our people. We can no longer allow the Government of the day to come in here and make excuses. It has to be held to account. All of us must hold them to account. It is an absolute disgrace. The Minister, Deputy Harris, needs to be brought back in here to focus specifically on all forms of child healthcare, including child mental health issues. He needs to be grilled and held to account because it is an absolute scandal. There will be an election months from now.

Senator Aodhán Ó Riordáin: What?

Senator Victor Boyhan: People will be going out and talking about the wonderful service we have. I am sick of hearing lectures about a new republic of opportunity where we care for everyone equally. I will leave it at that. I ask the Acting Leader to arrange for the Minister to come in.

I would also like him to tell us when the Government intends to introduce legislation to underpin the Land Development Agency. Despite all the public relations, no specific money has been set aside for the agency.

Senator Colm Burke: I would like to respond to the previous speaker by mentioning a big change in healthcare that has occurred in the past two years. There have been increases in the health budget and in the number of people employed in the health service. The cutbacks we had to endure for the first four years after we took office in 2011 are no longer happening. I will mention some figures. The number of people working in the health service has increased by 13,000 since 2014. Those people are employed across the board. There are questions to be asked about proportionality in respect of the new people who have been taken on. I have taken this up with the Minister for Health and the HSE. We need to make sure we continue to deliver services. When we look at healthcare in this country, it is interesting to note that life expectancy is continuing to increase. Over the past 15 or 16 years, it has increased by 2.5 years for both men and women. Such issues need to be taken into account. The big challenge we face is to deliver a healthcare system that serves people in all age groups who are young, middle aged or old. I agree with my colleague that there are deficiencies in the system. We need to work to resolve those problems.

I will mention one area that I want to work on. It was interesting to learn at yesterday's meeting of the Joint Committee on Health, at which various people discussed the evaluation of orphan drugs, that there are between 6,000 and 8,000 different rare diseases. The problem we have in Ireland is that the number of people with a particular rare disease can be quite small. I recently dealt with a case in which ten people in this country would benefit from a new drug that is being brought onto the market by a pharmaceutical company. Our process for dealing with access to medicines, particularly new medicines for the treatment of lung cancer and other forms of cancer, is slow. We need to look towards having a national medicines policy, which is something we are missing. Such a policy is needed to expedite access to medicines in a timely manner. We have fallen behind a number of countries in respect of the time involved in getting access to new medicines. We are behind 13 other western European countries in that regard. We need to work on that. It might be helpful to have a debate on the cost of drugs and pharmaceuticals in this country, compared to other countries. We need to consider how we can make the process more efficient and how we can get value for money as we ensure treatment is provided to those who require assistance.

Senator Diarmuid Wilson: I join other colleagues in condemning the attack on the war memorial last night. It is obvious from the use of red paint that it was not a random act. It was premeditated and deliberate. Given that the monument in question commemorates thousands of Irish people from both sides of the political divide who lost their lives, last night's act says more about those who carried it out than it does about the offence that they assume the statue is causing.

I echo the call made by Senator Craughwell yesterday for a debate on the responsible use of social media. The irresponsible use of social media is having a detrimental effect on people's mental health. This feeds into what Senator Butler has spoken about. I would like to mention the case of a young man in the entertainment business who is a native of County Cavan. Attacks on social media are having horrendous effects on his attempts to establish himself in the entertainment field, as well as on his mental health and that of his family. I submitted a request for a Commencement debate on this issue to the Cathaoirleach's office this morning. I hope the Cathaoirleach will be able to see fit to allow such a debate to take place some day next week. I

would like the Minister for Communications, Climate Action and Environment to come to the House to discuss this issue. I ask the Acting Leader to invite the Minister, Deputy Bruton, to come to the House for a wider debate on the responsible use of social media in this country. I know it is not easy, but all necessary steps must be taken to curtail this type of abuse.

An Cathaoirleach: The final speaker is Senator Paddy Burke. I am keeping the best wine until last.

Senator Diarmuid Wilson: That means I am second best.

Senator Paddy Burke: I join other Senators in condemning the vandalism of the war memorial by cowards whom I would not like to see on the front line of any army. The destruction they have caused is unbelievable.

I call for a debate on tourism. It would be timely for us to consider how Brexit will affect the tourism trade. The Minister for Transport, Tourism and Sport should come to the House at some stage in the not too distant future to set out his plans and proposals, and those of Tourism Ireland, for furthering the tourism product throughout the country.

Senator Colm Burke mentioned that an additional 13,000 people are working in the health service now. Some €16 billion is now being spent on health. There is no doubt that never before has more money been put into the health service. We must get better value for the bucks that we put in. It is in everybody's interest, and it behoves all of us, to make sure that we get better value. We should have a debate on the many aspects of the health service where we could, and should, get better value for the vast amount we are putting into it.

Senator Gabrielle McFadden: Hear, hear.

An Cathaoirleach: I saw a hand wave. Almost an hour after we started the Order of Business a new man has come into the frame. Senator Conway, if he is very brief, I will let him in.

Senator Martin Conway: I thank the Cathaoirleach for his indulgence. I was here at the start of the Order of Business and all day yesterday.

An Cathaoirleach: We are talking about today now. The Senator could have been here all last week as well but I am talking about this morning.

Senator Martin Conway: I was here all last week.

An Cathaoirleach: Please be brief.

Senator Martin Conway: I welcome the decision by the new Minister for Education and Skills to review the removal of history as a core subject at junior certificate level. The House unanimously passed a Private Members' motion, that I tabled, which called on the Government at that time to examine and reconsider the decision to remove history as a core subject. In 2013 or 2013 I tabled a similar motion in this House when the idea was first mooted. It is important that every young person in this country understands history because unless we understand the past, we cannot plan properly for the future.

Let us imagine a generation who would not understand the Votáil 100, which we are celebrating this year, and the significance of voting rights 100 years ago. Similarly, let us imagine a future generation not knowing much about the Easter Rising in 1916, the centenary com-

memorations of same, which we are all engaging in now, the First World War - we celebrated Armistice Day last Sunday week - and the Second World War. It would be a travesty if young Irish people were not in a position to understand the implications of these events or how those significant events shaped the present day country and world. Ireland has always had a great sense of history. As a society and a nation, we have always had a great understanding of history. We, as a nation, have learned from history and I like to think this will define us as a nation going forward. The newly announced review is welcome. I sincerely hope that history will resume being a core subject, and not just at the junior certificate level but throughout the entire education system.

An Cathaoirleach: I call on the Acting Leader, Senator Richmond, to respond.

Senator Neale Richmond: I thank the 18 Senators for raising a range of important issues. I shall commence by responding to the second issue raised by the Leader of the Opposition. I refer to the disgraceful vandalism last night of the Haunting Soldier statue on St. Stephen's Green. I am delighted to report that Office of Public Works, OPW, staff were out first thing this morning and the paint has been removed.

Senator Frank Feighan: Hear, hear.

Senator Neale Richmond: The statue has been returned to its sombre self. I appreciate the comments made by the seven Senators who raised the issue.

I take into account what Senator Ó Donnghaile said about the great Harry Leslie Smith, of whom I am a massive fan. The latter's politics are not necessarily my own but I admire his spirit and ability to fight, particularly for the rights of refugees. I fully agree with Senator Mac Lochlainn's comments on direct provision centres. The approach by our Government and previous Governments to dealing with refugees in this country is a disgrace.

Senator Martin Conway: Hear, hear.

Senator Neale Richmond: I say that as a Government representative here this afternoon. It is something that I task the Minister and the junior Minister in the Department with every day. We need to learn from this, particularly as we are an emigrant nation because 150 years ago, many thousands of Irish people were refugees in America, Australia and beyond.

Senator Conway raised the review will be carried out on again making history a core subject for the junior certificate. History is particularly pertinent to the many remarks made about the devastating vandalism done to the statue of the Haunting Soldier. I dare say that if the people who carried that act of vandalism had listened a little harder during their history classes in school they might have known that their ignorant and vicious actions have no place in a modern and progressive republic where we tolerate all backgrounds. I must correct my dear friend, Senator Conway, because he mentioned that we celebrated the armistice last week. We very much did not celebrate.

Senator Martin Conway: My apologies. We commemorated the armistice.

Senator Neale Richmond: We commemorated the armistice because there is nothing to celebrate about a conflict where millions of men, who were really boys, went to war and met their end, including two of my granduncles. The body of one of my granduncles is lying somewhere in a damp field in Belgium and will never be returned to his wife, children or his sister,

who is my granny.

Regarding Senator Ardagh's comments, the last time that I had the honour of being Acting Leader we discussed the John Player site located on the South Circular Road. I will raise the matter with the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy. I encourage the Senator to write to the CEO of the Land Development Agency to see if she can engage with him directly on this issue.

I welcome her warm words for Martin O'Neill and Roy Keane. I join her in thanking them for their service to Irish football and I am sure everyone who has enjoyed the sport feels the same. I had a wonderful experience in France a two summers ago, as did a number of other Senators. I wish Martin O'Neill and Roy Keane well and I wish the FAI well in choosing their replacements. I am sure that there is a number of people here who think they are good enough to apply for their jobs but they think they are good enough for every job.

Senator Diarmuid Wilson: I am sure Senator Richmond would make a good hand of managing the Irish soccer team.

Senator Neale Richmond: Senator Humphreys raised the issue of housing. Every single vehicle available to the Government to alleviate the problem is being taken. It is not just about the response to social housing needs, affordable housing needs or the role of the private sector. Everything has to be taken into account to address the issue. Every issue is being taken on by the Minister for Housing, Planning and Local Government and his Ministers of State, Deputies English and Phelan, in this regard.

Last weekend, the Taoiseach said that the three Government's key aims relate to Brexit, the health system and the housing system, which it is working on. This also relates to the range of healthcare issues raised by Senators Freeman, Ó Ríordáin, Butler and Colm Burke. Senators Freeman and Ó Ríordáin might consider tabling the issue of Scoil Chiaráin in Donnycarney as a Commencement matter next week. I will request that the Minister for Health come to the House to take statements on the response to mental health issues in general, as Senator Butler mentioned. Last year's mental healthcare budget was considerably increased when compared with the previous year. I will ensure that mental healthcare and access to medicines, as raised by Senator Colm Burke, will also form part of the debate.

Senator Humphreys asked whether Operation Freeflow could be undertaken in city centres during the festive period. I support his idea and I shall raise it with the Minister for Transport, Tourism and Sport.

Senator Gallagher mentioned the plight of the school secretary. It is a pertinent issue to raise and it is dear to his heart. I will call on the Minister for Education and Skills, Deputy McHugh, to come to the House to take statements.

Senator Craughwell made timely and pertinent remarks about the attack on The Haunting Soldier statue. In addition, he mentioned the report on subsidiarity that was compiled by the First Vice-President of the European Commission, Mr. Timmermans. The Senator did the Government an injustice in his comments on the Government's approach to local government because it has been proactive. The Minister of State at the Department of Housing, Planning and Local Government, Deputy John Paul Phelan, has been particularly proactive in the past number of months in this area. I have had the honour of serving on a county council for the seven years, as well as on the Committee of the Regions for two years, and I fully appreciate

the need for a realistic approach to subsidiarity. However, I will bring the report to the Minister's attention and ask him to come to the House to take statements on the matter, as well as to respond to the comments made by Senator Lombard on the Local Government Bill 2018. He believes that the legislation will slow things down and thus have an impact on the boundaries of Cork City Council and Cork County Council.

Senator Davitt sought a debate on rural transport issues with the Minister for Transport, Tourism and Sport so I will invite the Minister to a debate. I will not necessarily use some of the language that the Senator used but the issue deserves attention and discussion in this House.

Senator McFadden raised the issue of drones. As she will be aware, the regulatory body responsible for drones and the enforcement of regulations is the Irish Aviation Authority, which comes under the remit of the Minister for Transport, Tourism and Sport. I have no doubt that the agency will be more than willing to take into account her comments and discuss her concerns regarding the barracks in Athlone.

Senator Boyhan mentioned waiting lists and healthcare issues. I have given a commitment to invite the Minister for Health to the House for statements and I will add both topics to that debate. I will request that the Minister for Housing, Planning and Local Government contact the Senator directly regarding the legislative timeframe for the Land Development Agency. Like Senator Ardagh, he might like to engage with the agency, to which a CEO has been appointed. He can engage directly with the agency on the issues he raised.

Senator Wilson made thoughtful and pertinent remarks regarding the debate on social media. We, in the body politic, know as well as anyone the detrimental effects that abuse via social media can have. I have become quite a fan of the "Mute" button on Twitter. If anyone does not know why, he or she can take a look through my timeline. There is not a night where I do not go home and it is my wife or my sister asking whether I am okay. I do not know why they are asking this because it turns out some faceless troll behind an anonymous timeline has been attacking my appearance, my beliefs or the amount of hair gel I use. It is something that hits me hard when they bring that issue up. We have to realise that is the level of intelligence one is dealing with in this area. There is a need to have a thorough debate on this. I will call on the new Minister for Communications, Climate Action and the Environment, Deputy Bruton, to come to the House as soon as possible to debate this.

Finally, I agree with Senator Paddy Burke's call for a debate on tourism. I will ask the Minister of State at the Department of Transport, Tourism and Sport, Deputy Brendan Griffin, to come to the House. The Government has acted in two ways in this area. First, it has increased funding both for Bord Fáilte and Tourism Ireland as a direct response to Brexit. Unfortunately, while overall tourism numbers are up, numbers from the UK have reduced in recent years. I spent my holidays in west Cork last summer and when the shopkeeper said that new tourists coming from America and Canada was brilliant, but tourists who travel from the UK in their cars spend the most in the shops and supermarkets and probably add a lot more to the local economy which is vitally important. Second, the third section of the withdrawal agreement, which we will debate this afternoon, deals with Irish-specific issues such as cross-Border co-operation and a range of areas but in particular, how Tourism Ireland will be protected. The ability through the Good Friday Agreement for the island of Ireland, as a whole, to be marketed as a tourism destination will be maintained as long as that withdrawal agreement and the related political framework makes its way through both the European and British legislative systems and is approved before 29 March 2019. We will play our part in that debate this afternoon and

I look forward to contributing to it.

Order of Business agreed to.

Sitting suspended at 12.32 p.m and resumed at 12.45 p.m.

Fossil Fuel Divestment Bill 2016: Committee and Remaining Stages

Acting Chairman (Senator Gerry Horkan): I welcome the Minister of State, Deputy D’Arcy, to the House.

Minister of State at the Department of Finance (Deputy Michael D’Arcy): Last week in the Seanad, I indicated that the new provision inserted in the National Treasury Management Agency (Amendment) Act 2014 by the Fossil Fuel Divestment Bill 2016 would have to be commenced separately by a commencement order under the 2014 Act. I have been informed that, in fact, the obligations imposed by the Fossil Fuel Divestment Bill will come into effect immediately on enactment. I am happy to take this opportunity to correct the record and confirm that the Bill will have effect as soon as it is enacted.

Senator Lynn Ruane: I wanted that clarified so that is great.

Sections 1 and 2 agreed to.

TITLE

Government amendment No. 1:

In page 3, to delete lines 5 to 9 and substitute the following:

“An Act to impose certain prohibitions and restrictions with respect to the investment by the National Treasury Management Agency of assets of the Ireland Strategic Investment Fund in fossil fuel undertakings and, in particular, to require that Agency to endeavour to ensure that such assets are not directly invested in such an undertaking (and, where it becomes aware that an undertaking in which such assets have been so invested by it is, or has become, a fossil fuel undertaking, to divest the assets of that fund from such investment); to make provision for a restriction on such investment when the investment is of an indirect nature (as defined hereafter); to provide for a certain exception to the prohibition on investment of assets of that fund in such an undertaking where the investment is consistent with the national transition objective (as defined hereafter), the implementation of the State’s climate change objectives and Government policy; for those purposes to amend the National Treasury Management Agency (Amendment) Act 2014; and to provide for related matters.”.

Amendment agreed to.

Title, as amended, agreed to.

Bill reported with amendment, received for final consideration and passed.

Home Building Finance Ireland Bill 2018: Committee and Remaining Stages

Sections 1 to 12, inclusive, agreed to.

SECTION 13

Senator Fintan Warfield: I move amendment No. 1:

In page 10, between lines 15 and 16, to insert the following:

“(3) Such bonds, debentures and other securities may be used for the purposes of delivering social, cost rental and affordable purchase homes and for the funding of remedial works on multi-unit developments where latent defects have been discovered.”.

The amendment seeks to amend the section that deals with borrowing by Home Building Finance Ireland, HBFI. It aims to include a clause under which funding raised by HBFI may be used to deliver social housing, cost-rental projects and affordable purchase homes. There is a significant deficit in the provision of genuinely affordable rental and purchased homes and anything that can help the delivery of these much needed homes should be supported.

There is a major problem with latent defects in multi-unit developments throughout the State. I am sure we have all heard of apartment complexes where serious fire safety issues have been uncovered. If passed, the amendment would enable HBFI to lend money to owners' management companies to deal with such defects. Providing a borrowing facility for people who have discovered building defects thanks to bad building that took place during the boom would help them to carry out expensive but important remedial works. It would enable owners' management companies to immediately carry out the necessary remedial works, thus addressing the safety issues in a timely manner and reducing building costs. It would enable owners' management companies to recoup the money from residents over a longer period, thereby easing the immediate financial burden imposed on apartment owners.

Minister of State at the Department of Finance (Deputy Michael D'Arcy) (Deputy Michael D'Arcy): I must oppose this amendment, which is the same proposal that was already defeated on Report Stage in Dáil Éireann earlier this month. It puts essentials of the HBFI scheme at risk while conferring no additional powers on the agencies and these circumstances have not changed in the short period since it was rejected by the Dáil. Accepting this amendment could restrict types of projects that HBFI may finance from capital raised in the market. These restrictions have the potential to result in HBFI's activities being brought on balance sheet and leave the agency vulnerable to state aid complaints. Such issues arise because of how this amendment is drafted. In drafting the Bill, the Department of Finance has been careful to ensure that the board of management has full flexibility to provide any type of funding which serves to increase the supply of residential development generally. Referring only to particular segments of the market, such as funding for affordable housing, social housing or remedial work on multiple development units, this amendment could be interpreted as excluding all other types of residential properties and developments financed by money borrowed by HBFI. I am sure that is not the Senator's intention. This would inhibit HBFI's ability to achieve its stated policy of increasing the supply of housing in the State.

This amendment could also detrimentally affect the balance sheet treatment of HBFI in line with EUROSTAT rules. Restrictions on the type of lending in which HBFI may or may not participate will increase the risk of HBFI's activities being classified as within Government, with a

resulting impact on gross general Government debt. Such an outcome could have implications for the amount of money the Government has available for other necessary projects and may restrict the ability of HBFI to provide funding in any given year.

The potential restriction on the type of lending HBFI conducts could give rise to state aid complaints from other prospective borrowers also wishing to access this funding who may be refused access where preference is given to other projects. These potential pitfalls would have the combined effect of discouraging HBFI from using its powers to borrow more funds, inhibiting its ability to boost the supply of housing in the State. This will be especially detrimental in circumstances where demand for funding exceeds the €750 million provided by ISIF. It is important to recognise that there is little to be gained by increasing this level of risk.

This amendment does not grant HBFI any additional powers regarding the type of projects it is able to finance that it does not already possess in the current Bill. The additional powers of lending that this amendment seeks to introduce are also available under section 7 of the Bill. Section 7 provides HBFI with powers to lend for the purposes of funding residential development in the State, provided such developments are commercially viable. Section 7(2)(b)(i) provides that HBFI shall aim to “contribute to the economic and social development of the State” in its lending. The Government made an amendment on Committee Stage which further extended these considerations to require HBFI to have regard to Government policy on housing when lending. These safeguards underpin that HBFI already has full flexibility to fund affordable or social housing schemes, provided these schemes are commercially viable. For example, were the applicant for a similar project to that of the Ó Cualann Cohousing Alliance for a housing development in Poppintree in north County Dublin to seek finance, HBFI would be in a position to grant it.

As for providing finance for remedial works for multi-unit developments, I fully understand and appreciate the stress and difficulties experienced by owners of homes which require remedial works. There is nothing in this legislation which prohibits HBFI from engaging in this type of lending, providing it is on commercial terms. In providing such lending, it is important to note that HBFI would not be able to do so at cheaper rates or for longer maturities than are already available in the market. Under state aid rules, it is simply not possible for HBFI to lend on terms that would not be acceptable to other market operators. Any deviation from this principle would jeopardise the scheme and would likely require state aid approval. It is envisaged that HBFI will conduct a number of market engagement exercises later in the year where it will meet prospective borrowers and industry representatives to provide clarity on the application processes and eligibility criteria. I suggest that any prospective borrowers seeking funding for the type of remedial works outlined in this amendment should engage with HBFI at that time to explore potential options.

This amendment increases the likelihood of a number of key risks to HBFI’s operations without providing any tangible benefit. I therefore oppose it.

Senator Fintan Warfield: Will the Minister of State outline what lending facilities exist for people who discover building defects as a result of bad building that took place during the boom?

Deputy Michael D’Arcy: The lending facility will not be made available for individuals. It is for developers. If somebody has a scheme that is built and there is a requirement for remedial works, the developer who owned the full development and may still have public areas

and a liability relating to remedial works can apply to HBFI for funding for remedial works, but they must be on a commercial basis. We cannot deviate from that. The developer has the opportunity to make that application to HBFI as the Bill stands without this amendment.

Senator Fintan Warfield: Can HBFI lend to management companies?

Deputy Michael D’Arcy: Not to management companies but to the owner of the development, the person who built it who still has a liability.

Amendment put and declared lost.

Question proposed: “That section 13 stand part of the Bill.”

Senator Kieran O’Donnell: The Irish League of Credit Unions appeared before the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach, to discuss credit unions being able to make members’ funds available through a special purpose vehicle for the provision of housing. Does HBFI fall within that ambit? I note the State is putting in €20 million of funding in the form of share capital. It is 100% owned by the State. The entity has borrowing powers under section 13(3), which states: “The total aggregate amount of principal which HBFI and any HBFI group entities are at any time liable to repay on foot of any liability incurred as a result of the exercise of a power under this section shall not exceed €750,000,000.” Could this provide a vehicle where the credit union movement could provide members’ funds towards an investment?

Deputy Michael D’Arcy: Nothing is stopping HBFI from participating with a credit union which may participate in development, should it choose to do so.

Senator Kieran O’Donnell: The Irish League of Credit Unions has stated that it has members’ funds at its disposal that are currently on deposit in mainstream banks in most cases. It would like to be able to use those funds in a relatively risk-free investment. It has €7 billion at its disposal overall. Could it provide some of that funding for a special purpose vehicle run by the State to provide housing? HBFI is a lending body. Could this provide such a vehicle?

Deputy Michael D’Arcy: There is nothing to stop that from happening but it is important to understand that some credit unions have established a special purpose vehicle for development.

1 o’clock

Senator Kieran O’Donnell: I am aware of that.

Deputy Michael D’Arcy: There is no such thing as a risk-free option. There is a risk when money is put into such vehicles and lent to developers. Is the Senator referring to co-funding into an SPV with a credit union fund?

Senator Kieran O’Donnell: No. Some €20 million is provided by the State and HBFI will leverage funding from various other sources. I am asking if it could access funds in this way.

Deputy Michael D’Arcy: It could.

Senator Kieran O’Donnell: The credit union movement could come together to provide several million euro in long-term debenture loans to HBFI.

Deputy Michael D’Arcy: I assume it would be able to do so.

Senator Kieran O’Donnell: Bills of this nature can be very technical. The Bill before us is very important. How does HBFI differ in structure from the Housing Finance Agency? Why is HBFI being established when we have the Housing Finance Agency, which can also provide funding?

Deputy Michael D’Arcy: The hope and expectation is that this funding stream will be for the smaller developer. We do not want two very large entities having two developments of €320 million each. It is for the small builder who will build ten or 15 units.

Senator Kieran O’Donnell: There is no lower limit on funding.

Deputy Michael D’Arcy: There is a lower limit of ten units. We hope that the guys who build ten units in small rural towns will have the opportunity to avail of this. If they go to a bank they can get up to 60% if the site is paid for but the remainder has to come from equity or mezzanine finance, which is particularly expensive and can be more than 15%. The Senator and I sat on the banking inquiry and the big criticism was that the banks took all the risk and that all commercial real estate development was on their balance sheets.

Senator Kieran O’Donnell: If someone is building 20 units and gets 40% of the funding from his local bank, can he look for the balance of the funding from HBFI?

Deputy Michael D’Arcy: I do not want to be as prescriptive as that. When it is established, HBFI will set its own criteria. I anticipate that it will not be making the 60% available in the Senator’s scenario but I would anticipate builders going to HBFI for some of the 40%. There is an expectation of some equity being involved, and this is the case in other construction sectors. I do not refer to pretend equity, as was prevalent during the boom in the form of personal guarantees. That was not equity. We want equity from developers and we want funding from institutions but if there is a gap between the equity and the borrowed amount, this will help to fill it.

Question put and agreed to.

Sections 14 and 15 agreed to.

SECTION 16

Question proposed: “That section 16 stand part of the Bill.”

Senator Kieran O’Donnell: Am I correct in stating that this body will be audited by the Comptroller and Auditor General on an annual basis? Will the statutory auditors referred to in section 16 be an outside firm?

Deputy Michael D’Arcy: Yes.

Senator Kieran O’Donnell: There will be an audit but HBFI will, in addition, be audited by an outside independent auditor.

Deputy Michael D’Arcy: Yes.

Senator Kieran O’Donnell: Sections 16 and 17 are interrelated.

Deputy Michael D’Arcy: Section 17 is a standard provision requiring a senior member of staff to appear before the Committee of Public Accounts to answer questions in respect of HBFI’s accounts, the efficiency with which it uses its resources or any report produced by the Comptroller and Auditor General relating to HBFI or a group entity. The section also incorporates a standard provision requiring a senior member of HBFI staff not to comment on Government policy when giving evidence.

Senator Kieran O’Donnell: In reference to section 16, will a statutory independent auditor be appointed as well as the Comptroller and Auditor General?

Deputy Michael D’Arcy: What does the Senator mean by a statutory independent auditor?

Senator Kieran O’Donnell: Under section 17, HBFI will be audited by the Comptroller and Auditor General but section 16 states:

Where, following prior consultation with the Minister, the board of HBFI considers it appropriate to do so having regard to its functions (including the obligations imposed on HBFI under *section 7(2)*), HBFI or any HBFI group entity may appoint a statutory auditor

I am asking if it will appoint a statutory auditor. The Comptroller and Auditor will definitely perform an audit. Will an independent auditor be appointed from one of the big accountancy firms?

Deputy Michael D’Arcy: That may be the case and a statutory order may be required in the event that HBFI issues debt on a traded market.

Question put and agreed to.

Sections 17 to 23, inclusive, agreed to.

SECTION 24

Question proposed: “That section 24 stand part of the Bill.”

Senator Kieran O’Donnell: This is obviously a standard clause in the establishment of any new body. Who will carry out the review and how often does the Minister of State expect it to be done? To whom will the review be provided?

Deputy Michael D’Arcy: Section 24 provides that HBFI must, upon a request from the Minister for Finance, report on the achievement of its objectives with reference to section 7(2). This section also requires the Minister to produce a report as soon as possible after 31 December 2020, and every subsequent two years, setting out his or her assessment as to whether HBFI should continue to operate. In making his or her assessment, the Minister may solicit the views of the board of HBFI or consult the public. A copy of each report will be laid before each House of the Oireachtas. HBFI has always been envisaged as a temporary measure to stimulate increased financing for residential projects. This section is designed to ensure HBFI’s temporary nature by providing a mechanism through which its performance can be assessed. Once HBFI has achieved its objectives in reference to section 7(2), it can be discontinued to ensure that its ongoing operation does not distort the market.

Senator Kieran O’Donnell: There is no formal sunset clause but there is a mechanism that

can be triggered.

Question put and agreed to.

Sections 25 to 38, inclusive, agreed to.

SECTION 39

Question proposed: "That section 39 stand part of the Bill."

Senator Kieran O'Donnell: The Act will come into play in January. When does the Minister of State anticipate that the HBFI will make its first loans?

Deputy Michael D'Arcy: We hope the HBFI is established as soon as possible. The process has been a bit slower than we would have liked.

Senator Kieran O'Donnell: Have a chief executive officer, CEO, and staff been appointed?

Deputy Michael D'Arcy: Not yet.

Senator Kieran O'Donnell: When does the Minister of State anticipate it will make its first loan? What is his intention?

Acting Chairman (Senator Gerry Horkan): No one would think the Senator and the Minister of State were in the same party.

Senator Kieran O'Donnell: Occasionally I like to get back to my roots. I asked the official for the Bill and felt I needed to put the Minister of State through some of his paces. He is doing well so far.

Acting Chairman (Senator Gerry Horkan): With colleagues like Senator O'Donnell who needs the Opposition?

Senator Kieran O'Donnell: The proof of the pudding will be in-----

Deputy Michael D'Arcy: Senator Warfield was much more gentle with me.

Senator Kieran O'Donnell: The Minister of State is doing well. I just want to ask my final question.

Acting Chairman (Senator Gerry Horkan): It is a Thursday afternoon and I am indulging Senator O'Donnell.

Senator Kieran O'Donnell: When does the Minister of State anticipate the first loans will be made?

Deputy Michael D'Arcy: We will be seeking applications for staff by the end of January.

Question put and agreed to.

Title agreed to.

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

22 November 2018

Sitting suspended at 1.15 p.m. and resumed at 2 p.m.

2 o'clock

Brexit: Motion

Senator Neale Richmond: I move:

That Seanad Éireann supports the Draft Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (the draft Withdrawal Agreement), as published on 14th November, 2018, including the draft Protocol on Ireland and Northern Ireland which forms an integral part of the Draft Agreement.

Minister of State at the Department of the Taoiseach (Deputy Helen McEntee): Last week EU and UK negotiators completed work on a draft agreement on the withdrawal of the United Kingdom from the European Union, including the draft protocol on Ireland and Northern Ireland. This was followed by approval by Prime Minister May and her Cabinet of the draft agreement as an acceptable basis on which to proceed. On Sunday the Taoiseach will join other EU 27 leaders at a special meeting of the European Council to endorse the agreement, together with a joint political declaration on the future relationship between the EU and the UK. Ahead of this crucial meeting, the Government welcomes that a strong signal was sent by the Dáil last night that Ireland wholeheartedly supports this withdrawal agreement as the best way to ensure an orderly UK exit that protects the Good Friday Agreement and the gains of the peace process. I am sure this House will send a similar message today.

Last week represented an important breakthrough in the negotiations as we head towards 29 March next year, when the UK will formally leave the European Union. Brexit presents a major challenge for us all, following 45 years of what has been close co-operation and partnership with the UK as fellow EU members. The complexity of this process and the scale of the challenge it presents have become all too clear over the course of these negotiations. The draft withdrawal agreement sets out the terms under which the UK's withdrawal will happen in an orderly manner. It provides the best way of ensuring we avoid a hard Brexit which would see the UK crash out of the Union, with the serious consequences that would bring.

With the agreement, a transition period to the end of December 2020 will help to ensure a manageable transition for citizens and business as the UK ceases to be a member state of the Union and becomes a third country. During this time, the EU and the UK will negotiate an agreement on our future relationship, which we hope will be as deep, strong and comprehensive as possible. The option to extend the transition is there, if more time is needed to conclude such an agreement.

We did not ask for Brexit. Indeed, we deeply regret the UK's decision to leave and believe that all parties will be diminished as a result. Since that decision was taken, the Government has sought to ensure that we in Ireland can minimise the negative impacts of Brexit on the island. In particular, we have sought to protect the peace process in Northern Ireland and the Good Friday

Agreement, for which we share responsibility with the UK. Importantly, the agreement secures many of our objectives. From the very start, we worked to ensure that our concerns were understood by all our EU partners - the member states and the EU institutions. Their unity and solidarity has played a significant role. They took Ireland's concerns to heart and made them European concerns and priorities. Throughout the negotiations, they have demonstrated strong understanding of and support for the need to address the unique circumstances on the island of Ireland and to maintain the necessary conditions for North-South co-operation, avoiding a hard border and protecting the peace process. These were also accepted by Prime Minister May in repeated political commitments made in December and March, and as recently as September.

The protocol on Ireland and Northern Ireland, which forms an integral part of the draft agreement, addresses all the issues I have just outlined. The protocol contains important commitments and assurances regarding the Good Friday Agreement, North-South co-operation and the all-island economy. It includes commitments to ensure no diminution of rights, safeguards and equality of opportunity, as set out in the Good Friday Agreement, and it also confirms that people in Northern Ireland will continue to enjoy their rights as EU citizens. It acknowledges the common travel area, whereby Irish and British citizens can live, work and study and access healthcare, social security and public services in each other's jurisdictions. It assures continued support for the North-South PEACE and INTERREG funding programmes.

The protocol also includes clear measures to prevent the re-emergence of a hard border on this island, or the backstop, as we call it. The absence of a hard border has been critical to what has been achieved on the island under the peace process. This has been a priority for Ireland from the very start of the negotiations. The backstop simply acts as an insurance policy, which we hope will never have to be used. It means that should it be required after the period of transition, the UK and the EU will establish a shared customs territory. It will involve no tariffs or quotas and includes well-established rules to ensure a level playing field. Northern Ireland would remain aligned to those rules of the Single Market that are indispensable to avoiding a hard border. To facilitate this and to ensure there can be no unfair competitive advantage, the agreement also provides that if the backstop is invoked, rules to ensure a level playing field in areas such as environment, state aid and labour standards will apply.

The agreement makes clear the backstop will apply unless and until it is replaced by alternative arrangements that make it no longer necessary. A review mechanism will look at this. The agreement also makes clear this decision cannot be taken unilaterally but must be taken jointly by the EU and the UK. This also comes under the review process. This translates the UK's political commitment, which was given last December, to avoid a hard border on the island of Ireland into a legal guarantee. As we have said many times before, we hope and believe those alternative arrangements will be negotiated. However, it is important we now have the insurance policy we need if all other efforts fail to produce a better solution. Importantly, at the same time, nothing in the agreement prejudices or seeks to undermine the constitutional status of Northern Ireland and the principle of consent as set out in the Good Friday Agreement.

Ireland maintains a strong and constructive bilateral relationship with the UK. We share unique and profound ties fostered by centuries of shared history, culture and trade. We are fully committed to developing and enhancing that relationship and our close bilateral co-operation over the coming years. The common travel area, CTA, which is acknowledged in the agreement, will contribute to this. Under the CTA, Irish and British people can live, work, study and access healthcare, social security and public services in both jurisdictions. Equally, it remains our priority to achieve a deep and comprehensive future relationship between the EU and the

UK in a post-Brexit world. Over the next two years we will be working very closely with the UK and our EU partners for an agreement that can achieve that on the basis of the political declaration on the future relationship that EU leaders are expected to endorse at the European Council on Sunday, and which many of you have seen today have already been agreed. Work is continuing on finalising this declaration and the Prime Minister will return to Brussels for a further meeting with President Juncker on Saturday to settle the text.

Ireland has always said we want the closest possible relationship between the EU and the UK and we welcome that this outline of the political declaration points to such a relationship, including in areas of great importance to Ireland such as trade, transport, energy and judicial and police co-operation, as well as protecting key sectors such as agriculture and fisheries. We do all this knowing that our place is at the heart of a strong European Union. We must respect the integrity of the Single Market and the customs union. Membership of these is a core element of our economic strategy, including in attracting business.

The Government is taking nothing for granted. Significant steps will need to be taken. The European Council will meet on Sunday to endorse the draft agreement. The UK must ratify the agreement according to its own constitutional arrangements. The European Parliament must also provide its consent. Ireland will be the EU member state most affected by Brexit and it will bring significant negative consequences for us. Therefore, the Government is continuing our intensive work to prepare for all eventualities, including a no-deal Brexit, to make sure we are all ready. Departments and State agencies continue to develop and roll-out action plans, to advance mitigating measures which they have identified in the areas of their responsibility. The Government is putting in place measures needed on an east-west basis, preparing our ports and airports. We have already given approval in this year's budget to start hiring over 500 of the 1,000 staff needed.

We are also actively engaged with the European Commission on areas where the lead policy role lies with the EU. An important example of this is our close work with the Commission and other member states to ensure continued effective use of the UK land bridge. The withdrawal agreement also reaffirms the commitment of the UK to facilitate the efficient and timely transit. The Government is providing an array of supports on top of this and information measures to businesses. We have overseen and co-ordinated a communication and outreach campaign through the Brexit website, social media and public events. Those reach-out events are happening throughout this month. The next event is taking place in Letterkenny next Friday.

While the approval of the draft withdrawal agreement marks a crucial step forward, there are many significant challenges ahead. There is no room for complacency. I will take the opportunity to express again my deep appreciation and gratitude to all our EU partners for their unwavering solidarity in ensuring these have been taken into account in the draft withdrawal agreement. In particular, I acknowledge the commitment and professionalism of Michel Barnier and his exceptional team with whom we have worked extremely closely over the past 20 months.

It was never the case that Brexit would be straightforward or easy. This has become increasingly clear as the negotiations have gone on. It is important for us all, citizens, enterprises and even our international partners, that the UK's withdrawal happens in an orderly manner. The withdrawal agreement provides the best and only way to achieve this. No one benefits from a hard Brexit and the serious consequences it would bring for the UK, the EU and Ireland. We regret the UK's decision to leave and believe that both parties will be diminished as a result.

However, the fact remains that in the very near future, the UK will leave the European Union and it is the responsibility of the Government to represent and protect the interests of Ireland and its citizens.

We are very grateful for the support and advice we have received from all sides of the House on this issue and will continue to keep the Seanad fully informed of developments in this important issue which has far-reaching implications for all of us. I thank Senators for their support and ask for their continued support for this motion.

Acting Chairman (Senator Diarmuid Wilson): I thank the Minister of State for her contribution and for being with us. I know she has been very busy on Ireland's behalf over the past year or so. We know she will continue working until there is a satisfactory conclusion.

Senator Ned O'Sullivan: This will be my first contribution as Fianna Fáil spokesman on foreign affairs and Brexit. I join with the Acting Chairman in commending the Minister of State for her untiring efforts. I look forward to working with her for the good of the nation in the coming weeks and months.

I welcome the debate. The Fianna Fáil Party will support the motion. The draft withdrawal agreement reached between the EU and the UK, while far from perfect, represents a positive outcome for the entire island of Ireland. We all know there is no such thing as a good Brexit and the decision of the people of Great Britain is to be greatly regretted.

However, the withdrawal agreement provides sufficient protections to ensure there is no hard border on our island while upholding the Good Friday Agreement and the continuance of North-South co-operation. The Good Friday Agreement was approved by the Irish people, North and South. It ended decades of murder and mayhem. I am very proud of the part played by successive leaders of my party in bringing it about, particularly former Taoisigh Albert Reynolds and Bertie Ahern.

The peace is very fragile. Northern Ireland is an unnatural state. The communities are totally polarised without any signs of the meeting of minds that was envisaged by the architects of the Good Friday Agreement. The political vacuum in the North and the inability of the DUP and Sinn Féin to forge and maintain an effective Administration is deplorable. Regardless of the outcome of Brexit, we need to see the emergence of real politics, real engagement and real patriotism in the North. The onus is on the two leading parties and it is high time that they stepped up to the line and took responsibility. The Good Friday Agreement has empowered them alone to get on with the business of politics, if politics is really what they are about.

The proposed EU summit on 25 November is the next important staging post in the long, drawn-out Brexit crisis. Cabinet resignations, opposition from the Labour Party, the DUP and internal Conservative Party elements have created a very difficult task for the Prime Minister, Theresa May. This is a matter for the British people but Mrs. May is a doughty fighter and we wish her well in her efforts to have the deal ratified in Westminster.

I have already commented in the House on the total absence of nationalist participation in the crucial Westminster debate. There are seven empty seats in the House of Commons, spaces that were occupied by the likes of John Hume, Seamus Mallon and Mark Durkan in the recent past. For decades, Sinn Féin Members refused to take their seats in Dáil Éireann. Now they are here. For decades, Sinn Féin did not recognise our nation's Defence Forces, claiming allegiance to an army of its own. Now it accepts there is only one Óglaigh na hÉireann. For

decades Sinn Féin repudiated the authority of the Garda Síochána and other legitimate instruments of the State. Now it states it has no problem with that either. Is it too much to expect that at this late stage, it would represent the decision of the majority of the people of Northern Ireland who voted to remain. Would it not support Northern Ireland's farmers and businessmen of both creeds who have been let down by the DUP? An opportunity has presented itself to Sinn Féin to repudiate sectarian politics and to work for the people of the North on all sides.

We in Fianna Fáil have been calling on the Government to prepare for the changes that will inevitably ensue from any Brexit deal for some time now. In the light of the precarious political situation in the UK, it is essential that the Government has detailed contingency plans for every and all outcomes. The withdrawal agreement is only the beginning. The future relationship between the UK and the EU still remains to be negotiated and the Government will need to be extremely vigilant in the weeks, months and even years ahead. Britain remains our single largest trading partner for the agrifood sector. We enjoyed a trade surplus of more than €1 billion in 2017. The Irish Exporters Association has called on the Government to increase contingency planning but to date there has been a relatively low take up of Brexit supports. As of October only €8.5 million out of the €300 million Brexit loan scheme has been sanctioned while only 137 grant applications had been approved by Enterprise Ireland. It is 3% of the possible total. Very few Irish SMEs have a Brexit plan in place. The figures are even worse in the North. The Government's Brexit road show seems to be more about spend than suffrage. There is no room for complacency as we are running out of time without any firm Brexit deal in place.

Every right-minded person in this country wants to see a good exit deal for ourselves, for the EU, for the North and last but not least for the UK. This is no time for gloating at the old enemy. It is not a scenario where England's difficulty is Ireland's opportunity. Those days are over, Thank God. Some of the comments by the more Neanderthal elements of the Tory right can be very aggravating. Their knowledge of Ireland, North and South, is bordering on the infantile and the bizarre. That said it is to be regretted that Irish-British relations have deteriorated in the past number of years. My leader, Deputy Micheál Martin, has raised his concerns about this consistently. While acknowledging the work of the Tánaiste, the Minister of State, Deputy Helen McEntee, and the Government, we have a lot of work to do with our nearest neighbour. It is vital for the peace process and for future trade and commerce that we maintain the highest level of diplomatic contact and engagement with our nearest neighbour. The EU negotiator, Michel Barnier, and his team have to be commended on breaking the impasse and for acceding to the single EU-UK customs territory which was one of Mrs. May's key demands. Under these terms Northern Ireland would retain the benefits of EU membership along with continued access to the UK market. The knee-jerk reaction of the DUP to such a favourable and reasonable outcome for the North is hard to fathom. There is something essentially sad about it. Unionist insecurity is nakedly exposed, with its constant need for reassurance at the root of Mrs. May's difficulties. We have to understand unionist fears but without political dialogue between the communities in the North we will never make real progress. We are a long way from normalisation. This is no time, therefore, for the sectarian counting of heads. Calls for a Border poll now are reckless and counter-productive. Let us deal with the problem in hand and let us hope by March of next year we will have secured the basis for a whole new relationship between Britain and the European Union, Britain and Ireland and political progress in the North.

I commend the motion to the House.

Acting Chairman (Senator Diarmuid Wilson): This is my first opportunity to congratulate Senator Ned O'Sullivan on his promotion to spokesperson on Brexit and foreign affairs.

Well done. I understand Senator Marshall is allowing Senator Craughwell to speak before him. Senator Craughwell has five minutes.

Senator Gerard P. Craughwell: I thank my colleague, Senator Marshall, for facilitating me. I congratulate the Minister of State, Deputy McEntee, the Tánaiste, the Taoiseach, the former Taoiseach, Deputy Enda Kenny, and the former Minister of State with responsibility for European affairs, Deputy Dara Murphy. A wonderful job has been done. In congratulating the political side of Irish life, I must also take time to mark the fantastic work done by our officials throughout Europe. The officials from the Department of Foreign Affairs and Trade have been second to none in the work they have done to support the Taoiseach, the Tánaiste and the Minister of State in their work. The secretariat of the various committees involved in debating Brexit are to be congratulated on their work and commitment and their attention to detail to ensure we always had the most up-to-date information available to us as we discussed Brexit.

As has been said many times, Brexit is of no value to any of us. It is something we could have all done without. However, the fear is not on the European side, but on the UK side. I have just come back from a COSAC meeting where I met MPs and Members of the House of Lords and their commitment to a no deal seems stronger than their commitment to a deal. The opposition to Prime Minister May was palpable, certainly from one or two members. I have a fear, despite the best efforts of everybody in Europe and Mrs. May's tour de force in Parliament where she stood her ground even though she was harangued by everybody for three hours. I congratulate her on her tremendous performance. I sincerely hope she gets the support to get Brexit over the line. It is a good deal, no matter which way we look at it. It is a much better deal than the alternative.

We constantly talk of the imposition of a hard border. There has never been a hard border on the island of Ireland since the foundation of the State. There have been what I would regard as extremely difficult crossing, or managed crossings. There was a heavy military presence at every crossing for the past 40 years but we have never had a hard border and I hope we never see one. A hard border is a very different thing. Let us recall the Berlin Wall - that was a hard border. What President Trump is proposing in America is a hard border. I hope we never see a hard border on this island.

I agree with my colleague that it is regrettable that the nationalists who have been elected to Westminster - I accept they were elected on an abstentionist policy - will not take their seats and support this country in its quest to get Brexit over the line. That is a matter for them and for those who elect them, but I would like to put my feelings on record, nonetheless.

I agree with my colleague, Senator Ned O'Sullivan, that a rush to a Border poll now is something that must be rejected. I have seen no appetite in this country for a Border poll and I think we must first learn to live with one another before we start rushing in that direction. I have friends in the unionist community in Northern Ireland, many of whom support the DUP, and I feel desperately sorry watching a party effectively prepared to damage its own people over an ideology. I think that is desperately sad.

I hope things will settle down in the next few days. I know that Prime Minister May will sign whatever agreement she feels is worthwhile but I am not so sure the House of Commons will support her, and that will be regrettable.

I thank the Minister of State for her time and her willingness to be available to the commit-

tee and to this House anytime she has been called. We have never once had an excuse that she was not available, notwithstanding the fact she is running from one side of Europe to the other and has done for some time now. I hope she will get time to relax when this all ends.

Acting Chairman (Senator Diarmuid Wilson): I neglected to wish Senator Craughwell a happy birthday. I call Senator Richmond who has eight minutes.

Senator Neale Richmond: I welcome the Minister of State to the House and thank her for providing us with an update. As Senator Craughwell stated, the Minister of State has been very generous with her time, as has been the Tánaiste. I join the Acting Chairman, Senator Wilson, in expressing good wishes to Senator Ned O'Sullivan on his elevation to the position of Fianna Fáil spokesperson on foreign affairs. I value the Senator's contributions, particularly in the past 18 months when he has spoken on a number of key issues. I have no doubt he will make a great contribution to this issue.

The Minister of State summed up the position in a most succinct way. Ireland did not ask for Brexit. We deeply regret the United Kingdom's decision to leave the European Union and we believe all parties will be diminished as a result. The withdrawal agreement, and the associated political framework published in the last number of hours, are what they are, however, and I would struggle to describe this as a good deal. As a passionate pro-European who strongly believes in the Anglo-Irish relationship, there can be no good deal and there is no such thing as a good Brexit. This is, however, the least worst option. It is a sensible deal that will allow for the orderly exit of the United Kingdom from the European Union. Most important, it protects the Good Friday Agreement and ensures we have a formula to guarantee the fragile peace on this island, which is just 20 years old.

The publication of the deal and the agreement reached on it by the British Cabinet is no small achievement. We look forward to Sunday when the European Council will give its approval to the agreement. What it has taken to get us to this stage is remarkable. As previous speakers noted, it is a reflection of the remarkable efforts made by the Minister of State, her predecessor, Deputy Dara Murphy, the Taoiseach, an iarThaoiseach, Deputy Enda Kenny, the Tánaiste and Minister for Foreign Affairs and Trade, Deputy Simon Coveney, and the former Minister for Foreign Affairs and Trade, Deputy Charlie Flanagan. This has also been one of the most exemplary performances of our diplomatic corps in the short history of the State. In the past two and a half years, more than 2,500 meetings have been held on Brexit at a political and diplomatic level in every member state capital and beyond. It is a commendation of those efforts that we have achieved an agreement that fully reflects the Irish position. We have taken a sensible position that can make this deal work best for Ireland, Northern Ireland, the United Kingdom and the EU as a whole.

I also commend the level of contingency planning that has been made by the Government. This is an area that has not been highlighted enough. Contrary to some of the claims made by Senator Ned O'Sullivan, the Government's first contingency meeting on Brexit took place in 2014, a full two and a half years before the referendum. I have been lucky to sit in on the most recent meetings of the Brexit stakeholders forum, of which there have been 15 since the referendum. The detailed analyses provided by Bord Bia, Tourism Ireland and Enterprise Ireland, as well as the statistic revealed by IBEC this morning that 85% of chief executives have engaged in the process, perhaps paint a truer picture which reflects exactly where we are on Brexit. We should bear in mind that Brexit has not happened yet. When the deal goes through and we enter the transition period, I hope the preparation work will move to another level. We should

also bear in mind what the next steps are and accept in good faith the agreement signed by the British Prime Minister and ratified by her Cabinet, which will, I am sure, be endorsed by the European Council on Sunday.

To address the process, our responsibility this afternoon is to pass this motion, which was passed almost unanimously by the other House last night. I am greatly disappointed that nine Deputies took it upon themselves to oppose the motion. While this was not sufficient to force a vote, it is interesting to note that the Deputies in question cited every issue under the sun to oppose the agreement, while ignoring the fact the deal will get us through a very difficult patch and is an achievement for all parties concerned. As Members of the Upper House, Senators must also decide on this motion. I appeal for unanimous support for it. In light of the contributions of previous speakers and based on my engagement with Senators over the past 18 months in this House and at meetings of the Seanad Special Select Committee on the Withdrawal of the United Kingdom from the European Union, I have no doubt we will achieve that.

Many people have ignored the EU process in respect of Brexit, with much of the attention focused on Westminster. Not a day passes without a strategic leak that has been published in a British newspaper, be it the *Financial Times*, *The Times* of London or *The Daily Telegraph*, being seized upon by certain elements of the Irish body politic or Fourth Estate, which are always the first to say the deal is dead in the water. Just last week, the same people said Prime Minister May had only 24 hours left in office. The threatened letters have not come, the Prime Minister is still in place and we must accept in good faith that she will bring the withdrawal agreement through Westminster and, in turn, that we will be able to bring it through the European channels. This is all about controlling the controllables. Following the summit on Sunday, the European Council will send the agreement to the European Parliament for assent and Guy Verhofstadt will bring it through the European legislative process. It will then be voted on at European level on 12 and 13 March 2019 when I hope it will be passed.

Members have a responsibility to look to our respective partners in the European Parliament, whether the Party of European Socialists, PES, of which the Labour Party is a member, the European United Left-Nordic Green Left, GUE-NGL, of which Sinn Féin is a member, or the Alliance of Liberals and Democrats for Europe, ALDE, of which Fianna Fáil is a member, to ensure the agreement secures the widest possible support in the European Parliament and European Council of Heads of State. We should use our ties to Westminster through sister parties. While Fine Gael does not have a British sister party, the Labour Party and Fianna Fáil do. Sinn Féin also has a voice in Westminster but I will not go back over the argument as to whether its seven MPs should take their seats because that point is probably moot. Senator Ó Donnghaile and his party colleagues know I have a strong opinion on the issue. We have had that discussion, however, and we will leave it at this stage. Senators may have friends in Westminster, political, personal or otherwise, especially among Labour Party MPs who have not been vocal or perhaps Liberal Democrats or Scottish Nationalist Party MPs who are not exactly sure what to think. Let us be realistic. We have a deal on the table. While it is not a deal I like, I accept it and fully appreciate that it is not only the best deal on offer but the only deal on offer. The alternative, for Britain to crash out of the European Union without a deal on 30 March 2019, is so biblically disastrous that it does not bear thinking about for those who like to get at least eight hours' sleep at night, although, as politicians, we get more like four hours' sleep.

This deal is what must be put before the people because there is no chance of a better one. The six tests will never be met. I fear a second referendum, if one were to come about, would simply give a mandate for a stronger leave position and stronger no deal scenario. The deal

is what the EU and British sides have put on the table and we can use it to go forward. The future political declaration, produced by the European Commission today, gives us an insight into what can be achieved in the 16 months until December 2020. Notwithstanding some of the Neanderthal criticisms made by some on the fringes of certain parties, as Senator O'Sullivan referenced, Ireland will demonstrate that it is not just the United Kingdom's closest neighbour but also its closest friend. We can deliver a deep and meaningful trade, customs and regulatory agreement between the EU and UK that will ensure there is no border on the island of Ireland or on the Irish Sea. It is aspirational and it will be difficult. The trade deal with Canada took nine years to achieve. We are working from a very good platform and we have a sensible leadership team in London, Brussels and Dublin. I look forward to that process coming to a close. I will travel to Belfast tomorrow morning where I will speak to members of the Ulster Farmers Union, the Confederation of British Industry, CBI, and various other organisations and point out that this deal can work. It can work for Ireland, North and South, and for the UK and EU. I fully believe that if we give this motion unanimous support today, the deal will work.

Senator Niall Ó Donnghaile: Gabhaim buíochas leis an gCathaoirleach Gníomhach agus ba mhaith liom mo bhuíochas a ghabháil agus fáilte a chur roimh an Aire Stáit as a bheith linn inniu don phlé thar a bheith tábhachtach seo. Is bomaite, is tréimhse agus is am iontach suntasach seo don tír ina iomlán agus go háirithe don mhuintir fud fad na hÉireann agus níos faide ar shiúl ná sin.

I welcome the Minister of State to the House for this important discussion. I and my colleagues reiterate our thanks to her for the work that she, the Tánaiste and departmental officials have put in on this issue. Since entering this House, I have found it an enlightening experience to work collaboratively with other parties on the issue of Brexit, which is an outcome that none of us wants. There has been, by and large, an overwhelming spirit of unity in trying to do what is best for all of our people, even if views have diverged at times on how best to do that and what the approach should be. That has certainly been my experience on the special Seanad committee on Brexit. That has been my experience in this Chamber throughout hours of debate on this issue. In that regard, it is sad that some people have taken party-political swipes at others, especially because we have avoided that up to now. It is a pity that we heard such a contribution at the beginning of this debate. I want to respond - not in a defensive way, but because it is important to get certain points on the record - to a number of points raised by Senator Ned O'Sullivan in his contribution.

Abstaining from Westminster is not sectarian. It is a core tenet of Irish republicanism. As we know, republicanism is the antithesis of sectarianism. In the latest Westminster vote in the North, which happened following the Brexit referendum, Sinn Féin received the largest mandate it has received in such an election since the partition of Ireland. People are very clear about what they expect and what they want their political leadership to do. The people in the North who vote for Sinn Féin are probably increasing in number now, not least within the business class. They do not see Westminster as the solution, but as very much part of the problem. They want the Government of Ireland, and parties and parliaments at a European level, to stand in defence of their rights and their aspirations for the future.

We all want the institutions in the North back up and running. We all know the reasons they are down. I do not need to get into a prolonged contribution on those reasons. The Minister of State and others present will be aware that when the Executive was functioning, the Executive parties did not have a seat at Theresa May's Brexit negotiating table. It can be assumed that if the Executive were back up and running, the two parties at the head of that Executive would

have polar-opposite views on Brexit and the welfare of our people. That is manifesting itself even outside the institutions. The DUP has put itself in direct opposition to a raft of our society within community and civic life, political life and business life. If we see the return of the institutions as some kind of panacea or silver bullet for the resolution of Brexit, or if we believe the seven Sinn Féin MPs will somehow be able to go into Westminster on a white horse to save the day, unfortunately we are living in cloud-cuckoo land because that is simply not the case.

We have all conceded that the draft agreement is the absolute bare minimum needed to protect people, not least in the North. We have worked constructively with the Government through the stakeholder forum and on any number of committees. Sinn Féin has been clear that a special or unique arrangement is needed for the North to ensure all parts of the Good Friday Agreement are protected, there is no hardening of the Border on the island of Ireland and the rights of Irish and EU citizens are fully protected. We have argued that there is a need for frictionless movement of goods from Ireland through Britain on their way to the rest of the EU. Although we believe there are some outstanding issues, we consider that the draft agreement provides some assurance for the citizens of the North as well as the business community.

I want to turn to the immediate issues raised by the draft protocol. It is of deep concern that it contains no explicit reference to the European Court of Human Rights, ECHR. It is also of concern that the right of Irish and EU citizens in the North to vote in EU elections is not dealt with in it. I call on the Minister of State and on colleagues to continue to work collaboratively to ensure people who reside in the North will have permanent access to the ECHR and the European Court of Justice, ECJ. People in the North should continue to access third-level education and the EU health insurance card as EU citizens. As we have said, there must be no hardening of the Border. People in the North must continue to be able to access cross-Border healthcare, such as the north-west cancer centre in Altnagelvin. I include children's healthcare in this. There need to be safeguards for EEA migrant workers in the North.

We need to work together towards a reformed and more democratic EU. We need to work to ensure the rights of all citizens in the North are protected and vindicated in line with the joint report of December 2017 between Britain and the EU. I believe today's political declaration does not go far enough, particularly on rights. There is little mention of rights in the declaration and where they are mentioned, it is aspirational rather than practical. We need to be careful in that regard. We need to keep an eye on the British Government's aspirations. It has shown previously - we have experience of this in the North - how it can act when it comes to the implementation of agreements. It is a matter of concern that much of the declaration is aspirational by design. It involves provisions being agreed in principle rather than being legally binding.

I do not want to bring about a divergence of opinion in this House. We have worked positively. I have touched on many of the issues I wanted to cover. The declaration opens the door to future participation in EU programmes, such as Erasmus. It mentions a financial contribution to facilitate such participation. Perhaps that is something the Government could contribute to or assist with, in line with its pledge that people will not be left behind. There is also an agreement in the protocol to deliver a future PEACE+ funding programme. The Government has to ensure that is delivered, not least as part of its responsibilities as co-guarantor of the Good Friday Agreement.

I continue to wish the Minister of State and her colleagues well. This is a big weekend for Ireland. We are in a big period. As I said when the Tánaiste was here last week, we have now reached the stage where I am speaking less as a Seanadóir and more as a citizen. We are all

living Brexit, some of us more acutely and sharply than others. We all remember that when Guy Verhofstadt addressed the joint sitting, he told us there was no way that our rights as Irish citizens, and therefore as EU citizens, would be diminished or reduced in any fashion. That is how we have approached this issue in this House and the other House. That is how we need to continue to approach it in the coming weeks and months.

Senator Gerald Nash: I welcome the Minister of State to the House. I want to record my welcome and that of my party for last night's Dáil vote, which was virtually unanimous. It was opposed by the usual suspects who are permanently blinded to the benefits of EU membership for workers, business and investment. All of us must preface our remarks, as Senator Richmond did, by saying every time we speak about Brexit that there is no such thing as a good Brexit of any description.

Senator Niall Ó Donnghaile: Hear, hear.

Senator Gerald Nash: That is the case for Ireland and I firmly believe it is the case for the UK as well. We never wanted Brexit in the first place. As Senator Richmond mentioned, when it was expected some years ago that a referendum on Brexit would take place, the previous Government, in which I served, had many meetings to establish contingencies for various outcomes. Ironically, this country is probably better prepared for Brexit than the UK. While that is a sad commentary, it is a frank and honest assessment of the tense and febrile nature of politics in the UK at present.

As I have said, we never wanted Brexit in the first place. I recall, as I am sure everyone else does, going to bed on the night the votes were counted in the full expectation that I would wake up to a "Remain" vote. The following morning, our hopes were dashed and our worst fears were realised. Brexit in any form represents an existential threat to Ireland and to our way of life. As the Minister of State knows well, my constituency of Louth is on the front line in every sense. Peace, along with our common membership of the EU, has made all the difference. The differences between North and South are now almost entirely negligible. We could never risk a return to a hard border because the world as we know it would change beyond recognition. Before we knew it, we would be back to the bad old days.

This draft withdrawal agreement deserves our full support in this Chamber. The Minister of State deserves our full support. She deserves great credit for the work she has done in recent times to get us to the place we are at now. As others have remarked, her officials deserve considerable credit and praise as well. It is fair to say that Mr. Barnier and his team have had our backs from start to finish. They delivered what they said they would deliver. As we know, it is not over yet; far from it, but at this point the agreement represents a success from an Irish perspective, and a relative success as well from a British perspective, if we are to be objective and dispassionate about it.

My colleagues and I in the Labour Party have worked very closely with our Party of European Socialists colleagues right across Europe. It is the second largest political grouping in Europe, as Senator Richmond pointed out. We worked very hard to convince our sister party leaders, some of whom are Prime Ministers - unfortunately too few of them - of the unique threats posed to Ireland by Brexit. From day one that solidarity was evident and is reflected in this arrangement. That said, the situation in Westminster as we know only too well is extremely febrile and there is no guarantee the draft agreement will find favour with a majority in the UK Parliament. We still have the deadly dangerous prospect of a no-deal scenario and the UK

crashing out of the EU. We must prepare for that scenario and I acknowledge the Government is preparing comprehensively for all scenarios that may arise.

The view of the Labour Party is that there should be a second vote because enough has changed since 2016 to justify that politically. My party leader, Deputy Howlin, spoke at the British Labour Party conference in September and in our frequent collective contact with colleagues such as Keir Starmer and others, we have sought to convince them of the merits of such an approach. It greatly troubles me that my colleagues in the British Labour Party have, unfortunately, to be charitable, an ambiguous position on the general state of affairs at the moment. We acknowledge that we have work to do as a sister party of the Labour Party in the UK to convince its members of the merits of adopting a different position.

To be straight, the British people were lied to back in 2016. The Brexiteers wild claims were never going to stack up and they have not stacked up. Now the British people have a piece of paper in front of them that they can consider. They should be allowed to decide again. Put simply, it is a fantasy for some of my colleagues in the British Labour Party to think that there is such a thing as a good Brexit, one that is good for jobs, business and investment. There is not. That is an absolute fantasy and invention. I agree with Gordon Brown who said not enough has been done and not enough space has been provided in the UK to allow people to express their views, hopes and frustrations about the direction in which Europe has gone and the general concerns that led to Brexit in the first place, that in reality had nothing to do with the operation of the European Union but something else entirely and more to do with domestic politics and the direction of the UK. We have suggested, as has Gordon Brown, a series of civic forums modelled on our own Constitutional Convention that could provide for the kind of frank, honest, open and informed discourse that might help to change societal attitudes in the UK to the EU, as has happened here in terms of difficult social questions we have had to address in recent years such as access to abortion rights and marriage equality, among others. I do not know whether it is too late for such forums to be considered but we should always remain hopeful. That would involve the possibility of delaying the triggering of Article 50, but it could help renew, unite and reconcile a very divided Britain. One way or another, regardless of how this will work out in the coming months and years, the reality is that Britain is a very divided country in many ways.

We do not want Britain to leave the EU, for many reasons. For what it is worth, we would very warmly welcome a second referendum before this horse has bolted and there are significant cohorts in our sister party in the UK who hold that view as well. However, I accept that the chances of that at this point are extremely limited. I still firmly believe Britain's historical destiny should be at the heart of the European project, helping to shape the future of Europe, informed by what I describe as the best characteristics of our friends and cousins across the water that we all associate with the best of Britishness, if I can call it that. I refer to that innate decency, sense of fairness and sense of fair play. Unfortunately though, at this moment we face nothing short of a tragedy. It is a tragedy for the British people who are staring over the cliff edge of damaging their relationship with the European Union, driving down the rights of working people, driving down business and investment, jeopardising some of the very important key wins that we have secured collectively across the European Union and via our membership of the European Union over the past 40 plus years. I thank the Minister of State, Deputy McEntee, and give her the credit and praise to which she is entitled personally and collectively on behalf of her Government colleagues and officials for getting us to this point at a very difficult time in our history.

Senator Ian Marshall: I thank the Minister of State, Deputy McEntee, for her statement.

We are currently living through an unprecedented set of circumstances that has the potential to divide us more than unite us. It is important we take a brief moment to reflect on how we got here. This was something that was borne out of ideology and the debate became politically charged very early on. Last week we had the first sight of the draft withdrawal document, which is to be welcomed, because it is the first time we have something tangible to examine, interrogate, read, understand and work out its implications. As fellow Senators have mentioned, it is not ideal, but what is ideal is no Brexit and unfortunately we are staring at Brexit at the moment. Credit must be given to all involved in the work and the tireless, endless endeavours to get this document to where it is. I refer to the Minister of State, Deputy McEntee, the Taoiseach, the Tánaiste and to people from all parties who have contributed to this discussion.

We witnessed a unique situation in Northern Ireland last week where businesses were united in coming out to strongly support the document. That was borne out of businesses that are very nervous about a Brexit discussion which has waged genuine concerns for them about borders, trade, free movement, regulations and standards. It is interesting that the position of the Northern Ireland businesses last week was echoed by the vote in the Dáil last night.

As a democrat, I respect everyone's right to his or her own opinion on Brexit. We must respect democracy and the referendum that took place in the UK. The UK electorate is intelligent but it needs to be informed and it needs accurate information. This recent episode in politics has been about party politics, personal ambition, misleading information and deception. That is something that comes from all sides. Not having an Executive in Northern Ireland has disadvantaged us greatly. The lack of balanced opinion in Westminster has weakened Northern Ireland's position. Preparation is not adequate and there are significant concerns among the business fraternity about what the future will bring, especially when we look at what is happening south of the Border and what the Government has put in place to support businesses, inform them and prepare them for a very uncertain time. I bear testament to that.

A couple of weeks ago we had the 100th anniversary of the First World War. Nationalism was part of the reason for that war and nationalism is a threat that rears its ugly head again. Whether one is British, Irish, Northern Irish, French, German or whatever else, Europe has been a fantastic mechanism to unite us all and take us away from the threat of nationalism. Currently, we need leadership more than ever. Politicians need to stand up and be counted. We must give credit to Theresa May for her resilience and dogged determination in some of the discussions. I am sure she has gone through some pretty dark and difficult times in recent weeks. Replacing the British Prime Minister at this time would serve no purpose. It would not solve the problems. Equally, a general election would not solve the problems or serve any purpose. This matter must be a democratic discussion.

3 o'clock

I urge everyone involved to consider going back to the British people for validation. This is not about disrespecting a referendum but about validating that referendum and reaffirming the result, if that is what we get. The United Kingdom is a seriously divided nation at the moment, which is not a good place to be and the one way to reunite the country is to ask the people, in a truly democratic fashion, to express their opinion on this deal or the option of remaining in the European Union.

The EU has worked tirelessly to facilitate withdrawal for the UK. We have had two years of discussion and lengthy debate in society, business, politics and among those in the legal pro-

fession and in academia. Two years on, we still do not have an economic model or economic argument for the UK leaving the EU. Rejection of the suggestion of a people's vote has often been based on the idea that it is disrespectful of the original vote but I disagree completely. Rejection of a people's vote is based on fear that the decision will be different this time and it is for this reason that we need to go back to the people. I do not subscribe to the idea that, as we sit here today and the sands of time run through the glass, we throw in the towel and accept Brexit. We are a long way off making a rational argument in favour of Brexit. We need leadership from a British, Irish and European perspective. We need to support those in decision making and leadership positions. We need to give them space to work out a plan to get us through this. Slinging mud serves no purpose. The relationship between Britain and Ireland has never been more important. The relationship between Britain and Ireland and that between Britain, Ireland and the EU are much stronger together and we need leadership to recognise that, to challenge the dissenters, reflect on and consider the situation and devise a plan to get us all through it.

Senator Kieran O'Donnell: I welcome the Minister of State, Deputy McEntee, to the House. There have been many landmark moments in Irish history, including when we gained our independence and the Treaty, as well as when we joined the European Union. Brexit represents another landmark moment. Our largest trading partner is in the process of changing its relationship with the EU. While the title of the agreement refers to the withdrawal of Britain from the EU, I still hope that does not happen. I still hope that there will be a re-run of the referendum. There is no upside to Brexit for Ireland, the UK or Europe. I still hope that common sense will prevail. Notwithstanding that hope, the draft agreement that has been negotiated by Mr. Michel Barnier on behalf of the EU, with input from the Taoiseach, Tánaiste and the Minister of State, Deputy McEntee, is the best deal that could be achieved in the circumstances.

There are a number of notable features in the deal, the main one being the retention of a customs union between Ireland, the North and the UK. That is extremely important. The deal also ensures there will be no hard border. Many people have misinterpreted the backstop, which simply aims to ensure, on a point of principle, that we never have a return to a hard border. It is unclear how that will manifest itself in the future relationship but the underlying principle is that we will never have a hard border again. The withdrawal agreement guarantees no hard border, a single market between ourselves and Northern Ireland and a customs union between ourselves, the United Kingdom and the North.

I wish Mrs. Theresa May well and in the circumstances, hope she will be able to get the agreement through the House of Commons. We will then be able to sit down and negotiate a future relationship, in all of its manifestations, between ourselves and the UK, as well as the UK with the EU. The Single Market is key. Given that the issue of the North is coming into focus, I have a few constructive comments to make. The Northern Ireland Assembly should have been up and running over the last period. One can only be held responsible for things that are within one's control. It was within the control of Sinn Féin and the DUP to get the Assembly up and running to represent the best interests of the people who democratically elected them to that Assembly. Given the fact that the overwhelming majority of voters in the North wished to remain in the EU, it was incumbent upon Sinn Féin to take that on board and to go into the House of Commons and vote for remain.

Senator Niall Ó Donnghaile: The Senator should have stood for election-----

Senator Kieran O'Donnell: I have stood for election.

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Senator Niall Ó Donnghaile: -----to Westminster.

Acting Chairman (Senator Gerry Horkan): Please allow Senator O'Donnell to speak without interruption. The Senator has one minute remaining.

Senator Kieran O'Donnell: I am trying to make these comments in a constructive fashion. This is a democratic debating Chamber. This is something about which I feel very strongly and I am entitled to express my views. It is our duty to hold members of Sinn Féin to account. Sinn Féin holds the Government to account on a myriad of issues every day. On this particular issue-----

Senator Niall Ó Donnghaile: People voted for us because we abstain from Westminster.

Senator Kieran O'Donnell: People did not vote for Sinn Féin-----

Senator Niall Ó Donnghaile: The Senator cannot tell me why people did or did not vote for-----

Acting Chairman (Senator Gerry Horkan): Senator Kieran O'Donnell without interruption.

Senator Kieran O'Donnell: I have two points to make. First-----

Senator Niall Ó Donnghaile: Senator Kieran O'Donnell's party abstains from the North. He has some cheek.

Acting Chairman (Senator Gerry Horkan): The Senator has made his point.

Senator Kieran O'Donnell: There is no cheek here. Sinn Féin could have had the Assembly up and running for the last period-----

Senator Niall Ó Donnghaile: What bits would the Senator give up? What would he tell his kids to give up? Would it be the Irish language Act or marriage equality rights-----

Senator Kieran O'Donnell: This is typical of Sinn Féin-----

Senator Niall Ó Donnghaile: -----or access to an inquest? What rights would he tell his family or his constituency to give up?

Acting Chairman (Senator Gerry Horkan): Senator Ó Donnghaile, please allow Senator O'Donnell to speak without interruption.

Senator Kieran O'Donnell: I am going to stick to my point. Senator Ó Donnghaile may wish to divert the debate in other directions. Sinn Féin-----

Senator Niall Ó Donnghaile: The biggest diversion here today is Senator Kieran O'Donnell coming in here and talking like this. He has diverted the whole debate.

Senator Kieran O'Donnell: Sinn Féin could have had the Assembly up and running for the last number of months. Its members were democratically elected to get the Assembly up and running.

Senator Niall Ó Donnghaile: Were they?

Senator Kieran O'Donnell: The party abdicated its responsibility.

Senator Niall Ó Donnghaile: I think the Senator will find it was quite the opposite.

Senator Kieran O'Donnell: No. The party abdicated its responsibility. The majority in the North voted to remain and Sinn Féin was within its democratic right to take its seats in Westminster and to vote for remain.

Senator Niall Ó Donnghaile: We do not want to and that is the point.

Senator Kieran O'Donnell: These are two aspects-----

Acting Chairman (Senator Gerry Horkan): The Senator is one minute over time.

Senator Kieran O'Donnell: With all due respect, my time was eaten into by others.

Acting Chairman (Senator Gerry Horkan): The Senator is still one minute over time.

Senator Kieran O'Donnell: The DUP is equally culpable in not having the Assembly up and running.

I hope there will be a re-run of the referendum in the UK. Failing that, I hope that Mrs. Theresa May will get this withdrawal agreement through her party and through the House of Commons and that we can negotiate a future relationship which, in substance, is unchanged. There are SMEs and farmers all over this country whose main trade is with the UK and not with mainland Europe. It is hugely important that we have an unchanged working relationship.

I compliment the Minister of State, as well as the Taoiseach and the Tánaiste. I wanted to make a contribution to this debate today because I believe passionately in a united Ireland. That is not the sole preserve of Sinn Féin. I want to ensure that nothing in any way harms that aspiration but equally, it is critically important that this draft agreement gets through the UK Parliament.

Senator Brian Ó Domhnaill: I will begin by congratulating the Government for the game it has played to date in representing Ireland's interests to the best of its ability.

The Government and, particularly, the civil servants involved, the Minister of State and the Tánaiste deserve recognition because they wore the green jersey. Some people throw political jibes and criticise but that is the wrong thing to do on this issue. It is like the Irish soccer team going out to play, or not play as has recently been the case. One wears the green jersey and everyone plays together to try to get the best result for the country. It is about putting the country first and that is what has been done. The fruit of that work is evident in the draft agreement which contains many economic and political positives for Ireland.

I understand why Sinn Féin MPs abstain from the House of Commons. One need only walk into places such as the Ardoyne or the Bogside in Derry to get an insight into why Sinn Féin MPs do not vote or take their seats in the House of Commons. It is a complicated historical and cultural issue. I do not blame those MPs for not taking their seats in the House of Commons and not voting.

The institutions in the North should be up and running. If it were not for Brexit, it is possible that they would be operating because both Governments would be able to devote more time to provide the pivotal support required to get them up and running. Although I understand from

where it is coming, the DUP playing politics on this issue in London underlines the difficulty of re-establishing the institutions in the North. In recent times, people such as Bertie Ahern in conjunction with the Government have quietly done much good work on the ground to try to cultivate agreement at a political level. The attendance of Arlene Foster at the Ulster Gaelic football final this year was evidence of that. I am familiar with some of the work that went on behind the scenes in which the Government was involved. The issue is more complicated than saying Sinn Féin should do certain things which might solve certain problems.

On the draft agreement, the backstop is the insurance policy and we all welcome that. Much could be said about it. Given what will take place this coming weekend, it is an interesting time. Ultimately, the focus rests on London and a small group of Conservative MPs who are trying to hold the House of Commons to ransom, which is regrettable. The British people have a significant amount to lose from a hard Brexit that does not accept an exit strategy such as that identified in the agreement. Economically, the financial services sector in London, and the UK in general, have much to lose from a hard Brexit, as does Ireland. The Danish economists' report commissioned by the Department of Foreign Affairs and Trade illustrates the potential losses. For every 1% hit on GDP in Ireland, between 20,000 and 30,000 jobs will be lost. That would be an economic catastrophe for this small country. However, the report indicates that GDP could fall by between 2.5% and 7%. That would have serious ramifications for the economy.

We must reflect on the wider European issue. Some bureaucrats in Brussels may be happy for the United Kingdom to leave because it was always rightly questioning matters within the EU. We must ensure that after Britain exits, we continue to ask questions on issues such as taxation, neutrality and big business infiltration in Brussels, where large multinational companies are able to dictate European policy by canvassing a person or team of persons through the Commission. Serious issues need to be discussed, although we will not do so today. We must support the draft withdrawal agreement, but serious outstanding issues must be dealt with in the EU.

I did not touch on agriculture or some other issues in our economy. I wish the Minister of State well and applaud the work she is doing. We must wear the green jersey. This is about the Irish political team. Thus far, all involved have done a convincing job and I salute that.

Minister of State at the Department of Foreign Affairs and Trade (Deputy Helen McEntee): I thank Senators for their contributions. We often discuss the solidarity of the 26 member states and how important that has been throughout the negotiations, but the solidarity in this House, the Lower House and throughout Ireland has been particularly important in addressing the Brexit challenge and that has been clearly demonstrated in today's contributions. The Government has faced the tough task of responding to Brexit with the welcome support of this House for the priority issues we have placed at the centre of our negotiating strategy. Although Members may have different views and approach issues in a different way or with a different emphasis, the priorities that the Government has pursued have been supported across both Houses. This informed and thoughtful debate is consistent with that approach. It again demonstrates the unity that has helped us to get through the negotiations and reach where we are today. We will continue to regularly inform the House about developments in the negotiations and related events.

Brexit presents us with unique and unprecedented challenges. As the Taoiseach has stressed many times, it is not a policy we sought and we regret that it is happening. However, we accept the decision of the British people and are committed to working towards an outcome that

protects our interests. The negotiations on the draft withdrawal agreement have been difficult for us all, but it represents the best way forward. It is by no means perfect, but it represents an important compromise on both sides and ensures that the key interests of the EU and the UK are addressed. Brexit was never going to be straightforward or easy. That became increasingly clear as the negotiations went on. It comes at a considerable cost to us all.

It is important for us all - citizens, enterprises and our international partners - that the UK withdrawal happens in an orderly manner. The withdrawal agreement provides the best and only way to achieve that. No one would benefit from a hard Brexit and the serious consequences it would have for the UK, the EU and Ireland. Under the withdrawal agreement we can rely on a transition period which will provide certainty for citizens and business as we prepare for a new relationship with the UK outside the EU. Importantly, it gives us the time we need to negotiate a deep and comprehensive agreement which will provide the foundations on which we will build our future relationship.

The draft withdrawal agreement plays an essential role in protecting the Good Friday Agreement and the peace process in Northern Ireland. We have worked closely with our EU partners in that regard and they have stood firm and united behind us. They understand the importance of an open and invisible border such as that which currently exists between Ireland and Northern Ireland. In fairness to the Prime Minister, Mrs. Theresa May, she understands that absolutely and has delivered on her word. We need to support her in the coming weeks in the hope that the deal will be delivered.

I have accompanied several European Ministers and other colleagues to the Border region and witnessed the impact on our EU partners of the stories of ordinary people who just want to get on with their lives and want us to find practical solutions to the challenges of Brexit. That attitude is reflected in statements by groups across both communities in the North, including business communities and the farming groups, who see the agreement as the best deal for Northern Ireland, the UK and the EU.

The backstop provisions provide an important insurance policy to avoid a return to any kind of a border on this island. If invoked, they will apply unless and until another agreement is in place which addresses the issue. We are committed to working closely with the UK and our EU partners to agree a deep, comprehensive and strong future relationship between the UK and the EU, which would mean that the backstop provision will never be needed. We hope that will always be the case.

The rights, safeguards and guarantees of equality of opportunity set out in the Good Friday Agreement are protected under the agreement, as are the EU citizenship rights of the people of Northern Ireland. The agreement acknowledges the common travel area whereby Irish and British people can live, work, study and access different services in both jurisdictions. Nothing in the agreement would prejudice the constitutional status of Northern Ireland and the principle of consent as set out in the agreement, which is vital. The withdrawal agreement is a significant step, but it is only just a step in what has been a very long and difficult process. We still have a long way to go, but it sets us on the path we want to be on.

The United Kingdom's decision to leave the European Union has very serious implications for Ireland. As I said, the Government will continue to do intensive work to try to prepare for all eventualities which include a no-deal scenario to try to make sure we will be ready and that business will be ready and prepared. Departments and State agencies are continuing to develop

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and roll out action plans. We are actively engaging with the European Commission which has published various papers focusing on some of the key areas such as financial services, aviation, data protection, fisheries and many others. The Government will continue to support the agencies, businesses, farmers and all sectors affected by the change.

We need to maintain a strong and constructive bilateral relationship with the United Kingdom. We are fully committed to developing and enhancing the relationship we have built up over many years. It will include making full use of the channels already available for ongoing dialogue and co-operation between the Irish and British Governments. We will explore other avenues to try to maintain the habit of co-operation through the regular meetings of Irish and UK Government Ministers in Brussels but also elsewhere in Europe on a range of EU matters. Ireland will also work for the closest possible future relationship between the European Union and the United Kingdom. Mindful of our own obligations, we will remain a members of the European Union, the Single Market and the customs union and must ensure any future relationship will protect both of them as they form a core part of our economic strategy.

The European Union has shown extraordinary solidarity in this crisis, something many people did not think would be the case. We have shown solidarity and unity of purpose which will be needed as we work together into the future to develop the new relationship with our neighbours in the United Kingdom. The European Union is not perfect. I take into account some of the comments made. In moving forward we have to try to address many of the concerns raised throughout the entire discussion. Shortly after the Brexit negotiations EU leaders met to talk about what had happened and why people had voted to leave a union that had done so much good for so many. In moving forward in the discussion on the future of Europe which we have started we need to be able to address these questions and make sure the European Union will continue to be relevant in people's everyday lives. As the Taoiseach indicated yesterday in his statement to the Dáil, there can be no better example of the advantages of European membership for a small country. Alone Ireland is small. However, with our EU partners, we are very strong. Ireland's place will remain at the heart of a European home we have helped to build.

I thank everyone for his or her support and solidarity and commend the motion to the House.

Question put and agreed to.

Acting Chairman (Senator Gerry Horkan): When is it proposed to sit again?

Senator Neale Richmond: Next Tuesday, 27 November, at 2.30 p.m.

The Seanad adjourned at 3.25 p.m. until 2.30 p.m. on Tuesday, 27 November 2018.