



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

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# SEANAD ÉIREANN

*Dé Máirt, 1 Deireadh Fómhair 2019*

*Tuesday, 1 October 2019*

Chuaigh an Cathaoirleach i gceannas ar 2.30 p.m.

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***Machnamh agus Paidir.***  
***Reflection and Prayer.***

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## **Gnó an tSeanaid - Business of Seanad**

**An Cathaoirleach:** I have received notice from Senator Máire Devine that, on the motion for the Commencement of the House today, she proposes to raise the following matter:

The need for the Minister of State at the Department for Health with special responsibility for disability issues to make a statement on the phasing out of the rehabilitative training allowance.

I have also received notice from Senator Ivana Bacik of the following matter:

The need for the Minister for Justice and Equality to make a statement on the safe travel from Syria of refugees under the Irish refugee protection programme and the humanitarian admission programme, particularly those who do not have access to travel documents owing to the conflict.

I have also received notice from Senator Alice-Mary Higgins of the following matter:

The need for the Minister for Housing, Planning and Local Government to make a statement on his plans to accelerate the retrofitting of social housing and raise energy ratings in private rental accommodation while protecting existing tenancies.

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

The need for the Minister for Health to provide an update on the building of the 120 bed replacement inpatient block at St John's Hospital, Limerick.

I have also received notice from Senator Aodhán Ó Ríordáin of the following matter:

The need for the Minister for Health to make a statement on the review of the inclusion of FreeStyle Libre in the reimbursement of the cost of medical devices under the community drug scheme.

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

The need for the Minister for Agriculture, Food and the Marine to make a statement on the eligibility criteria for the 2019-20 hardship grants scheme, particularly the rules surrounding off-farm income.

I have also received notice from Senator Catherine Noone of the following matter:

The need for the Minister for Transport, Tourism and Sport to consider supporting the establishment of a maritime museum in Howth, County Dublin.

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

An gá atá ann go ndéanfaidh an tAire Airgeadais ráiteas maidir le soláthar acmhainní breise d'Údarás na Gaeltachta i mBuiséad 2020 - the need for the Minister for Finance to make a statement on the provision of additional resources for Údarás na Gaeltachta in budget 2020.

The matters raised by Senators Devine, Bacik, Higgins, Byrne, Ó Ríordáin and Boyhan are suitable for discussion. I have selected the matters raised by Senators Devine, Bacik, Higgins and Byrne and they will be taken now. Senators Ó Ríordáin and Boyhan may give notice on another day of the matters they wish to raise. I regret that I have had to rule out of order the matter raised by Senator Noone on the grounds that the Minister has no official responsibility in the matter. I regret that I have had to rule out of order the matter raised by Senator Ó Domhnaill on the grounds that it anticipates the statements on the budget which will take place in the Seanad on Tuesday, 8 October. Senator Byrne has withdrawn her Commencement matter which I had selected for discussion.

## Nithe i dtosach suíonna - Commencement Matters

### Rehabilitative Training Allowance Payments

**Senator Máire Devine:** The country was a bit taken aback and none more so than those with disability, their families, carers and supporters, and those working within the disability sector. The rehabilitative training, RT, allowance facilitates independence and recognises those who are working hard to better themselves. In turn our economy and community benefits from them. We get new workers, new skills and new talents. It is certainly not charity. We benefit the most from when people with disabilities like the rest of us are accommodated into the workforce and into society.

The training allowance has been debated in the lower House. I have done my homework and I hope the Minister of State has also. I do not wish to sit here and read the same script I could read on *kildarestreet.com*. I hope the Minister of State will progress the debate and answer the questions I pose here today.

Sinn Féin launched our alternative budget this morning. We make ten pledges for disability all of which are costed. Out of those ten we are proposing €3.7 million for the reinstatement of RT allowance.

The first rationale the Minister of State gave in the Dáil for phasing out this payment was to bring equity and consistency between people with a disability attending HSE-funded training programmes who receive the payment and those attending similar HSE-funded day services or other State schemes such as further education and training. Surely another option is to extend the payment to similar HSE schemes.

In a similar vein, he said the redirected funding, amounting to €3.7 million over four years, will be ring-fenced to facilitate 140 full day placements or 370 enhanced day places nationally based on priority of need. This pits one person against another when they are affected by the policy. I can think of several less worthy waste-of-money projects, including the mismanagement of the national children's hospital, the money for which could have been used to retain the training allowance and provide new day placements. It is unfair and quite underhanded to pit these two against each other - divide and conquer is the old adage.

Before the Minister of State says that we are in opposition and the Government has to take tough decisions and uses other spin, I point out that in our alternative budget we have stated that we will reinstate the allowance. He might say that it is an extra. It is true that some families will be able to replace the €31 to allow their young adults to get late-night transport, meet friends and ultimately develop their lives so that they are independent, but many more families are stretched and will not be able to pick up this slack for the Department.

In these cases, the Government has taken away their only resource to gain independence, socialise and practice life skills needed for the workforce. They will lose out and so will we. We constantly talk about equality and inclusion and yet here we are battering down the hatches and taking a badly needed allowance away from individuals who need it and who are among the most vulnerable in society. I urge the Minister of State to reconsider.

**Minister of State at the Department of Health (Deputy Finian McGrath):** I thank the Senator for raising this important issue and for the opportunity to outline the position on the rehabilitative training bonus payment and to clear up some of the misleading information that was unfortunately put out during the summer period when the Seanad and Dáil were closed.

The Government's priority is to provide access to high-quality day services to as many people with disabilities as possible. The HSE currently funds day services for more than 27,000 people with disabilities, including day services and RT programmes. Placements in day services are invaluable as they provide people with disabilities with a range of supports to allow them to make the types of choices available to other adults, enabling them to live independent lives of their choosing.

The HSE's New Directions policy seeks to reconfigure and personalise HSE-funded adult day services and offers a flexible and individualised set of supports to enable each person to live a life of their choosing in accordance with their own wishes and needs.

The RT programmes are designed to equip participants with basic personal, social and work-related skills. Approximately 2,300 people attend RT programmes and since the start of September, approximately 400 school leavers have commenced their RT programme. The rehabilitative training bonus payment is currently payable at a rate of €31.80 per week to attendees of these programmes, who can attend for a period of up to four years. The rehabilitative training bonus was introduced in 2001, aligned with a similar FÁS training bonus that later became the SOLAS vocational training programme payment. It is important to note that this payment was

reduced in 2011 and discontinued in 2012.

Over the next four years, from September 2019, the rehabilitative training bonus will not apply to new attendees. Rather, the money that would have been spent on the bonus, estimated at approximately €3.7 million over four years, will be redirected to address unmet need in day service provision for people with disabilities. The redirected funding, which the HSE has confirmed will be ring-fenced, which is a word often used by colleagues, will create approximately 148 additional full day placements, or 370 additional enhanced day places nationally, for those with a reduced service or no service based on priority need. These new day services will be of great support to those with a disability and their families.

Each community healthcare organisation area will have the flexibility to redirect its own savings to address local service requirements, of which there are many, and the HSE has confirmed it will be reporting regularly to the Department of Health on the additional placements realised. I emphasise the 2,300 current participants in rehabilitative training programmes will not be affected and will retain their allowance, and their payments will continue until they complete their four-year programme.

It is important to note that while the majority of attendees of HSE day services qualify for disability allowance, paid at a rate of €203 per week, which was increased in the three most recent budgets, they also qualify for a free travel pass. The additional rehabilitative training bonus payment is only payable to attendees of rehabilitative training programmes. This decision will maximise the use of finite resources and, crucially, will ensure that all attendees of HSE-funded day services have the same level of support.

There is no cut to the payment of the rehabilitative training bonus and there is no cut to the number of rehabilitative training places available. Since 2 September, approximately 400 school leavers who opted for a rehabilitative training placement have commenced attending their programmes.

**Senator Máire Devine:** The Minister of State started by saying this misinformation was during the summer when the Seanad and Dáil were not in session. The Minister of State can spin it whatever way he wants but I call them cuts and they occurred when the Seanad and Dáil were not available. Last week, Senator Dolan spoke passionately about this. He has a finger on the pulse of the disability sector. There is extreme disappointment that the Minister of State has not acknowledged this will damage a very vulnerable section of society, which he has worked very hard to bring up and make more visible and protect their demands and rights. This does not do anything in this regard and just puts more people in the poverty trap. We know disability is linked to the highest rate of poverty in this country. It pits one section against another. Expansion is needed and not contraction, which is what this is viewed as. Voices in the sector have tried to influence the budget due next week to reverse the cuts and I hope the Minister of State has also done so.

**Deputy Finian McGrath:** I thank Senator Devine for her interest in this issue. Of course I always listen to the voices in the sector. I reassure those with disabilities attending the rehabilitative training programmes and their families that the phasing out of the bonus will not affect anyone currently attending the rehabilitative training programme. I emphasise there is no cut in the payment of the rehabilitative training bonus. Those receiving it will continue to do so for the remainder of the rehabilitative training programme. There is no cut in the number of rehabilitative training places available. All rehabilitative training participants continue to be

eligible for the disability allowance of €300 per week and they receive a free travel pass. No expectation of the rehabilitative training bonus payment has been created by the HSE for the 2019 participants of rehabilitative training programmes.

The Senator has raised very valid arguments with regard to poverty. Of course I accept that many people with disabilities have extra costs. We are considering that matter. A group within the Department of Employment Affairs and Social Protection is examining a proposal to increase the amount for disability services. However, I cannot discriminate by giving 400 people an allowance and not giving it to the other 26,000. Were I to extend it - I would love to if I won the lotto - it would cost in the region of €30 million. I would rather put the money into day services and emergency residential places, given the current crisis therein.

**An Cathaoirleach:** The budget next week might help Senator Devine.

**Deputy Finian McGrath:** Yes.

**An Cathaoirleach:** Senator Bacik is next. For the first time ever, we were to have four female Senators moving Commencement matters, but one has dropped out. It was going to be ladies' day.

### **Family Reunification Policy**

**An Cathaoirleach:** Tá fáilte romhat, a Aire Stáit.

**Senator Ivana Bacik:** I welcome the Minister of State, Deputy Stanton, to the House and thank him for dealing with this matter, which calls on the Minister for Justice and Equality to provide information concerning persons in respect of whom he has given permission to come to Ireland from Syria as part of the Irish refugee protection programme humanitarian admission programme, IHAP, but whose access to travel documents has been impeded by the conflict and the relevant authorities, and to make information available regarding a procedure for assisting persons to travel here urgently, as their lives are in many cases in serious danger in Syria.

As the Minister of State will be well aware, the Minister announced the IHAP last year to provide a pathway for eligible family members coming from major conflict zones as part of the Government's commitment to realising the target of 4,000 persons to come to Ireland under the Irish refugee protection programme. The IHAP was to provide for 530 vulnerable family members to be admitted before the end of 2019. Figures released by the Minister in the Dáil show that, unfortunately, far fewer than that number have come to Ireland because 75% of the first round of applications have been refused. This is a matter of grave concern. I have met members of the Irish Syria Solidarity Movement, ISSM, and members of the Syrian community who tell me that there are all sorts of obstacle in the way of persons submitting their documents. Sometimes, documents may be incomplete due to a lack of identity papers or people may lack accommodation.

The specific issue I am raising relates to persons who have received permission for vulnerable family members still in Syria. I have been in communication for a number of months with the Department of Justice and Equality's Irish Naturalisation and Immigration Service, INIS, and travel document section relating to a family in an urgent situation. Family members are in Idlib, which is under siege. They cannot get out of Idlib. They have been given permission by

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the State to come to Ireland where they have close family members, including siblings. I keep getting a circular response from INIS to the effect that they must travel to the Irish embassy in Ankara, Turkey to access their travel documents, but they are unable to do so. They are in a terrible situation. Their lives are at risk daily. There are several hundred thousand civilians stuck in Idlib, which is under bombardment, so this family is not the only one in such a position. As a matter of urgency, would it be possible for the Department, INIS and the travel document section to arrange for Irish officials from Ankara to travel to the Turkish-Syrian border to assist with the beneficiaries' travel documents and arrange for safe passage out of Syria?

I have liaised on this issue with Senators Humphreys and Kelleher, who share my concern and have met the Syrian family in question. There is precedent from a number of years ago, where family members were at urgent risk in an African country and Irish officials travelled and were able to bring travel documents to the individuals concerned. It is essential that the Minister of State communicates with the travel document section and follows up on these beneficiaries, who have been given approval to come to Ireland but are physically unable to get out of Idlib.

There is the larger issue of IHAP applications being refused to such an extent that, given how we are now in October, it is unlikely that we will see the number of people who were supposed to be allowed admission coming to Ireland. Is there a way the safe passage of this small group of people who have been granted permission to join family members here but are unable to escape the siege in Idlib can be ensured?

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):** On behalf of the Minister, Deputy Charles Flanagan, and on my own behalf, I thank Senator Bacik for raising the extreme difficulties being experienced by some people from Syria in obtaining travel documents. As she stated, they have been granted permission to come to Ireland by the Minister as part of the Irish Refugee Protection Programme, IRPP, humanitarian admission programme. I have met some people who have benefited from this programme, which as far as I know, is unique to Ireland. It is hoped that the full complement of 4,000 Syrians will be here before the end of the year. That is our intention.

Irish travel documents are normally issued only to people physically and legally present within the State and who, by definition, have had face-to-face contact with immigration and-or Garda authorities. The checks and balances arising from this requirement assist the State to satisfy itself that travel documents issue legitimately. However, exceptions are sometimes made for persons who are outside of the State. In such cases, the applicants are required to travel to the nearest Irish embassy to complete application forms and to pick up their travel documents. This is necessary to protect the integrity of the process. It enables verification of the identity of the applicant upon application and at the time of booklet collection and links up the elements in the chain between applying and receiving the travel document.

I understand that the International Committee of the Red Cross, ICRC, may exceptionally issue a one-way travel document for those who do not have officially recognised documents. However, such persons must be granted prior permission to come to Ireland. For security reasons, and in line with best practice, travel documents are not sent through international post but are sent by diplomatic channels to the nearest Irish embassy. Even if the level of security offered by international post were acceptable, postal services to the required areas are not always available. I understand that this applies in Syria.

When Irish travel documents are issued, such as to programme refugee beneficiaries, it is to facilitate their travel, where possible. It is the understanding of the immigration service of the Department that while the recipients have been given permission to enter the State and reside in the State, they must make their own arrangements for getting here. While the immigration service will process a valid application and cause to have an Irish travel document produced for the applicant, it is currently outside the scope and resources of the immigration service to guarantee that the travel document will reach an applicant in all instances.

As mentioned by the Senator in her opening remarks, Syria, in particular Idlib, is in a war zone. We would not ask Irish officials to put their lives at risk by attempting to travel there. The ICRC can issue documents for one-way travel in exceptional cases. I am not sure if that has been explored in this instance.

**Senator Ivana Bacik:** I thank the Minister of State for his response but I am disappointed that he does not suggest any alternative. In my latest correspondence with the travel document section of the immigration service, I raised the possibility of a *laissez-passer* document being issued through, for example, the Red Cross as suggested by the Minister of State and that is currently being explored. The response I got from INIS was that the travel document section is exploring options for addressing the issue. Officials are aware of this matter but for months now the response has been that they are exploring options. I know that the family concerned is anxious to explore all options, including the option referenced by the Minister of State. Nobody expects Irish officials to put their lives at risk. We understand the need for checks and balances but given that permission has been granted and the very dangerous situation in which this family is in, I ask for an opportunity to meet the Minister of State directly to discuss this particular case in more depth. I am pleased to have had this opportunity to raise it as a more general issue as well.

**Deputy David Stanton:** I am always happy to meet the Senator, in particular on a serious issue such as this. I reiterate that for security reasons and to uphold the integrity of the Irish immigration system, a number of checks and balances must be completed by the Irish authorities before a travel document can issue. Our rigorous policies and procedures are in line with those in operation in other EU member states. As the Senator will be aware, UNHCR Ireland worked with us to design and implement the IHAP programme as part of the wider IRPP, which, as I said, earlier is unique to Ireland.

The Irish immigration service cannot involve its staff members, their relatives or associates of the intended recipient or third parties in the delivery of documents to locations that would require such persons to put themselves at risk to effect that delivery. Herein lies the problem. As mentioned by the Senator, Idlib is under bombardment such that the people concerned cannot get out to get the documents and our officials cannot get in. It is an impossible, extraordinarily difficult and awful situation. The Minister and I appreciate that some refugee programme beneficiaries in Syria encounter difficulties in accessing travel documents and may be impeded by conflicting authorities in the region. It is not easy. However, as I have already stated, persons who cannot obtain documents from the relevant authorities in their country of origin may, in very urgent circumstances, approach the International Committee of the Red Cross for assistance. I am glad to hear that is being explored, as the Senator has said. The Minister believes the current system is the most robust and pragmatic means to facilitate travel to Ireland for those refugees in Syria who are in need of urgent international protection.

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## Environmental Schemes

**Senator Alice-Mary Higgins:** I ask the Minister for Housing, Planning and Local Government, in light of Ireland's climate change targets and the likely impact of increased fuel prices on tenants in particular, what his plans are to accelerate the retrofitting of social housing and raising energy ratings of private rental accommodation while protecting existing tenancies.

We know Ireland has been a laggard with climate action and it also has some of the highest home energy costs in Europe. Those costs will necessarily need to increase because the price will need to reflect the real cost of carbon. This increase will particularly affect the 372,000 persons currently in receipt of fuel allowance. Many of those who would be most affected by higher fuel costs are those who are renting; they would be either tenants in public housing or in private rental with less control over their environments and energy consumption, as well as the energy rating of the home in which they live.

The Government is falling far short of its target for retrofitting. The climate plan sets out a goal of 500,000 deep retrofits, or 50,000 per year, and although many would see a higher number done, last year there were only 250 deep retrofits and 21,000 shallow retrofits. Over the past six years there have only been 70,000 forms of retrofit at all with local authority housing.

Will the Minister address both energy poverty and climate action by deeply retrofitting the 9% of all housing stock that is currently publicly owned or under public funding, either through local authorities or approved housing bodies? This is a chance to take a significant step through mitigation and adaptation. By dealing with 30 to 40 landlords within that 9% portion of housing stock, the Government could have access to 150,000 homes. I am asking for a doubling or trebling of the resource allocation for retrofitting of local authority housing. St. Vincent de Paul has recommended €50 million at a minimum to take a step in that regard.

There is also an urgent need for a new approach in retrofitting of private accommodation. Rents in Dublin are 34% higher than the previous peak and there is low take-up of current schemes by landlords. The proposals from St. Vincent de Paul suggest we need to increase the energy standards in the private sector through a combination of carrot and stick. We may need incentives. I know there are improvements in the new rental and tenancies Bill, but this still allows for the raising of rent, which creates a pressure. Many tenants would prefer to absorb higher fuel costs rather than risk an increase in rent. We must recognise that retrofitting must happen without an increase in rent for Part 4 long-term tenants as it is about raising the standard to at least a C rating in private rentals by 2030. We should offer incentives to landlords but where we do, we must ensure we do not see an increase in rent as well. In effect, we should help them with compliance rather than giving a mandate for an increase in rent.

I hope we can front-load action in this area in the upcoming budget. There are many forms of climate action that are difficult and have multiple stakeholders. There is much capacity for action in this area. If we do not front-load this, the price will be paid by individuals in fuel costs; it will be paid by tenants and the State's citizens. This is a message about mitigation, adaptation and just transition. I thank the Minister of State.

**Minister of State at the Department of Education and Skills (Deputy John Halligan):** I thank the Senator for raising this important issue. The Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, sends his apologies for not being here today.

The aligned and shared vision of the national planning framework, in tandem with the national development plan, represents a joined-up planning and investment strategy for Ireland's future growth and development, focused on a series of ten shared national outcomes. It includes a number of ambitious climate action objectives specific to the built environment sector, including delivering, of course, more sustainable growth of compact and connected cities, towns and villages. Greater energy efficiency is a key benefit of this type of compact growth. The multi-storey and terraced buildings in close proximity that this type of development involves require less energy, as the Senator will know, and make renewables-based systems of energy distribution such as district heating or area-wide technology upgrades more feasible.

The Department of Housing, Planning and Local Government has responsibility for multiple actions in the all-of-government plan to tackle climate breakdown, including aspects of the built environment. The Department is driving a number of actions that will contribute to more energy efficient housing. In terms of social housing, securing improved energy efficiency has been the focus of concerted action for some time. Indeed, funding of €135 million has been provided from 2013 to 2019 to improve energy efficiency and comfort levels in over 70,000 local authority-owned social housing homes. In addition, energy efficient measures have been incorporated into the 9,000-plus vacant social housing homes that have been returned to productive use since 2014. This effectively means that approximately 50% of our social housing stock has had a certain degree of energy retrofitting works carried out, thus improving comfort levels and addressing issues around fuel poverty. This programme has two phases. The bulk of the work undertaken to date has been centred on phase 1, which has focused on lower-cost improvements, such as cavity wall and attic insulation. Phase 2 will target higher-cost improvements such as fabric upgrades and glazing. The roll out of phase 2 will be a key component of the retrofitting ambitions for the housing stock more generally set out in the Government's climate action plan, and will be taken forward in the years ahead in light of available resources.

Rented properties present a particular challenge in terms of energy efficiency upgrades owing to what is termed as a split incentive. I do not know if the Senator is aware of that effect but it refers to instances where landlords meet the cost of improvements, while tenants reap the bulk of the benefit. The objective is to identify the most appropriate policy interventions that would minimise adverse impacts on the availability of accommodation, while improving energy efficiency and addressing fuel poverty, of course. In that regard, there is an advisory group that is comprised of the Departments of Communications, Climate Action and Environment and Housing, Planning and Local Government and the Sustainable Energy Authority of Ireland. The advisory group is reviewing the issue of the split incentive in the rental market. The group will shortly initiate a public consultation with the focus on identifying proposals, which will help to address the issue. That public consultation will be open to everybody, politicians and the like.

From 1 November 2019, building regulations will require that for all dwellings, including rented dwellings, where more than 25% of the surface area of the building envelope is renovated, the energy performance of the renovated dwelling should achieve a building energy rating, BER, of B2 or the cost optimal equivalent.

All newly-constructed properties built to the new Part L regulations from 1 November 2019 will typically require a BER rating of A2 for a new dwelling subject to transition arrangements. Enhancing protections for tenants is a priority for the Minister for Housing, Planning and Local Government. To that end, the Residential Tenancies (Amendment) Act 2019 introduced a number of key measures and reforms designed to enhance protections for tenants across the board,

including applying the new Residential Tenancies Board, RTB, sanctioning regime to improper conduct by landlords who contravene the tenancy termination provisions. The Act provides that where a landlord terminates a tenancy because he or she needs to substantially refurbish and/or renovate the property, the property must be offered back to the former tenant who provides his or her contact details on completion of the works. The Act defines “Substantial change in the nature of rental accommodation” to illustrate the type of works that qualify for the exemption from the rent pressure zone, RPZ, rent increase restriction include works that result in a permanent extension, increasing the floor area by 25%, an improvement in the BER by at least seven ratings, an improvement in the BER by three or more ratings where the original BER was D1 or lower, or an improvement in the BER by two or more ratings where the original BER was C3 or higher, taken together with other changes. This provision allows the landlord to set a fair rent to reflect the substantial upgrade works carried out for the benefit of tenants.

In addition, the notice periods for the termination of tenancies in the rental sector have been extended significantly. The Minister for Housing, Planning and Local Government will be continuing to ensure improved energy efficiency and associated amelioration of fuel poverty, both in social housing and the private rental sector, will continue to be the focus of attention in the years ahead.

**An Cathaoirleach:** The Minister of State has given a very comprehensive response.

**Senator Alice-Mary Higgins:** Unfortunately, he did not answer my question about the amount of money that is planned to be invested. He has stated only that investment will be made “as resources allow.” We are not standing still on this issue as every year we fail to retrofit, there is a cost to the public and individuals. That is the reason I question the split incentive. It is a straw man. The real issue is the double penalty, the penalty paid by tenants and the penalty paid by the State because of a failure to retrofit housing, while landlords have been reaping the benefits. We cannot look at rents continuing to rise. I would like an exact answer to my question as to whether there is a plan to accelerate or double the investment in retrofitting local authority housing in the next year.

**Deputy John Halligan:** The Senator mentioned the effect of the split incentive, whereby the economic benefits of reducing energy levels did not accrue to the party who was achieving the savings. A landlord is not incentivised to upgrade a rental property to make it more energy efficient because he or she does not gain a direct benefit. I agree that that is a problem.

**Senator Alice-Mary Higgins:** They may avoid a fine in so doing.

**Deputy John Halligan:** It is the tenant who benefits through cheaper energy bills and having a warmer home. This is reflected across Europe. I know that the group will be meeting in the next couple of weeks. I do not have the figure for or a layout of the cost in the coming years, but let me emphasise that more than €135 million, a substantial sum, has been provided for expenditure in the period 2013 to 2019, inclusive. If one looks at the fiscal space - we are in a tight space - by any stretch of the imagination, it is a large amount in the context of the size of the economy. In the coming months all stakeholders, including the Departments of Housing, Planning and Local Government and Communications, Climate Action and Environment, the Sustainable Energy Authority of Ireland, as well as interested groups will meet to discuss the issue which is being addressed under action 63 of the climate action plan which is due to go for public consultation in the coming months as part of the long-term renovation strategy. I know that the Senator has a great interest in this issue. I ask her to wait for the recommendations to be

made public. People like her and other interested parties can be part of the consultation process. There is an obvious commitment by the Government to deal with climate change. One of the best ways to deal with it is by retrofitting public housing.

*Sitting suspended at 3.10 p.m. and resumed at 3.30 p.m.*

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

**Senator Jerry Buttimer:** The Order of Business is No. *a1*, motion re appointment of members to the Legal Service Regulatory Authority, referral to committee, to be taken on the conclusion of the Order of Business, without debate, and No. 1, statements on the withdrawal of the United Kingdom from the European Union, to be taken at 4.45 p.m., with the contributions of group spokespersons not to exceed ten minutes and those all other Senators not to exceed eight minutes.

**Senator Mark Daly:** The Leader has outlined that we will discuss Brexit, which is the issue of the day. The fact that RTÉ is committing the entire day to the investigation of what Brexit will do on the Border, in particular, means it is appropriate that we would raise it on the Order of Business as well as having the discussion on it later. The most recent pie-in-the-sky proposal, which is akin to its having-their-cake-and-eating-it proposal by the British Government-----

**Senator David Norris:** Is it a pie or a cake?

**Senator Mark Daly:** It appears to be a pie, a cake and a dog's dinner all at the same time. This new idea of having customs checks within ten miles of the Border was planned at least a year ago when the British Government brought in legislation where it could introduce stop, search and seizure within ten miles of the Border. That legislation passed in the Houses of Commons in 2017. This is not something it has just dreamt up; this is something it has been planning. It proposes to have customs checks and infrastructure on a border that is 499 km long and has between 308 and 310 crossings, which means a crossing approximately every mile. Let us bear in mind that between the European Union and all the countries to the east of it, there are only 138 border crossings on a 6,000 km long border, yet somehow the UK Government believes that the border crossings on this island can be managed and patrolled successfully in a customs union and a Single Market. It is simply undoable. The report from two UNESCO chairs is more important to note, as is the fact that President Obama's senior policy adviser on countering violent extremism stated that if there was a hard border as a result of Brexit, there would be a return to violence on this island. The only question is about the scale of the violence. That message has not got through to those at Westminster, or if it has, they do not care. They simply do not care who lives or dies as a result of Brexit, as, sadly, has been shown in British opinion polls.

I congratulate the Government. This is the only time the House will hear me do so. The introduction of history back into the curriculum with special status by the Minister for Education and Skills, Deputy McHugh-----

**Senator Jerry Buttimer:** It never left the curriculum.

**Senator Mark Daly:** Special status being granted means that it is now-----

**Senator David Norris:** Senator Mark Daly should continue to speak, without interruption.

**An Cathaoirleach:** Please allow him to make his point.

**Senator Martin Conway:** In fairness to him, it is an important point.

**An Cathaoirleach:** The Senator should not interrupt from that side of the House.

**Senator Mark Daly:** He should not interrupt me as I am praising the Government. Having history as a core subject has been Fianna Fáil's policy because people learn from history. It does not repeat itself so much as it rhymes and one has to spot the mistakes of the past. On German reunification Bismark said: "Only a fool learns from his own mistakes. The wise man learns from the mistakes of others." If we can look back and find out where people made mistakes in the past, we can learn from them. The study of history is vital in that regard.

I refer to the Moorhead report on the terms and conditions of councillors. We have seen a reduction in public representation throughout the country. The Moorhead report is on the Minister's desk, but the Department of Public Expenditure and Reform does not want it to be published because it would have to take action on the results and the budget is coming up. I ask the Leader to ensure the report is released before the budget is announced and that its recommendations, if appropriate, are actioned.

**An Cathaoirleach:** I remind Senators that we will have statements on the withdrawal of the United Kingdom from the European Union, a fuller name for Brexit, later this afternoon. They might want to conserve their energy for that debate.

**Senator Victor Boyhan:** I refer to the issue of Dún Laoghaire Harbour which was mentioned extensively in the national press today, particularly in *The Irish Times*. We had quite a hot debate with the Minister for Transport, Tourism and Sport, Deputy Ross, who has overall responsibility for harbours and ports, about this issue on 3 October 2018. I recently printed and read the record of that debate. Many times in the past few years, in both this House and the Dáil, the Minister stated the harbour would not be a major liability on Dún Laoghaire-Rathdown County Council, the local government administrative area in which Dún Laoghaire is located. However, a special meeting was convened last night to discuss the liabilities with which Dún Laoghaire-Rathdown County Council finds itself as a result of the Government's ports policy. As this issue will impact on a number of other ports around the country, there are lessons to be learned. I ask that we invite the Minister for Housing, Planning and Local Government to come to the House because the issue now relates to local government, rather than ports. Last night the chief executive of the council and elected members of all parties and none voiced their concerns. They have confirmed that the council now has a debt of €33 million hanging around its neck, as well as additional running costs of around €800,000, a sum which has not been budgeted for. This will have an impact on the local authority, local property tax payers, a significant number of whom are constituents of the Minister, Deputy Ross, and commercial rate payers. The money has to be found and the debt paid. I would like to have a discussion on the huge impact the Government's ports policy will have on local authorities. It is important that we hear about the implications of the policy and hold a debate in the House at an appropriate time.

I endorse what Senator Mark Daly said about the Moorhead report. It is interesting in that Ms Sara Moorhead, SC, is the subject of a motion before the House today. It is the subject of a motion we will debate in the House today. Those who have gone to the trouble of reading

it will see that her name is on it. I would like her report to be published because I am tired of hearing people say they have not seen the report or that the Government has not seen it. I understand the report is complete. It can be timely for someone to say, “Don’t send the report to my Department so I can go out and tell everyone I have not seen it.” We do not need two years to pull together a report about councillors’ remuneration and expenses. It is high time Members of both Houses of the Oireachtas united and made a strong case for fair pay and conditions for elected members in local government.

**Senator David Norris:** And in the Seanad.

**Senator Rose Conway-Walsh:** That is exactly the reason, when we launched our alternative budget today, we allowed for a decrease in wages and salaries for Deputies and Senators. It was to ensure that an increase could be given to councillors. I am sure everybody here would agree with that, even Fianna Fáil Members.

**Senator Diarmuid Wilson:** Now we know where the €1.5 million is going.

**An Cathaoirleach:** No interruptions, please.

**Senator Rose Conway-Walsh:** They are picking on me again, a Chathaoirligh.

**An Cathaoirleach:** Sometimes the Senator invites crossfire.

**Senator Rose Conway-Walsh:** There needs to be fairness but the proof of the pudding is in the eating. People have to walk the walk and not just talk the talk.

Today sees the launch of Sinn Féin’s 2020 alternative budget. It is the ninth alternative budget from my colleague, Deputy Pearse Doherty. We look forward to the day when he will be Minister for Finance presenting the actual budget. This alternative budget is fair and ambitious. It is based on the premise that people should not live their lives squeezed between billing periods. Very simply, it demonstrates what Sinn Féin would do, how it would end the rip-off and give workers and families a break while securing Ireland’s future if there is a crash-out Brexit, and even if there is not a crash-out Brexit.

We provide for a radical departure from the failed policies of Fianna Fáil and Fine Gael. These provisions include two free GP visits for every person without a medical card to ensure that nobody is delayed in going to the doctor because they are worried about the cost.

It was awful to see people in wheelchairs wearing wet gear outside the gate today in teeming rain asking for home care packages. There is something radically wrong when such action has to be taken.

This budget has also allowed for the introduction of an emergency freeze on rents and brings in rent relief, which would save renters the equivalent of one month’s rent each year.

It also contains measures to end the insurance rip-off, first, in terms of the levies charged currently by Government that would bring down insurance costs by 5% but also in terms of the legislation needed to address the situation within that.

We would invest an additional €300 million to give people with disabilities and their families a break, including the introduction of free travel for children aged five to 18 and helping families by reducing the cost of childcare by an average of €100 per month.

Something is seriously wrong when the vast majority of people have less money in their pockets now than they did when Fine Gael, supported by Fianna Fáil, came into power three years ago. The reasons for that are obvious.

**Senator Jerry Buttimer:** No. They had not-----

**Senator Rose Conway-Walsh:** Tell that to the people protesting outside the gate. Fianna Fáil and Fine Gael are making bad short-term decisions that are costing the taxpayer billions of euro and they are failing to intervene to deal with the out of control costs.

Before anybody says it, and the Leader will probably say it when replying, everything in this alternative budget is fully costed. I ask people to read it to see how things can be done differently. It is fully costed. It shows that we can end up with a surplus and have a contingency fund. It would not be a rainy day fund where we would be constrained in how we use that but a fund that can deal with the issues of Brexit as well as everything else. My colleagues will talk about different aspects of this alternative budget when they contribute.

**Senator David Norris:** I do not intend to say very much about Brexit but I will say that Mr. Johnson's non-paper is a non-starter and a non-event. Every word out of his mouth brings a united Ireland closer. I am not averse to that. Belfast is a rather nice little city and it would be good to have it back.

Following the very good debates we had on screening for genetic disorders, I have been preparing legislation in the area, which will considerably broaden the Irish screening programme. I have had excellent assistance from a parliamentary draftsman and I pay tribute to that effort. I hope to introduce the legislation before Christmas. In the light of the debate we had, about which everybody on both sides of the House was positive, as well as the Minister for Health, Deputy Harris, I hope we can get the legislation through and do something to save the lives of 50 children a year who needlessly die.

**Senator Kevin Humphreys:** I wish to raise an issue in respect of National Breastfeeding Week. I have raised many times in the House the lack of supports for women who wish to breastfeed but do not have the opportunity. One of the major concerns is Brexit, which is imminent. People might ask how it will affect breastfeeding but the only breastfeeding milk bank is in Northern Ireland. As yet, there is no clarity as to how mothers and infants in need will have access to the bank should a hard Brexit occur. While the photo on the front page of *The Irish Times* is welcoming, with the Minister for Health, Deputy Harris, launching National Breastfeeding Week, it should be remembered that UNICEF has criticised the HSE for withdrawing funds from the baby friendly health initiative, which had a major impact on improving the rates of breastfeeding in hospitals throughout the country, two years ago. In August, UNICEF was stinging in its criticism of the HSE for withdrawing the funding.

The rate of breastfeeding is now approximately 55%, which is quite low by European standards. Given that it is National Breastfeeding Week, I hope there will be more than photoshoots, such as a programme to support mothers and their infants throughout the country. Mothers in urban Ireland, through the National Maternity Hospital in Holles Street, receive considerable support but that becomes patchy as one moves out of the capital city. I would like there to be many more initiatives and more funding than photoshoots. It might be worthwhile, at some stage, to hold a full debate in the House on the low rates of breastfeeding in Ireland.

**Senator Maura Hopkins:** I sincerely congratulate all the groups that were successful in

the TidyTowns competition, the results of which were announced yesterday by the Minister for Rural and Community Development, Deputy Ring. It is wonderful to see so many volunteers and committees that work tirelessly throughout the year to improve our local surroundings. It is important they are recognised for their work. Many volunteers give much energy, time, commitment and dedication to ensuring that our villages and towns look good, and give residents and visitors a sense of pride of place. It is very positive to see many towns and villages - not just the winners - improve in respect of the marks they were awarded. I congratulate all the groups throughout County Roscommon and east County Galway that were successful and have improved. It is important that TidyTowns groups be supported and it is positive that the Minister has allocated a further €1.4 million to support their work, which is not just about flower arrangements. There is a strong focus on recycling and biodiversity and TidyTowns groups constantly strive to do better in all the categories each year.

It is positive that the subject of history will be given special status in the junior cycle. As we have heard, that decision was made by the Minister for Education and Skills, Deputy McHugh, this morning. History is a very important subject for students. It allows them to learn valuable lessons from our past and to ensure further mistakes are not made. We are living history at the moment in respect of the challenges surrounding Brexit. It is important for students to learn from our past. We must ensure important lessons are taught and that we move in a better direction.

**Senator Robbie Gallagher:** I am delighted to be able to stand here to celebrate the great news day in County Monaghan yesterday. Glaslough, County Monaghan, was named winner of the 2019 SuperValu national TidyTowns competition. It beat off competition from more than 918 entries nationally to take the award for Ireland's tidiest village and the overall national award for Ireland's tidiest town. It is the second time in Glaslough's history that it has scooped the overall award having first won the prestigious competition in 1978. It was great to be there last night to see some of the main organisers from the 1978 win celebrating again. Glaslough has a great record in the TidyTowns competition and in putting its best foot forward. It won the tidiest small village award last year and represented Ireland in the Entente Florale Europe Competition 2017, where it took first place also. It is a remarkable achievement for a small village and testament to the commitment, dedication, passion and hard work of the Glaslough TidyTowns committee and volunteers. One of the pleasing aspects of the win is the number of young people who were involved. The children from both local schools have embraced all that is good about Glaslough and TidyTowns and I was delighted to see so many of them at last night's event. They all look forward eagerly to the visit of President Higgins in June 2020 to celebrate their magnificent achievement. To continue the theme of good news for Monaghan, Carrickmacross in the south of the county came in the top three in the larger town category. Carrickmacross TidyTowns committee has also launched Ireland's first reverse vending machine for plastic bottles. It is a fantastic initiative for which the committee deserves great credit. I ask the Government to take note of the initiative, which is one which might be rolled out nationally.

It was great to see a local village and a local town in County Monaghan make the national news headlines for all the right reasons. It was a positive news story and it was uplifting to see. I pay tribute to the hard work that went into getting to that level in a competition. There were long hours over many years that were finally rewarded in Glaslough yesterday. As Senator Hopkins said in her contribution, there is more to TidyTowns than picking up litter and floral displays. There is biodiversity, recycling and much more involved and great credit is deserved for that. In my book, all 918 entrants to the competition are winners. As a society, we are deep-

ly indebted for all of the voluntary work people put into TidyTowns. As I left Glaslough late last night after a very enjoyable event, I said I would invite the Cathaoirleach, the Leader and all Members of the Seanad to come and see for themselves the beauty the village has to offer. I am sure the people there will open their arms to Senators who would all be enriched by the visit.

**An Cathaoirleach:** I took great pride watching the TidyTowns programme last night on television. It is a wonderful competition and I enjoyed seeing the various towns and villages throughout Ireland competing. They looked amazing and we should be very proud. It is a great competition that brings out the best of community efforts. I congratulate Senator Gallagher on the success of Glaslough, County Monaghan, but many other towns were also very close to the mark.

**Senator Pádraig Ó Céidigh:** We should all take up the invitation Senator Gallagher has extended. The village is a leader for us all.

**An Cathaoirleach:** Perhaps there should be a special sitting of the Seanad there.

**Senator Pádraig Ó Céidigh:** Now the Cathaoirleach is talking. Let us do it.

I wish, first, to congratulate the Minister for Education and Skills for his decision to have history at the centre of the curriculum. It is from where we come, who we are and, frankly, helps us move towards our destiny. I thought it was a fantastic initiative by the Minister to put a line in the sand and say history was important to who we were and what we were about.

There are two other matters I would like to bring to the attention of the House. The first is that last week I invited Rowing Ireland into the audio-visual room in Leinster House where it made a presentation. Senator O'Mahony was among those who were present. The representatives of Rowing Ireland also spoke to the Joint Committee on Transport, Tourism and Sport. Rowing is a minority sport in Ireland, but it is the most successful Irish sport internationally. Four boats have qualified for the Olympic Games, even though Rowing Ireland receives less than one fifth of the funding provided in countries such as New Zealand. Rowing Ireland is in dire straits and in need of more money, but it is not only a matter of throwing money at the problem, it is also a matter of seeing how the Government spends the money. The greyhound industry receives roughly €16 million per year. Rowing receives €600,000 per year. There is something wrong. This is not a political matter and I want everyone to come together. Let us invest in the people and give our rowers a fair crack of the whip. Some 30,000 kids in Ireland are rowing on a weekly basis; it is one of the fastest growing sports in the country and especially popular in County Cork where the Leader is from.

The second matter I wish to raise is insurance. The more I bring up this topic, the more small businesses and communities approach me and say they cannot keep going. Everyone here knows of local communities that have to close down or cannot continue their summer festival because of the cost of insurance. I understand what Senator Conway-Walsh is saying about insurance. We must do something radical. IPB Insurance which insures most, if not all, city and county councils in Ireland is processing an estimated €436 million worth of claims. How many social houses could be built and how many people could be taken off the streets with that money? How many hospital wards could be opened and how many doctors could be employed with it? It is about how we spend money. I am not saying all of the claims are not legitimate, but there is certainly a percentage of them that are not. What can we do? I recently introduced the Perjury and Related Offences Bill, supported by my colleagues, Senators Boyhan and Mc-

Dowell. The Bill passed through the Seanad with uniform support and is now before the Dáil. I ask each Senator to influence his or her colleagues in the Dáil to have the Bill pass through as speedily and quickly as possible. Let us push it on to get it done and finished. It does not only cover insurance, it also covers telling lies under oath.

**Senator Martin Conway:** I agree with Senators Mark Daly, Hopkins and others. I am delighted with the decision of the Minister for Education and Skills, Deputy McHugh, to give history special status in the junior certificate curriculum. The Cathaoirleach may recall that in 2015, when this was first mooted, I tabled a Private Member's motion which received unanimous support from all sides of the House.

That spoke volumes about the importance of where Seanad Éireann considered the subject of history and the fact that this motion came from the Seanad which in itself is a very historical Chamber. As the issue had not been dealt with I tabled a further motion in the new Seanad, this Seanad, in 2017. That motion again received unanimous support. I have received  
4 o'clock correspondence from history teachers, lovers and advocates from all over the country following those two Private Members' motions. I am glad that within a week of the Minister, Deputy McHugh, taking up the position as Minister for Education and Skills, he ordered a review. He was not too pleased with the results of the review nor was anybody else. We absolutely respect the importance of information and computer technology, ICT, science and mathematics in attracting foreign direct investment and of upskilling and providing further skills to our young people but absolutely not at the expense of our culture and history, who we are, how we were formed, how history evolved and created the society that we have today: both the good and the bad. That is equally as important as science and technology and all the other modern subjects that have a very important role to play in our education system.

The Minister used his ministerial powers to do the right thing. Seanad Éireann through my two motions which were tabled in 2015 and 2017, played a vital role in highlighting this issue, keeping it on the agenda and giving it a narrative that was extremely important. The decision is the correct decision.

**Senator Terry Leyden:** There was an article last week on 24 September by Kevin Doyle of the *Irish Independent* which said that there was a new decentralisation plan to allow civil servants to move out of the capital to the regions. I welcome the initiative by the Minister of State, Deputy Boxer Moran, who suggested that there should be a full review in the budget of the benefit of a decentralisation scheme. He suggested Athlone, which was hardly a surprise, and Sligo, areas he felt would benefit from a regional point of view.

The decentralisation initiative taken some years ago was a great success, contrary to the negative point of view raised by the Fine Gael Party, in particular, which never wanted decentralisation. I was very proud to be involved, as a Teachta Dála, in arranging to bring about the decentralisation of the office of the Registrar of Deaths, Births and Marriages to Convent Road, Roscommon, in beautiful new offices and the Land Registry office to the Golf Links Road.

**Senator Martin Conway:** I thought the late Seán Doherty had done that.

**Senator Terry Leyden:** These have brought great benefit to the town of Roscommon. Seán Doherty and I certainly worked together as a team. I recommend that Senator Conway works with his team down in Clare-----

**An Cathaoirleach:** I call on Senator Conway not to make any more interruptions, which

might be more beneficial.

**Senator Terry Leyden:** Decentralisation has brought great regional benefits to towns like Carrick-on-Shannon, Longford, Castlerea, to which the Prison Service decentralised a prison facility, Sligo, Letterkenny and Cavan. They have all benefitted greatly. The point made by the Minister of State, Deputy Boxer Moran, was that with the great difficulty concerning office space in Dublin and accommodation, there is great potential in the further decentralisation of sections of Departments. We have adequate space in Roscommon to bring about a further decentralisation. I recommend strongly that this be given careful consideration. In the Land Registry offices recently I met an individual who was all the way from Ennis, County Clare, who had come to Roscommon to check on his registration. The office is providing a tremendous service there for the public.

On the issue of decentralisation, there is a lot to be said for a review of the checking-in system which obtains in the Dáil and the Seanad. Some people are better off being engaged on their computer and registering the fact that they are active working certain days in their offices, the credit for which Members should be allowed. Sometimes it is a question of the use of space and technology. We should be the first to use technology to improve the situation here in Leinster House which in relation to climate alone, would save a good deal of emissions from diesel and petrol. Will the Leader arrange a discussion on this with the Minister, Deputy Donohoe, to see where exactly he is going. There is space. I am sure my colleagues from Roscommon loved decentralisation but none of them ever supported it.

**Senator Marie-Louise O'Donnell:** I wish to reiterate Senator Conway's remarks. I was the main speaker on holding history as a core subject in 2015. I cannot believe that the Senators are all congratulating themselves. It was an appalling decision by the National Council for Curriculum and Assessment, NCCA, which was capitulated on by the great Labour and Fine Gael Government. It actually thought about it. It was one of the most unedifying, uneducated decisions to take history as a core subject and make it into a discrete, non-core, non-compulsory short course choice, which is what the NCCA was doing. Instead of arguing the brilliance of the subject, it was listing formulaic verbs which it hoped anything and everything would fit into. Now we are running around congratulating ourselves that the Minister has had the wit to reverse it. He would not have been the Minister for Education and Skills had he not had the wit to reverse it. What the NCCA was doing was wholly unedifying, uneducational and ridiculous. Everyone knows that the world's history is the world's judgment. If young people do not know the world's history, they will not know how to judge it or themselves. We are reversing back on ourselves and, having listened to the NCCA, we are now congratulating ourselves on our decision.

This morning, I chaired a conference of Home and Community Care Ireland, HCCI, which includes organisations such as Home Instead. It was very edifying and a very illuminating event. It was attended by hundreds of people who work in the area. I wish to congratulate the Minister of State, Deputy Jim Daly, who was outstanding in his remarks about what we need, the amalgamation of services and independent living and the different aspects of independent living and on ageing in Ireland. I will be sorry to see him leave politics. In two years, he grasped a complete and absolute sense of what we need to keep people in their homes in a thousand different ways when they are able to do so. I wanted to congratulate him. I also hope that the healthcare assistants and all pertaining to homecare hours will be looked at very favourably in the budget, as it is the most pressing area of life in Ireland now.

**Senator John O'Mahony:** I wish to support a point raised by my colleague, Senator Ó Céidigh, on minority sports in Ireland and specifically the rowers of Ireland, who are now ranked second in the world in terms of their success, despite their lack of funding. They have made the point that depending on when individual rowers qualify, they might not be funded for another six or nine months. Particularly in an Olympic year, they need the resources and funding to prepare properly. One rower, a qualified doctor, had to return to work to fund some of his training. They must pay part of the fee for their training camps abroad. One might compare that with the funding for the Football Association of Ireland, FAI, and the pay-off in the past ten or 15 years to three or four CEOs. In recent years the FAI asked for an advance of its funding - I know it is stopped at the moment - and it was granted. It is ridiculous that rowers preparing for the Olympic Games must wait until the following years. Rowing is just one example of a minority sport that is struggling. It needs increased support.

**Senator Alice-Mary Higgins:** I echo the pleas Senator Marie-Louise O'Donnell made about personal assistance services and home care supports. These are key proposals within the pre-budget submission of the Oireachtas disability group, of which I am proud to be a member.

I also welcome the proposal to ensure that history is a fundamental part of every citizen's understanding and skills for the shaping of the future. I commend Senator Conway on highlighting the issue in the past. I am happy to accept a reversal when there is a positive reversal of policy. It is a positive reversal of policy.

My key concern is an area where we also need a reversal of policy. Ireland is proposing as one of its special projects of common interest and one of the key proposals we are putting forward the obtaining of special support from the European Union for a liquefied natural gas, LNG, terminal in Shannon. When we talk about major projects of common interest, we in Ireland, at a time like now in the wake of Brexit, could be talking about our ports, a major scaling-up in public transport, a completely new approach to public housing or a completely new approach to connectivity with the rest of Europe. We are proposing instead, however, the importation of fracked gas into an LNG terminal in Shannon as one of our key projects for which we want the EU to support us.

It is such hypocrisy. This is about revisiting decisions and looking at them in a new light. When this was originally proposed, we had not banned fracking on our shores. We have since banned it because we recognise the enormous environmental, climate change and health impacts of fracking for shale gas. Why then would we inflict it on the rest of the world and import it from the rest of the world when we know the impact it has on carbon emissions? This is part of a lack of joined-up thinking where we are supposedly divesting from fossil fuels but still giving licences for gas exploration in Ireland even though gas is a fossil fuel. I urge the Leader to take this to Government to reconsider what we put forward as special projects of common interests and perhaps have a debate in this House as to what we believe may be projects of national and European common interest. We certainly need to go back to the drawing board on this.

**Senator Anthony Lawlor:** Like Senator Ó Céidigh, I raise the issue of insurance, a topic on which I have had legislation introduced in the Seanad. During the summer we passed the Judicial Council Bill. It came back from the Lower House with some amendments. The Minister for Justice and Equality introduced it but the Minister of State, Deputy D'Arcy, brought it through the House. I ask the Leader to invite the Minister for Justice and Equality to come to the Seanad to report on any updates on some of the sections within that Bill. A key amendment from the Dáil reduced from six months to three months the time for setting up the committee

to look into the cost of awards. The Alliance for Insurance Reform and others have called for a reduction in the level of awards being made by the courts. Is there reluctance on the part of the Judiciary to bring forward the committee to deal with these issues? Every day of the week people receive their insurance premiums in the post. I noticed mine has increased. If mine has gone up so has that of everyone else. This is because either the insurance companies are making excessive profits or they are relating it back to the amount of claims. A certain number of judges are highlighting fraudulent claims. When solicitors bring fraudulent or unwarranted claims before the courts something must be done about them, whether they are struck off or face another punishment. It would deter other solicitors from bringing forward claims that are fraudulent or from looking for excessive awards. Will the Leader ask the Minister to come before the House so we can have a debate on it? Let us find out what progress has been made on the Judicial Council Bill.

**Senator Frank Feighan:** Last night, I watched with utter disbelief the leaks of the non-paper on replacing the backstop with customs posts along the Border. This is absolutely farcical and it simply would not work. A solution cannot be imposed on the island of Ireland unless the people on the island of Ireland are in agreement. I welcome that today Boris Johnson, the Prime Minister, has distanced himself-----

**An Cathaoirleach:** Earlier I stalled somebody because after the Order of Business we will have a two-hour debate on Brexit. People looked for a debate last week and got it and we will wonder how many will turn up to contribute to it.

**Senator Frank Feighan:** I understand that and I will speak during the debate. However, I felt this was very important-----

**An Cathaoirleach:** I do not want to rehash it again because I already-----

**Senator Frank Feighan:** My apologies. I was not here when the Cathaoirleach made his ruling. I was not aware of it.

I will move on to decentralisation. Senator Leyden is absolutely right that we need a new emphasis on decentralisation. We cannot just have decentralisation throughout the country while senior civil servants have to live in Dublin. Now is the time to have the political capital in Dublin and the administrative capital in one of the regions. There is no better region than Sligo and the north west. I genuinely believe this because the motorways go to Galway and Belfast but nothing goes to the north west. It takes me three hours to go by train from Sligo to Dublin. It takes two hours to go from Cork to Dublin. We speak about Brexit and various issues, and the north west needs this. We need different thinking if we are to have a political capital in Dublin but an administrative capital elsewhere. It happens in other countries. A man called John Mulligan has come up with an idea that should be pushed much further. If we want regeneration and decentralisation and to save the west and the north west this would be a huge initiative.

**Senator Terry Leyden:** Good man.

**Senator Catherine Noone:** I thank the Cathaoirleach for allowing me in. I was watching on the monitor. I want to raise briefly the contraceptive scheme spoken about by the Minister. I anticipate there will be something in the budget on it. I hope the scheme will be universal and will include all methods of contraception. In my opinion, it will not be sufficient to allow only the contraceptive pill; long acting contraceptive methods need to be included. They cost more initially but they work out to be more cost-effective, not to mention how effective they

are. I do not think we will have an opportunity to have a discussion on the matter in the House in advance of the budget but it is certainly an issue on which I hope the Minister will be successful in his negotiations with the Minister for Finance and that we will see a universal scheme introduced that can be built upon if necessary. At worst, it should be introduced incrementally. I cannot ask for the Minister to come in to discuss it because it would be too soon.

**An Cathaoirleach:** It is not for me to tell the Leader how to do his job but he is aware of my position on the Brexit debate which he facilitated.

**Senator Jerry Buttimer:** Go raibh maith agat, a Chathaoirligh. I thank the 16 Senators for their contributions to the Order of Business. I will begin by welcoming the rehabilitation of Senator Mark Daly to the Front Bench of the Fianna Fáil Party as the new Acting Leader of the Opposition. He is welcome back.

**Senator Terry Leyden:** To clarify, he never left us.

**Senator Mark Daly:** I thank the Leader.

**Senator Jerry Buttimer:** It is good to see him in the front seat again.

**Senator Terry Leyden:** He has been in the front seat all of the time.

**Senator Jerry Buttimer:** I am not sure how much longer he will be there.

**Senator Terry Leyden:** The Leader should go to Specsavers.

**An Cathaoirleach:** He is in the driving seat.

**Senator Jerry Buttimer:** I am not sure whether it is to new Fianna Fáil, old Fianna Fáil or continuity Fianna Fáil, but Senator Mark Daly is welcome back.

**Senator Mark Daly:** We are Fianna Fáil - The Republican Party.

**Senator Terry Leyden:** The Whip will confirm that Senator Mark Daly has been a member of the Front Bench in the Seanad.

**Senator Jerry Buttimer:** The Cathaoirleach has ruled judiciously on the Brexit issue and we will hold a debate with the Tánaiste, but it would be remiss of me as Leader if I did not respond to Senators Mark Daly, Norris and Feighan, who raised the matter. I welcome the Prime Minister's clarification and how he has distanced himself from the non-paper comments. It is important that the UK negotiates in good faith. We all stand firm in our desire for there to be no custom checks against the will of the people, North or South. The Tánaiste, the Taoiseach and the Minister of State, Deputy McEntee, have been clear on that point. I commend my constituency colleague, the Tánaiste, on his steadfastness and clarity in the negotiations and on the position he has taken. As the Cathaoirleach stated, we will debate the matter at the conclusion of the Order of Business.

Senators Mark Daly, Higgins, Hopkins, Ó Céidigh and Marie-Louise O'Donnell made reference to the-----

**Senator Anthony Lawlor:** And Senator Conway.

**Senator Jerry Buttimer:** Sorry. Senators Mark Daly, Conway, Ó Céidigh, Hopkins, Ma-

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rie-Louise O'Donnell and Higgins made reference to the decision by the Minister for Education and Skills to make history a special status subject on the junior cycle. For all of us who engaged on the matter, be it through speaking in the House, as I did last week, or advocating with the Minister, and speaking as a teacher and educationalist for 16 or so years, the importance of history to the curriculum was never underemphasised. I do not share some of the opinions expressed by Senators. The National Council for Curriculum and Assessment, NCCA, has a role to play. Senator Marie-Louise O'Donnell may pooh-pooh it,-----

**Senator Marie-Louise O'Donnell:** It was appalling.

**Senator Jerry Buttimer:** -----as is her prerogative, but its job is to advise. The Minister's job is to make decisions. To be fair to the Minister, Deputy McHugh, he has done so.

**Senator Marie-Louise O'Donnell:** This Minister knows.

**Senator Jerry Buttimer:** We all-----

**Senator Marie-Louise O'Donnell:** Sorry. The previous Minister.

**An Cathaoirleach:** Allow the Leader, without interruption.

**Senator Jerry Buttimer:** The Minister for Education and Skills has made a decision, which we all commend.

**Senator Marie-Louise O'Donnell:** These are back-handed congratulations. He should be considering the matter more realistically.

**Senator Jerry Buttimer:** I am not going to be provoked by the Senator other than to say that it was a good decision by the Minister and one that we all welcome. It also, by the way-----

**Senator Marie-Louise O'Donnell:** It was a capitulation. It had to be reversed-----

**Senator Catherine Noone:** Is the Senator having a conversation?

**Senator Marie-Louise O'Donnell:** -----because it was so unedifying.

**An Cathaoirleach:** Please, allow the Leader to respond. He has listened for the past hour to Senators making points and comments and he rarely, if ever, interjects. Allow him to respond, which is his job.

**Senator Diarmuid Wilson:** Give the Leader an opportunity to rewrite history.

**Senator Jerry Buttimer:** Senator Wilson and I had the pleasure of doing ecclesiastical history together. We understand the importance of-----

**Senator Marie-Louise O'Donnell:** Then the Leader understands what-----

**Senator Jerry Buttimer:** Regardless of whether we were good or bad students, what history does-----

**Senator Terry Leyden:** The Senators were a loss to the Roman Catholic Church.

**Senator Jerry Buttimer:** We were not lost at all. We are still there.

**Senator Mark Daly:** The Catholic Church's loss is the Seanad's gain.

**Senator Jerry Buttimer:** The church moved from some of us, Senator Leyden.

**Senator Terry Leyden:** It would have been one way for the Leader to become a minister. It would have been the nearest he got to it.

**An Cathaoirleach:** Senators, please.

**Senator Jerry Buttimer:** In its present composition, the junior cycle has a firm focus on core learning. To me, history is fundamental to that.

**Senator Marie-Louise O'Donnell:** And to me.

**Senator Jerry Buttimer:** Senators Mark Daly, Boyhan and Conway-Walsh referenced the Moorhead report. Be it as members of the electorate or as members of political bodies, we all understand the importance of politics and representation at local and national levels while also recognising the gargantuan change in the workload and commitment of those elected to local councils. I join Members in calling for fair pay and conditions for councillors. Members on all sides of this House have been articulating and advocating on this issue with a variety of Ministers. There is a folly in the Sinn Féin position yet again. Sinn Féin thrives on polarising people. Councillors versus Senators and Deputies and Senators and Deputies versus councillors is not a way to do business.

**Senator Rose Conway-Walsh:** It is about fairness and equality. It is not polarising.

**An Cathaoirleach:** Order, please.

**Senator Jerry Buttimer:** The Sinn Féin Party thrives on dividing and conquering.

**Senator Rose Conway-Walsh:** It is not polarising. How can the Leader say it is polarising in the context of-----

**Senator Jerry Buttimer:** Sinn Féin pits one group against another group. That is what it does. In this case, we must not divide and conquer. Rather we must work together to ensure that arising out of the Moorhead report, councillors receive just and fair pay.

**Senator Catherine Noone:** Hear, hear.

**Senator Jerry Buttimer:** That is what we should do.

**Senator Terry Leyden:** Take the €1.5 million from the will.

**Senator Catherine Noone:** We could pay all of the councillors in the country with that amount.

**An Cathaoirleach:** Senators are being very generous.

**Senator Jerry Buttimer:** Senator Boyhan raised the issue of the article about Dún Laoghaire Harbour and pier. I have not seen it. I suggest to the Senator that a Commencement matter might be a more appropriate way of having the issue addressed. As I said, I have not seen the article. We have had a debate on harbours and ports policy but I am happy to have the Minister return to the House on the matter.

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Senator Conway-Walsh raised the issue of the Sinn Féin pre-budget submission, which I thank her for bringing to the House. Yet again, it is fantasy.

**Senator Rose Conway-Walsh:** Has the Leader read it?

**Senator Jerry Buttimer:** Yes.

**Senator Rose Conway-Walsh:** When?

**Senator Jerry Buttimer:** This morning.

**Senator Rose Conway-Walsh:** What part of it is fantasy?

**Senator Jerry Buttimer:** I can tell the Senator-----

**An Cathaoirleach:** I do not want the Leader to go into the detail of the full document.

**Senator Jerry Buttimer:** I assure the Cathaoirleach-----

**An Cathaoirleach:** The Leader could meet Senator Conway-Walsh privately to discuss it.

**Senator Jerry Buttimer:** I would be happy to do so.

**Senator Anthony Lawlor:** It is not in the Oireachtas Library.

**Senator Jerry Buttimer:** If it were to be placed in the Oireachtas Library one would not know whether to put it in the fantasy section, the fiction section or the finance section. Sinn Féin is proposing an increase in tax on jobs and business and its members are becoming climate change deniers.

**Senator Rose Conway-Walsh:** That is lies.

**Senator Alice-Mary Higgins:** As we are not having a full debate on the Sinn Féin proposal perhaps we should refrain from attempted summarising of it.

**Senator Rose Conway-Walsh:** Yes.

**An Cathaoirleach:** I will try to chair the proceedings as best I can. The budget will be announced next week when, I am sure, there will be a fulsome debate.

**Senator Jerry Buttimer:** To be helpful to Senator Higgins, whom I did not interrupt, Sinn Féin is proposing €2.8 billion in new taxes and 18 new taxes. For example, in terms of inheritance tax it is proposing the imposition of an additional €3,240 on a person who inherits a four bedroom house. That is some record.

**Senator Rose Conway-Walsh:** That is nonsense and the Leader knows it.

**Senator Jerry Buttimer:** Senator Norris made reference to the genetics disorder Bill. I look forward to working with him on it. Senator Humphreys has been very strong in his advocacy around the issue of breastfeeding in terms of national breast feeding week and the fact that six out of ten babies are breast-fed. The Minister recently launched a campaign recognising that more resources need to be put in place. I am happy to make time available for a debate on the issue.

**Senator Catherine Noone:** Hear, hear.

**Senator Jerry Buttimer:** Senators Hopkins and Gallagher raised the issue of TidyTowns. I join with both Members in congratulating the overall victor of the TidyTowns competition, Glaslough. I also congratulate the 118 entrants and all who participate in TidyTowns, including the volunteers. As mentioned by Senators Hopkins and Gallagher, TidyTowns is not just about collecting litter, it is about biodiversity, planting and the whole public realm. Many of those involved are volunteers. I congratulate them on their endeavour. I also congratulate the community of Carrickmacross on the reverse vending machine and the Minister, Deputy Ring, for his allocation of an additional €1.4 million to the TidyTowns initiative and I thank SuperValu for its sponsorship. TidyTowns is a wonderful voluntary initiative.

Senators Ó Céidigh and Anthony Lawlor referenced the issue of insurance. I am happy to arrange a debate on the issue with the Minister of State, Deputy D’Arcy.

Senators Ó Céidigh and O’Mahony raised the equally important issue of rowing and the need for the funding of rowing to be put on a upwards trajectory given the unprecedented success in this area. It is a matter that I am sure the Minister, Deputy Ross, and Minister of State, Deputy Griffin, are familiar with. Mr. John Treacy, the chief executive of the Irish Sports Council, is aware of it. It is a matter in the main for the Irish Sports Council. I would not like to see Senator Ó Céidigh putting one sport against another. The greyhound industry has been very valuable to our country and just this week, the Irish Laurels began in Cork and we have seen a large effort by the greyhound industry to bring together new sponsorship under the leadership of Mr. Jimmy Barry Murphy. I hope the people in Cork will support the Laurels, as they did in Dublin with the Irish Greyhound Derby.

Senators Leyden and Feighan spoke of decentralisation and I am happy to have a debate on the matter in the context of the remarks of the Minister of State, Deputy Moran. Notwithstanding what Senator Leyden read from his script, the decentralisation process announced by the former Minister, Mr. Charlie McCreevy, was not a success.

**Senator Terry Leyden:** It worked in some places.

**Senator Jerry Buttimer:** Senator Marie-Louise O’Donnell raised yet again the very important matter of home care in the community, independent living and our ageing population. I encourage all Members to read the report compiled by the Senator, as it offers a template or foundation for future policy initiatives for Governments to make, whatever their composition. We are living longer and we are trying to live at home as we age. We must accentuate the home care elements and I hope the budget looks favourably on that matter.

Senator Higgins mentioned liquid petroleum. As the Senator knows, an alternative view has been put forward by the Irish Academy of Engineering. There is a need to recognise that as we move towards a carbon-neutral future and a change in how we live, there is a need for energy security. By 2030, if we go down one road, we would be completely dependent on the United Kingdom for natural gas. Extraction from the Kinsale field will end by 2021 and by 2025, the Corrib field will only provide 20% of our required supply. I would be happy to have a debate on the matter raised by Senator Higgins.

Senator Noone raised the very important matter of a contraceptive scheme and this arises from matters discussed at the committee she eloquently and expertly chaired. Her comments make eminent sense and I hope the Minister for Finance recognises there is more than one

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method of contraception. There should not just be a focus on the pill, as Senator Noone has indicated. There are other methods that can be far more cost-effective. I am happy to have that debate in a budget discussion with the Minister, when we might also look at the forthcoming finance Bill.

Order of Business agreed to.

### **Appointment of Members to Legal Service Regulatory Authority: Referral to Joint Committee**

**Senator Jerry Buttimer:** I move:

That the proposal that Seanad Éireann, noting that the Government agreed on 1st October, 2019, to propose, for the approval of Seanad Éireann, the re-appointment of the persons concerned to be members of the Legal Services Regulatory Authority, and pursuant to sections 9 and 10 of the Legal Services Regulation Act 2015, approves the re-appointment, with effect from 1st October, 2019, by the Government of the following persons to be members of the Legal Services Regulatory Authority, who shall hold office for a further period not exceeding three years from the date of his or her appointment in accordance with that Act: Sara Moorhead, Geraldine Clarke, Stephen Fitzpatrick, Dermott Jewell and Deirdre McHugh, be referred to the Joint Committee on Justice and Equality, in accordance with Standing Order 71(3)(k), which, not later than 3rd October, 2019, shall send a message to the Seanad in the manner prescribed in Standing Order 75, and Standing Order 77(2) shall accordingly apply.

Question put and agreed to.

*Sitting suspended at 4.35 p.m. and resumed at 4.45 p.m.*

### **Withdrawal of the United Kingdom from the European Union: Statements**

**Acting Chairman (Senator Diarmuid Wilson):** I welcome the Tánaiste and Minister for Foreign Affairs and Trade to the House and invite him to make his contribution.

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney):** I am grateful for this opportunity to again brief the Seanad on developments on Brexit. Political developments in the United Kingdom cast a long shadow and we are in a period of extraordinary uncertainty and volatility. In this challenging environment we are continuing our efforts across Government to protect Ireland's priorities and to mitigate the effects of the UK's withdrawal on Irish citizens and businesses. Ireland and our EU partners stand by the withdrawal agreement agreed with the UK in November of last year. We believe it is a fair and balanced outcome that addresses the key concerns of both sides. It remains the best way to ensure an orderly withdrawal and to move on to building a strong new relationship with the UK which we of course want to be as positive as possible after the UK's departure. However, Prime Minister Johnson has stated that he wants a different deal. We want to be helpful. We have made it clear that we are willing to consider proposals that might break the impasse but only so long as they provide

the same operational and legal protections as the backstop.

Ireland cannot move away from an agreed negotiated position to an unknown and untested solution. There remains a serious and significant gap between what the UK is putting forward and what Ireland and the EU can or are willing to accept. There has been a great deal of commentary on a reported British non-paper that was leaked last night regarding customs posts. The status of these reported proposals is unclear. The Secretary of State for Northern Ireland speaking on radio this morning acknowledged the difficulty of what was being proposed. I would not intend to comment on them any further other than to note that they clearly do not amount to a credible proposal that meets the obligations of the British Government to satisfy the objectives of the backstop. Quite apart from what emerged last night, the proposals that the UK has put forward to date do not constitute formal proposals and do not amount to a legally-operable solution. The UK instead wants these to be fully developed during a transition period. Significantly, they would require a regulatory and customs border on the island of Ireland. Let us be clear: these fall well short of satisfying the objectives of the backstop which is already in the agreed withdrawal agreement. What both sides committed to in December 2017 was to avoid a hard border on the island of Ireland, protect the all-island economy and North-South co-operation, and to preserve the integrity of the Single Market and Ireland's place in it. We cannot allow Ireland to become collateral damage to the UK's Brexit process. We need real and honest solutions to the challenges of Brexit and they are complex. These issues cannot be kicked down the road for future discussions. It is the UK's responsibility to come forward now with legally operable solutions that are compatible with the withdrawal agreement. The UK must match its stated aspirations with real and credible actions.

The Government continues to maintain close contact with the EU Commission and with our EU partners. The Taoiseach met with President Tusk in New York last week and I met Michel Barnier last Friday afternoon. I meet regularly with EU colleagues. Everywhere our EU partners express their continued full solidarity with Ireland and on the importance of the objectives of the backstop. The EU remains strong and united in its approach. We also continue to engage with the UK. As well as the Taoiseach's meetings with Prime Minister Johnson, over recent weeks I have met with Secretary of State for Foreign and Commonwealth Affairs, Dominic Raab, the Secretary of State for Exiting the European Union, Steve Barclay, and several times with the Secretary of State for Northern Ireland, Julian Smith, as well as with Michael Gove. While we have plenty to discuss, we are always very clear with our EU counterparts that Brexit negotiations cannot be made bilateral and must be conducted with the European Commission through the Barnier task force.

In regard to the Border, let me make a few remarks about the backstop. The key priority for Ireland, shared by our EU partners, has been the need to protect the Good Friday Agreement in all of its parts. Prime Minister Johnson has referred to the "delicate balance" of the Agreement. In this, he is right. Brexit, however, is a seismic event. The EU set stable and predictable foundations for trade in goods and services, freedom of movement and questions of equality and rights, citizenship and identity, cultural and educational exchanges and cross-Border co-operation on this island. Brexit fundamentally alters these relationships of trade, transport, co-operation and people-to-people connections that have flourished since the Good Friday Agreement. The backstop is an essential part of the withdrawal agreement because it provides the guarantees that it does. The backstop was shaped by the shared understanding of the EU and the UK of what needed to be addressed regarding the Border, along with the UK's red lines on leaving the customs union and Single Market. It was a complex puzzle to solve

and it took us two years of negotiation to get there. It is a compromise. It is not the *status quo*, nor is it the same as Northern Ireland staying in the EU - far from it. It is a guarantee that there is a clear plan to preserve the delicate balance of the Agreement and the peace process. That is if it is needed at all. The point of the backstop is that it is a default fallback position if future negotiations are not able to resolve the Border issues. However, it needs to be agreed and in place now to settle nerves for obvious reasons.

This approach is fully supported by our EU partners. It has also had the strong support of a cross-community majority of people in Northern Ireland since it was negotiated. It remains the only viable solution on the table that avoids any physical infrastructure and related checks or controls, fully protects the Good Friday Agreement and North-South co-operation and preserves the all-island economy as well as the integrity of the EU Single Market and Ireland's future place in it. No one has yet come up with any alternatives aimed at avoiding a hard border that match what is safeguarded in the backstop text. It is deeply disappointing that the British Government has now decided to step back from these commitments of December 2017 and appears to seek a managed Border. Equally, its stance on the future relationship, its wish to diverge from the EU and its rejection of level playing field issues make things even more problematic. In simple terms, the Boris Johnson approach has been to remove the solution to a very complex problem in Ireland and to create a much bigger problem in signalling the direction the UK wants to take in the future in terms of divergence from the rules and standards of the EU.

This issue cannot be dealt with through piecemeal measures. Elements of an all-island sanitary and phytosanitary, SPS, area have been floated. The alignment of SPS rules should of course form a part of the solution, but would clearly not be enough in itself. Agreeing to this limited approach would have considerable negative impact on life on both sides of the Border without the additional regulatory alignment provided for in the existing protocol.

This is far more than an economic issue. In areas from agriculture, environment and transport to health, education and tourism, cross-Border co-operation and community ties will be undermined by a no-deal Brexit or by any approach that does not have the level of safeguards and protections provided by the backstop. It is through these daily interactions that the Good Friday Agreement has been seen to work, and this normality helps to sustain peace every day.

As we have said all along, the backstop is an insurance policy. We have no intention or wish to trap the UK, and certainly not Northern Ireland, in any arrangement against its will indefinitely. For the avoidance of doubt, I reiterate that the withdrawal agreement and the protocol on Ireland-Northern Ireland do not go against the principle of consent. The first line of the protocol, the first clause of the backstop, reaffirms the principle of consent. The second clause reaffirms the territorial integrity of the UK and Northern Ireland. At the same time, I also want to be clear that the concerns of everyone in Northern Ireland, of all communities and backgrounds - unionist, nationalist and those who identify as neither - who are deeply anxious about the impact of Brexit matter to this Government. We understand the importance of the voice of Northern Ireland being heard in the context of the decisions on the shaping of its future. We do not want a no-deal outcome but neither can we accept a deal that risks undermining the Good Friday Agreement or puts us in a position where our place in the Single Market is jeopardised by unproven solutions or future promises without substance. A no-deal outcome will never be Ireland's or the EU's choice. There is a deal in place and without credible proposals from the UK, the best way forward still remains the ratification of that deal. We have consistently made clear that a no-deal Brexit will have profound implications for Ireland on all sorts of levels. Given the stance of the UK Government, the risk of a no-deal Brexit is significant and the Gov-

ernment is taking that risk very seriously.

In the absence of a withdrawal agreement, there are no easy solutions and a no-deal Brexit would result in far-reaching change on this island. Ireland is working closely with the European Commission to look at the interim arrangements we would need to put in place, in the event of no deal, which do not involve physical infrastructure at the Border. These are highly politically sensitive and technically complex issues and more precise details will not be available until discussions with the Commission have reached a conclusion. We are trying to do two things at the same time with the Commission. First, we are trying to protect Ireland's place in the Single Market by protecting the integrity of the elements of the market for which we are responsible; otherwise, we will be taken out of the Single Market by default. Second, we want to protect the peace process and the all-island economy as best we can, which are not easy to do at the same time. We aim to reach an outcome with the Commission that enables us to provide reassurance to member states that Ireland is taking sufficient steps to protect the integrity of the Single Market, thus protecting our position within it. Any arrangements for the Border in a no-deal scenario will clearly be suboptimal, as they cannot provide the same level of protection as the backstop and they will result in significant disruption for Northern Ireland and the all-island economy. Members do not have to believe me when I say that; they should believe the senior civil servants in Northern Ireland who have produced credible work on this issue.

There are, however, important reassurances for the way people, north and south of the Border, live, move and access public services. The British and Irish Governments are committed to maintaining the common travel area in any Brexit scenario - deal or no-deal. In May, we signed a memorandum of understanding to underpin that commitment for the people of these islands. The Government has been actively preparing for Brexit for more than two years to make sure Irish citizens and businesses are as ready as possible for all scenarios. This has the highest priority across government, for obvious reasons, and it involves every Department and key agencies in tandem with the EU. The common travel area means Irish people in the UK and British people in Ireland will be treated as citizens in their own country for the purposes of working, studying, accessing welfare, taking pension entitlements with them and a range of other elements. While that is good for Irish and UK passport holders in terms of free movement, all other nationalities in Ireland who are used to living, travelling and working back and forth, between Ireland and the UK, face a very different future.

The comprehensive contingency action plan, published on 9 July, set out the impact of a no-deal Brexit and the work that has been done to try to mitigate the risks.

We have passed key legislation and this House was very helpful in that to protect our citizens and support the economy, enterprise and jobs in key economic sectors. We have held over  
*5 o'clock* 1,200 stakeholder preparedness events in all sectors right across the country. Some 102,000 businesses that traded with the UK in 2018 and 2019 have been contacted by letter or phone. Funding supports for businesses have been an important pillar of the Government's preparations for Brexit. Our last three budgets have all contained dedicated measures to get Ireland Brexit ready. We will do so again in the budget to be announced next week. Budget 2020 will be based on the assumption of a no-deal Brexit. That is only prudent. In that context, the Government is looking at provision for timely, targeted, temporary measures for the sectors that will be most disrupted and exposed. The Government is prepared for a no-deal Brexit and stands ready to support the economy in such a scenario.

We recognise the need to provide certainty of supply chains. Physical capacity at our ports

and airports has been enhanced and tested. Dublin Port alone has spent over €30 million over the past 18 months. Additional staff have been recruited and will be in place on Brexit day one. We have provided training and financial supports to increase our customs capacity. At the same time, our work to facilitate the continued use of the landbridge by Irish traders is continuing. A large proportion of Irish trade gets to and from market via Britain as a landbridge. The EU's internal transit procedure will be available to businesses and, although some additional steps and paperwork will be required, this strategically important link for getting our products to and from the rest of the Single Market remains open. Despite this, as we have said in the action plan, it is likely that there will be initial delays at ports in the early weeks. This expectation is reflected in British planning also.

We will very quickly reach 31 October. Alongside our businesses and our citizens, we are working to be prepared for whatever scenario comes our way. We continue to implement the steps laid out in the July contingency action plan update. These measures are working. Businesses registered for EORI numbers now represent 90% of the value of import trade, and 97% of the value of export trade with the UK in 2018. In other words most businesses are now registered for customs and have a customs number. This approach underlines why it is so urgent and critical that exposed businesses in particular prepare for no deal. Many have, and we are working with those, mainly smaller, companies to ensure we are ready. To support businesses in this, we recently launched the “Getting Your Business Brexit Ready — Practical Steps” campaign. It focuses on the nine steps every business, large and small, should take now to help prepare for Brexit.

We welcome the publication of the Commission's Brexit preparedness communication last month, including proposals to roll over the timelines for existing contingency measures in certain key areas, including on air connectivity and international road haulage to problems which would have been very disruptive of the Irish economy. The proposal to extend EU-level financial supports in the event of no deal to support member states and affected workers is also welcome.

I would like to restate how much we appreciate the support and advice of Seanad Members of all parties on this issue. We will continue to keep the Seanad informed of developments. I am happy to come here whenever the Seanad deems that helpful. While we respect it, we regret the UK's decision to leave the EU, and believe that both parties will be diminished as a result. However, the fact remains that the UK is due to leave the European Union. The Government will continue to represent and protect the interests of Ireland. It is for the British Parliament to decide on what it intends to do next. Time is very short, but I believe that there is still time enough for agreed solutions and to avoid no deal. This Government will continue to engage in good faith to find a way forward that protects Ireland's interests but also ensures that the commitments made to Ireland and to Irish people North and South will be followed up. This is not a question of personalities or who is in No.10. It is a matter of dealing with the complexity of the issues thrown up by the decision of the UK as a whole to leave the EU. We have solutions to those challenges. The current British Prime Minister is choosing not to use them. We have said that if he has alternatives that work and do the same job we will help him to get agreement. The onus is now on that British Prime Minister to come forward with serious and credible solutions because to date he has not done so.

**Senator Ned O'Sullivan:** I appreciate the Minister taking time out from an extremely busy schedule to be here with us. The good turnout in the Chamber shows appreciation for that. We all agree with much of what the Minister has outlined in his statement. As we are very close to

the 31 October deadline it is vital that in the weeks ahead all of us in these Houses continue to work together in a non-partisan way for the good of the country. My party, Fianna Fáil, under the leadership of Deputy Micheál Martin, has not been found wanting. Despite huge pressure on the leadership of the party from within and without we have facilitated the Government to the best of our ability. Our commitment to the confidence and supply agreement has often been challenged and questioned, not least by those who would not be in government without the benefit of our patience and forbearance.

Brexit is a case of *binn béal ina thost*. The less said the better, or perhaps I should rephrase that, the less uninformed comment the better. We are in a very volatile situation and do not need to be rocking boats. That solidarity has been there and I am sure the Minister appreciates it. Opposition parties have a duty to oppose and to scrutinise everything that comes from the Government. As the main Opposition party we have not failed in that duty. The balance is right across the board among all parties and Independents.

The situation is changing fast, day to day and sometimes from hour to hour. The Minister has brought us up to speed here and I listened with interest to the Taoiseach's remarks in the Dáil this afternoon. Like everybody else I have been closely following the commentary on RTÉ on the documents which were leaked and which have been the basis of conversation for the past couple of days. One would not need to be a political genius to know there is an awful lot going on behind the scenes. The public knows this and I have a sense that the public is tiring of what many see as misinformation and disinformation being put about by the various parties to the negotiations. The one bit of advice I would give the Minister, and I am not implying anything against him, is that the public's patience is not unlimited. In the final weeks before 31 October it is critical that Government speaks with one clear voice and insofar as possible in the delicate situation we are in, that it would tell the unvarnished truth about how things are. The information leaked by RTÉ seems to have let several cats out of the bag. I listened to an interview with the former Taoiseach, Mr. Bertie Ahern, this morning in which he stated that to his certain knowledge, the substance of the leaked non-paper document has been in circulation for more than 12 months. If that is the case, one wonders why there is all this false shock and horror. The Taoiseach indicated today that he envisages some types of Border checks being established one way or the other following Brexit, as the Tánaiste likewise suggested. Are we finally getting down to the nitty-gritty of our vision of what should happen as opposed to the vision-----

**Deputy Simon Coveney:** To clarify, neither the Taoiseach nor I said that. In a no-deal scenario, some checks will be required. There will not be checks one way or the other if we get a deal. Any deal will be based on not having checks.

**Senator Ned O'Sullivan:** I accept what the Tánaiste said. On the other hand, the British Prime Minister, Mr. Boris Johnson, has come up with the ludicrous proposal that there should be spot checks at various points on the island of Ireland. Instead of having one border, we would have a type of ten-mile demilitarised zone similar to what was in force in the Rhineland after the First World War. That is obviously a non-starter and I am glad the Government dismissed the proposal immediately.

The whole world has been watching the shenanigans in Westminster in amazement. Under other circumstances, we probably would find such events highly amusing and entertaining, but the day is far too serious for that. The former Prime Minister, Ms Theresa May, secured a withdrawal agreement but, unfortunately, despite her best and valiant efforts, she could not get parliamentary support for her position. It is ironic that her main obstructor then is now, as

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Prime Minister, getting a dose of the same. Many say it is well deserved that Mr. Johnson is not getting his way in Parliament. The Tánaiste will agree that no form of Brexit is a good Brexit. It is not hard to envisage a time in the future when the British public will realise this, although it may be several years from now, when a lot of damage is done. I can see another referendum being held, because there is no long-term future for Britain outside the EU that compares with its current status.

It is encouraging to note the Tánaiste's remarks about preparedness. However, the anecdotal evidence is that his confidence is not shared by people in business. At any of the public meetings I have attended or the major fora where business people have a chance to express their views, it is clear that people are very worried. The transport situation is an issue that has been highlighted. I spent almost two decades as director of one of the largest port companies in the country and a major handler of bulk cargo. When port companies work well, they work exceptionally well. However, when things get snafued, they can get very bad. I am referring to a port on the west coast, which probably will not be nearly as badly affected as Dublin and Rosslare. I do not anticipate panic and I am not one to cry wolf, but I note the Government's indication that there will be some initial delays. I do not look forward to those delays at ports, and I suspect there is a lot more to this than we are being told. There is talk of turning a blind eye in the early days and that things will work out. That is not a good policy for Government.

My party will continue to put the country first. It is tragic that at such a time as this, the suspension of the Assembly means there is no voice for the people of the North. Such representation was never more needed. History will be hard on the main political parties who have contributed to this sterile situation and have failed time and again to restore the Assembly.

*(Interruptions).*

**Senator Ned O'Sullivan:** I am saying nothing about any particular party. We all know who is involved. Political self-interest seems always to come before the interests of the community. The politicians in the North will not be thanked by business people and farmers there. In the long run, they will not be thanked by the electorate.

I wish the Tánaiste well in the continuing negotiations. To some extent, the future of the Government is heavily dependent on the outcome. More important, the future of our economy and peace on this island are dependent on it. We have lately seen a resurgence in paramilitary activity in Derry and other counties in the North. There are still people who believe violence is the way forward and it will not take them long to jump into the political vacuum being created by an inactive Assembly. We had an example recently of paramilitary violence when a businessman was brutally beaten in Fermanagh. That type of violence is always ready to raise its ugly head. My party agrees with the Taoiseach and Tánaiste that we cannot afford to compromise on the Good Friday Agreement. As far as we are concerned, it is sacred. It underpins everything we do in respect of Brexit and in regard to the North. I wish the Tánaiste well in his continued endeavours and look forward with eager anticipation to new developments.

**Senator Ian Marshall:** Last night, we learned of the proposals contained in the so-called non-papers, or, as I would describe them, "non-sense" papers. Unfortunately, Brexit has now descended into spin, rhetoric and soundbites. One would need a PhD to decipher the narrative, understand the hidden agenda and subplot, and recognise the diversion tactics, such as the

“dead cat strategy”, that are being deployed. Rather than address the issues in question, political leaders reference something completely obscure and unconnected to the topic of conversation to divert attention. Again and again, this dead-catting is deployed to avoid addressing the concerns that are raised.

Yesterday’s leak reflects none of the feedback and advice from Northern Ireland business people to the British Government regarding designated routes, costs and delays, infrastructure and bureaucracy. None of those concerns was taken on board in these proposals. Ms Angela McGowan, director of the Confederation of British Industry, commented on Twitter earlier today:

Such proposals are an absolute disgrace. Suggesting U.K. govt doesn’t take NI’s economy or peace process seriously! No support whatever from biz community!

As discussed many times in these Houses and at Westminster, due to EU sanitary and phytosanitary, SPS, regulations relating to the agrifood industry, there is a limited number of options as to how we can proceed. We either ensure no regulatory divergence on either side of the Border, which means no checks are required, or, alternatively, we must check 100% of trucks and other vehicles crossing the Border.

We are seeing something sinister here, namely, a complete disregard for and lack of understanding of Northern Ireland issues. I wonder whether Mr. Johnson would consider his proposed template for the Border as equally suitable for the Scottish border with England in a scenario where he has pushed the Scots to opt for independence. Is it a model he would deem appropriate to operate along the border between Wales and England? The proposals include border checkpoints away from the Border, a 10-mile to 20-mile smuggling zone, surveillance and checkpoints, and technology to track and monitor movements. Perhaps I am misguided but I thought we had agreed 21 years ago to move away from that nightmarish scenario. It would be criminal to undo all the good work and achievements of the past two decades. Generations to come would not forgive us for allowing it to happen.

It takes strong leaders to make hard decisions. It takes stronger leaders to admit when they have been misguided and have got things wrong.. There are enough good people in Westminster and in the Northern Ireland Civil Service to recognise the car crash that is coming. I am confident that they will endeavour to stop the UK from falling off the cliff. It is important to remember that parliament is sovereign and must take control. This is not about individuals. The EU in Ireland has played a straight bat and must continue to do so. It must continue to do the right thing as it has done until now because when the wind changes, as it has, one must reset one’s sails. Where the UK is now means it needs to reset its sails. Ultimately, the citizens of the UK must be given the choice to make this call, to unite a country again, to build relationships again and to get back on track. Ultimately, the people must decide and the politicians need to follow the direction based on facts and not fiction or fantasy. Uncertainty is the order of the day north of the Border. Despite the valiant efforts of the civil services, businesses are understandably very worried. Credit must be given to the Irish Government and the civil servants south of the Border for their preparations and readiness in very challenging circumstances, based on very limited information. Brexit will pass but we all have a responsibility to reach agreements to deliver solutions to the challenges and to act for the long term and the greater good.

**Senator Neale Richmond:** I am delighted to welcome the Tánaiste to the Chamber once again. I am very grateful to him, his officials and the Minister of State, Deputy McEntee, for

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their continuous engagement with this House on what is easily the biggest issue to face our generation in politics. I speak on behalf of our usual spokesperson, Senator O'Reilly, who is attending an engagement at the Council of Europe on this subject with President Macron.

I commend the Tánaiste and the whole Government, including officials from the Department of Foreign Affairs and Trade and the Department of the Taoiseach and elsewhere, for their steadfast work in the last three and a half to four years on the preparation and acknowledgement and expectation for the very serious challenges posed by this fateful decision of a minority of people, a small majority of people in the United Kingdom, have taken. I also give credit to members of Opposition parties and Independents who have shown consistency and clarity in these very testing times. Senator O'Sullivan referred to the shenanigans in Westminster but perhaps, to paraphrase a word, it is an omnishenanigans by now. It may make for fascinating viewing but it is utterly depressing and worrying.

More than worrying about the non-papers discussed last night by Tony Connolly from RTÉ and Peter Foster in *The Telegraph* is the Prime Minister's subsequent comments this morning on BBC Radio 4 and this afternoon on television where he proposed the idea of increased customs infrastructure and much else. These comments and suggestions run absolutely contrary to the joint political declaration of 2017 which was agreed in good faith by the European Commission and the British Government. It underlines why the backstop and withdrawal agreement as is are so vitally important to all of us on this island who share those common interests and goals. We have absolute solidarity from the 26 other member states across the EU in that regard. It was heartening to see so many other politicians and political leaders, including from Germany, France and Bulgaria, express their continuing belief that the backstop is so vitally important to any withdrawal agreement.

However, as the Tánaiste rightly said, while we are prepared to listen to any proposals, the British Government must be clear about its intentions and be clear about its ability to protect the integrity of the Good Friday Agreement as well as allow us to protect the integrity of the vital European Single Market. It was very interesting to hear the Tánaiste refer to the 97% of business activity that has engaged with taking up the EORI numbers, a statistic which is a credit to the recent weeks and months of work by Revenue and Government officials who increased that figure from 48% at the start of the summer. That is exceptionally important and goes to the heart of the matter of how seriously this issue is being taken by every individual across the country. On Friday I spoke with my local chamber of commerce on what might happen and the preparations it has taken. Among those present were the CEOs of large multinationals operating across the world as well as those of SMEs and microenterprises of two or three employees, which might combine the role of managing director with those of head of sales, head of HR and everything else. They must also look worryingly at their supply chain, contracts and market diversification in light of what might come around the corner. It shows that the country is alive to the concerns and possibilities. As I have said many times, and Senator O'Sullivan said it again, there is no such thing as a good or okay Brexit for Ireland. Equally there is no such thing as a good Brexit for the UK or the wider European Union.

I take serious issue with politicians and commentators in the UK in recent weeks and months who say "let's just get Brexit done" and that they need a clean Brexit. They are clearly ignorant that there is no such thing as a clean Brexit. There is a managed Brexit allowed for in the withdrawal agreement which is on the table, negotiated over many tortuous months by the European team led by Michel Barnier and the British officials, or there is the other option, a crash-out, no-deal Brexit that abandons so many responsibilities and commitments. While the withdrawal

agreement allows for a transition period of 16 to 21 months, a no-deal crash-out Brexit is anything but clean. We could look at Brexit dominating the body politic of this island and across the EU for the next decade. The trade deal with Canada took nine years to negotiate. There is an opportunity under Article 50 of the Lisbon treaty to ensure that this is managed rather than a crash out which goes under Article 218. The last three and a half to four years has really shown the importance of European Union membership to this small country and all small member states across the EU. The solidarity shown has been a credit. It also shows the importance and value of membership to this island in the future. Whatever comes with Brexit, and as Senator Marshall put it eloquently, Brexit will move on, Ireland's future is absolutely within Europe. It is through Europe that we can continue to trade with the world and with the UK, and guarantee things that are so precious to us beyond economics, foremost of which is peace on this island.

I thank the Tánaiste again and wish him and his officials all the best in coming weeks.

**Senator Niall Ó Donnghaile:** I echo the words of thanks to the Tánaiste for his commitment in engaging with this House, listening to our views and hopefully taking them on board. We appreciate the opportunity to air our views and engage with the Tánaiste and through the officials who are working very diligently on what is a complicated and challenging time for all of us.

The Tánaiste alluded to the latest news coverage from Britain on the proposals in the non-paper or, as Senator Marshall put it, the nonsense paper. If we take the Tánaiste and Taoiseach at their word, and I do, that this is an absolute non-runner for the Irish Government and the vast majority of the people of Ireland, North and South, we need to dig a bit deeper and go beyond these papers to look at what has been said today.

This morning the Prime Minister, Boris Johnson, said on BBC Radio 4 that the reality of Brexit was that there would have to be customs checks on the island of Ireland after the UK leaves the EU. I will take Senator O'Sullivan's advice to an extent that "is binn béal ina thost" because I believe this is a crucial and pivotal time for the Tánaiste and his negotiating colleagues. However, I wish to outline to the House other realities including that the people of the North voted to remain. We should never, ever forget that. There is also the reality that the Good Friday Agreement, which was overwhelmingly endorsed by the people of Ireland, North and South, says that there will be no change to the constitutional status here unless a majority of people consent to it. No one in Ireland, North or South, has consented to Brexit. We have rehearsed those arguments before but they are fundamental points that need to be repeated even at this late stage.

Reflecting on last night's leak, and I am sure Senator Marshall felt the same, it is probably the most concerned I have felt since this process began to be inflicted on us over two years ago so I can only imagine what people along the Border are feeling. This is indicative of a school of thought in the British establishment that could not give a hoot about Ireland, about our peace process, the Good Friday Agreement, our rights or our political, social, economic and cultural aspirations for the future. It is a matter of deep concern. As correct as the Tánaiste was to address it so quickly and succinctly, I do not think that this fear and concern will dissipate any time soon. In page 3 of the Tánaiste's address to us this afternoon he referred to the backstop. He knows our party's position on the backstop; it is the bottom line. It is the least worst option. We wish him well in trying to advance and secure the backstop in terms of the overall negotiation. In the fourth or fifth paragraph, the Tánaiste stated the backstop remains "the only viable solution ... that avoids any physical infrastructure and related checks or controls, fully protects

the Good Friday Agreement and North-South co-operation and preserves the all-island economy as well as the integrity of the EU Single Market and Ireland's future place in it." The other opportunity to protect all of those things is within the Good Friday Agreement. The Tánaiste knows my view and the view of Sinn Féin on that. I refer to the opportunity to give a real people's vote, one which we have all democratically endorsed and support, namely, a referendum on the constitutional future of the North. It was, after all, a previous Fine Gael Taoiseach, who secured from the EU a commitment that a unified state would enter in its entirety back into the EU. The Good Friday Agreement is our political life raft. It is our escape route out of this Brexit mess being inflicted upon us. I am all for a people's vote. I am in favour of a people's vote that we all supported and endorsed in the Good Friday Agreement.

I wish to put a number of questions to the Tánaiste on the Border and the common travel area. The latest advice from the Department of the Taoiseach states: "There are no requirements for passport controls in operation for Irish and British citizens travelling between Ireland and the UK and there will be no change to this as a result of Brexit." In addition to making reference to the separate matter of air and sea carriers that might want identification in the common travel area, the advice states, in contradiction, that immigration authorities may also require one to have valid official photo identification which shows one's nationality and, therefore, people should please check that their passport is valid. That is the advice on the Department of the Taoiseach's website.

The current legislation concerning passport checks is section 11 of the Immigration Act 2004, which was amended in 2011. It, in fact, does not just exempt Irish and British citizens from duties to carry passports on journeys from the North or elsewhere in the common travel area, but exempts Irish and other EU citizens, including currently British citizens, the latter group which would be affected by Brexit. I am not aware of any other law that obliges the carrying of other photo identification showing my nationality. When the Tánaiste responds to me could he confirm that there is no legislation that obliges me or any other EU citizen to carry a passport or other form of photo ID when travelling here from the North? Could he therefore correct the online advice if that is the case? Is there any need at this stage to bring the omnibus Act back before these Houses to review it, based on some of the political realities that are coming to pass? Sin an méid atá le rá agam.

**Senator Frances Black:** I welcome the Tánaiste back to the Seanad. I appreciate his continued engagement with the House on Brexit. I have listened closely to each address and participated in each debate we have had on this issue. As a member of the Seanad Special Committee on the Withdrawal of the United Kingdom from the European Union and as someone who is extremely committed to avoiding the return of a hard border on this island, it is a major priority for me both politically and personally. I give credit to the Chairman of the Seanad Special Committee on the Withdrawal of the United Kingdom from the European Union, Senator Richmond, who is doing a great job.

It is to our credit that Brexit has not been seen as a partisan issue. As the negotiations have progressed, the Irish position on the need for a legally-operable backstop has been made crystal clear by the Tánaiste and our diplomatic officials and that has been recognised and supported in these Houses. The need for such an insurance policy to avoid the return of a hard border has been agreed and understood within the Oireachtas but also across 26 other EU capitals. That is not something that is taken for granted. It is the result of years of careful work and preparation.

As the Tánaiste may know, I was in Norway last week, speaking with Members of its par-

liament's foreign affairs committee about my own legislative work, and they told me about how they had been to visit the Border counties, and had physically walked across the invisible Border. That kind of experience is invaluable in making sure the importance of this issue is understood across Europe, and it takes a lot of time and effort. That work is very much recognised and appreciated.

In preparing for today's debate, I must admit that the situation feels different compared with previous updates and discussions we have had in this House. Thirty days out from a Brexit deadline that has already been postponed once, the sense of fear I have when thinking about the path towards a workable solution is much greater than it has been previously. I cannot even imagine what it is like for people living on the Border. I look to Westminster, and the extremist positions being outlined there, and it is really difficult to comprehend. If a deal or an extension is not agreed before the European Council on 17 October, the prospect of a disastrous no-deal Brexit becomes a reality. It truly is a frightening prospect.

There was discussion in the Dáil this afternoon about the so-called non-paper UK proposals leaked late last night, regarding border posts. They were rightly condemned both by the Government and Opposition parties, and even the British Prime Minister quickly distanced himself from the documents. While nothing else has been forthcoming in the meantime, it is a recognition of how grossly unacceptable the proposals are. The idea that a 20 km zone bookended by border posts could credibly solve the problem is an affront to our hard-won peace, and an insult to all those living on this island. It is particularly troubling that the UK Government, and those negotiating on its behalf, seem to think the issue is with the location of border infrastructure and not the fact that it could be erected in the first place. We must be clear on this: there is absolutely no mandate for the return of a hard border on this island. It would run contrary to the Good Friday Agreement, and it cannot be allowed to happen. That was stated firmly in the Dáil this afternoon, and it should be restated here in the Seanad.

It is also important that we try to consider exactly why proposals like that are being made. Partly, it is due to an inherent disregard for Ireland that has been apparent in Tory politics for decades, but it is also the result of a context that we are soon going to find ourselves in. The proposals on potential border infrastructure or checks taking place at posts removed from the Border are being delivered in part because the UK Government is trying to reconcile three competing goals that seem fundamentally incompatible. It is effectively trying to square a circle and meet three conditions. The first is to leave the European Union in a manner that will satisfy the hard Brexiteers, which seems to mean exiting the customs union and so on. The Prime Minister, Boris Johnson, has been clear about his desire for a clean break from the EU and his actions have reaffirmed that. The second is the stated commitment to avoid a hard border on the island of Ireland, which is an absolute priority for everyone here, as well as the rest of the EU 27. The third is to ensure that the integrity of the EU Single Market is protected, and that there is not a 500 km long gap at what may soon be an external frontier of the European Union.

The insistence on the backstop in the first place is recognition that these goals are so close to being incompatible as to require a legal guarantee. Throughout the negotiations, in effect, an insurance policy has been sought that would secure the latter two goals against the former. The withdrawal agreement has always allowed for technological and other solutions to be presented to satisfy all three demands but they have not been forthcoming. Yesterday's leaks are just another example of that. The absurdity of the Johnson Government's latest proposals, or lack thereof, must be seen in that light. It is not just a matter of competence; they are the result of attempts to square a circle.

What is especially worrying about this situation is that while we can rightly say that it is a problem of British invention, that does not do a single thing to bring about a solution. It is a problem made by the UK, but in the event of a no-deal Brexit, on the morning of 1 November it becomes our problem in a very real manner. There is a cruel irony here, in that we will find ourselves in effectively the same situation as Boris Johnson is in now, but of the three goals mentioned previously - a hard Tory Brexit, no Border and protecting the EU Single Market - the first one already will have happened. The UK will have left and we will be asked how we are going to reconcile the two remaining goals. How are we to secure the external frontier of a 500 million-person strong continent and trading bloc, while also honouring our commitments to ensure no hardening of the Border on this island? This is a question that has yet to be answered. I appreciate the Government's position and that in the final days of a year-long negotiation what is said is bounded by diplomacy but, similarly, I appreciate the growing frustration at the lack of detail on what exactly we will do if the UK crashes out of the EU in a few weeks. We hear that discussions with the European Commission are taking place but we do not have any detail. This is not reassuring to hear as a legislator and it certainly is not reassuring to the thousands of people who are waiting for an answer with regard to their jobs and their daily lives.

I do not say any of this to point fingers. Every time I have spoken on this issue I have noted my respect and appreciation for the leadership shown by the Tánaiste and his officials working on the backstop and getting support for it, but if a deal is not agreed and no backstop is in place we will need an answer very soon to the question on what we do with regard to the Border on the morning of 1 November. What will we do on 30 November, over Christmas and in the months afterwards? It is undeniable that the rise in the potential for a no-deal Brexit significantly increases the possibility that a border poll could be called in the coming years. I understand the sensitive position the Government is in but this is something we have to start talking about openly and without fear. It needs to happen in a manner that includes everyone on this island and demonstrates a generosity of spirit and respect for diversity. The Brexit vote itself should act as a stark reminder on what can happen if people go into something without proper planning. At present, we find ourselves in a catch-22 position. We cannot consider the potential for a border poll without detailed planning but any effort to do that detailed planning is similarly rebuffed. In the absence of detailed plans from the Government these conversations are already happening in every part of the island.

Trinity College, UCD, University College London, Ulster University and Queens University Belfast have launched an academic project on what a border poll could mean in practice. As a member of the Joint Committee on the Implementation of the Good Friday Agreement I have spoken with nationalist and unionist communities in the North who engage with us in good faith. The overwhelming feeling is one of uncertainty. It is about practical questions. If Brexit makes a border poll more likely what will this mean in practice? What would the impact be on people's daily lives? What would be the impact on identity? People are asking these questions. In my view, we need to start working on answers in a manner that is open, inclusive and generous in spirit. It is not inflammatory to recognise this possibility and to want to account for it in a sensitive manner. I have said before that I believe this is something a parliamentary committee could do in an inclusive manner working on a cross-party basis. It could be similar to the work of the Joint Committee on the Implementation of the Good Friday Agreement and seek to engage in good faith with all parties based on the principles of consent and parity of esteem. I am very passionate about this issue. These conversations will happen. While I understand the sensitivity, the Government has a responsibility to be involved. I dearly hope a deal is reached in the next 30 days but if it is not it will be incumbent on the Government to share its plans with

the Houses on how previous commitments will be maintained.

Last January, prior to the Brexit deadline in March, the Tánaiste told the House that no matter how good we are at no-deal contingency planning we will not be able to create a situation whereby the *status quo* persists through a no-deal Brexit. He went on to say that deal or no deal, the Government will insist on finding ways to avoid Border infrastructure on the island. This is a genuine and strongly felt commitment but if a deal is not reached in the coming weeks we urgently need details on how this will be achieved. Everyone in the House will work with the Minister of State and the Department in this regard. I thank the Minister of State for all of the great work she, the Tánaiste and all the officials involved are doing.

**Senator Ivana Bacik:** I welcome the Minister of State to the House and join others, including Senator Black, in commending her, the Tánaiste and the officials on the negotiations and on maintaining the strong position we have on the need for a backstop. I agree with Senator Black that a notable strength on the Irish side is that all in the Opposition have expressed our support for the Government position, particularly today when we see the leaked proposals from the so-called non-paper of the British Government. I echo the words of my party leader, Deputy Howlin, who said today that the proposals for a mess of new border checks is completely unacceptable and wherever they were placed would breach the agreement reached with Theresa May's Government to ensure regulatory barriers to trade on this island would be avoided. There has been a united front throughout the parties in this jurisdiction and, as others have said, this is in marked contrast to the utter chaos of the shenanigans we have seen in Westminster. This is very important.

I also commend Senator Richmond and the Seanad committee on the work done in seeking to put forward thoughtful approaches as to how we can deal with this mess, which is not a mess of our making. I listened to the remarks of the Minister of State this morning when she stressed the Irish response to the non-paper leak was not just an Irish response and that the EU Commission has also rejected the non-paper as a non-starter and stated no credible proposals have been put forward for alternatives to the backstop. As did Senator Richmond, I listened with incredulity to the British Prime Minister, Mr. Johnson, on the BBC this morning. I thought it betrayed no understanding of the reality of the lived experience of people on both sides of the Border on this island. His suggestion that he would table a very good offer soon is very hard to take seriously given how little by way of credible proposals has come forward from the British side to date. The EU's negotiator, Mr. Michel Barnier, and Heads of Government throughout the EU 27 have spoken eloquently on their awareness of Ireland's concerns about the backstop and we must take heart from this and the solidarity and support shown to Ireland by other members of the EU.

I have a number of observations on events this week on the British side. I know it is only a leak and there has been some rowing back from it by the British side during the course of the day, which has been welcome, but anyone with any knowledge of security issues North and South would be aware that the suggestion we would see customs posts in the vicinity of the Border some kilometres north and south would be as much of a risk to security and peace as customs posts on the Border. Placing them at some kilometres distance would not make any difference. I speak as somebody who acted in the Special Criminal Court over a number of years and I have some knowledge of some security issues.

Something that is very striking about the language of the leavers, who are the majority in the British Tory party, is the way in which they describe the Border as an Irish Border and that

it is an Irish Border problem. It reminds me of the truism-----

**Senator Niall Ó Donnghaile:** Hear, hear.

**Senator Ivana Bacik:** From their point of view it is a British border. We have been hearing so much that little phrase “the Irish Border” and it has really been bothering me because it is from people who insist it is actually a British border. For them, it is a border with the United Kingdom. They never mention the British side. It is that old truism that if athletes from Northern Ireland do well they are regarded as British and if they do badly they are regarded by British people as Irish. While this may seem a somewhat frivolous point, nonetheless the language shows the dismissive attitude by so many pro-Brexiters on the reality of the very serious issues of the Border. Conveniently, it also disregards the fact the British Government has commitments under the Good Friday Agreement and completely sidesteps those commitments and legally binding responsibilities on the British Government by referring to it as an Irish Border and an Irish problem. The current British Government is downplaying its own significant legal role and responsibility. This is a very serious point.

I listened carefully to what Senator Black had to say about a border poll. If a no-deal happens, it will clearly bring forward much more strongly the case for reunification on the island. It is a very obvious point. I have been reading Seamus Mallon’s autobiography and both he and Andy Pollak, with whom he wrote it, make some very interesting points about how one could move forward with the many considerations that would have to be taken on board in any move in that direction. There has been increased interest among business leaders, North and South, in the issue. It is something about which we will have to think very carefully, but it is a very sensitive point.

A further observation about developments this week in Britain is that what we have seen in the language from the Westminster parliament has been very distressing. Misogyny and contempt were displayed for women MPs in the Labour Party who raised serious concerns about safety and the incendiary language Prime Minister Johnson and others were using in speaking about “betrayal” and “surrender” and the way in which they were dismissed. For many of us, particularly in the Labour Party, it was really distressing to hear Jo Cox’s name being used by the British Prime Minister in this manner and dismissing the concerns of friends and colleagues of hers about their safety. On the other hand, many of us who read the full text of the unanimous judgment of the 11 members of the British Supreme Court given by Baroness Hale could not but have been heartened by the clear accessible, rational and sensible language used in it.

Another heartening development has been the defection of the 21 Tory remainers who broke ranks, at some cost to themselves in many cases, and have stood out against a no-deal scenario.

As I explained and as party leader, Deputy Howlin, has said, we believe the British non-paper proposals are completely unacceptable. We will stand in support of the importance of the backstop. We have been doing all we can - both Deputy Howlin and Senator Nash were present at the British Labour Party conference in the past week to press their British Labour Party colleagues - to ensure they will put forward a proposal for a fresh referendum of the people, with the option to remain on the ballot paper. It is very heartening to hear Keir Starmer say very clearly today that the proposals made in the non-paper are unacceptable to him and the British Labour Party and restate the commitment to hold a second referendum. These developments are very welcome. He stated the proposals were utterly unworkable and would represent a rolling back on commitments made two years ago to ensure there would be no return to a hard

border. He called it another failure of the British Government's negotiating strategy and argued that the issue should be put to the people again in a public vote. We have been pressing and using any influence we have, as I know other colleagues have been doing, to ensure this will be position put forward very strongly by the British Labour Party.

Finally, the Government and all of us must do all we can to protect jobs and ensure there will be a sustainable and lasting peace on the island. None of us wanted to see Brexit happen and we still do not. If there was any way to avoid it happening at all, it would be infinitely preferable. However, if it is to happen, clearly the best possible way for it to happen is with the withdrawal agreement and the backstop in place as our approach in Ireland. We support that position.

**Acting Chairman (Senator Diarmuid Wilson):** I thank Senator Bacik. I neglected to welcome the Minister of State, Deputy McEntee, back to the House.

**Senator Frank Feighan:** I also welcome the Minister of State. I will indulge myself by saying that at Westminster there is huge admiration among most MPs for the Minister of State, the Taoiseach, the Tánaiste, Deputy Simon Coveney, and my colleague, Senator Neale Richmond. As we have said in the House before, there is huge unity here among all parties that a key priority which is shared by our EU partners is the need to protect the Good Friday Agreement, in all its parts. In the Tánaiste's contribution he said both sides had committed in December 2017 to avoid a hard border on the island of Ireland, to protect the all-island economy and North-South cooperation and to preserve the integrity of the Single Market and Ireland's place in it. We cannot allow Ireland to become collateral damage in the United Kingdom's Brexit process. We need real and honest solutions to the challenges presented by Brexit. We did not get them last night. The Conservative Party seem to think this is game-playing or a bit like the Oxford debating society. We are, however, dealing with people's lives. As we know, Ireland has a shared and complicated history with its near neighbour. We look back at events such as the War of Independence, the Anglo-Irish Treaty, partition on the island of Ireland, the Economic War and the times when tens of thousands, the fathers and grandfathers of many people here, were emigrants to the United Kingdom. They built roads, taught schoolchildren and nursed the sick. They were well treated. However, we had two parallels. There was no political discourse with our near neighbour. The people in question were effectively on their own and we were hardly capable of catering for them in this state.

We have come a very long way because of one issue, the United Kingdom and Ireland entering the EEC in 1973. It gave Ireland parity of esteem with our near neighbour. Some 26 meetings, on average, take place every day between Irish and UK officials. That did not happen until 1973. I have no doubt that they brought us to the Anglo-Irish Agreement in 1985 and certainly the Good Friday Agreement. We are now a good friend and ally of the United Kingdom and that it has decided to leave has been a huge issue for us also.

In 2016 I was invited by the SDLP to launch the Irish for Europe at Westminster. Effectively, what we were trying to do, even though the decision to leave was sovereign, was ensure Irish people living in the United Kingdom who had a vote appreciated the fact that it was in our interests for the United Kingdom to remain in the European Union. It was the only party which campaigned for those citizens to remain, but I stand to be corrected on that point. On that day I said what happened in referendums was that people did not vote on the questions put to them. There have only been two referendums in the United Kingdom since the 1940s and 1950s. We have had 27 held here in 27 years. In referendums people never vote on the question put to them. They may not like the Government and the issue could be about water or turf-cutting.

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In the United Kingdom it was about immigration. The island of Ireland and the Border did not come into the discourse. We have to ensure the Good Friday Agreement will be protected.

I pay tribute to Dominic Grieve, Keir Starmer, Anna Soubry and many others. I know that among 80% of MPs and Lords there is generosity towards the island of Ireland. They are absolutely horrified at what is happening because what we now have is the worst form of English nationalism which is causing and has caused a huge cancer in the politics of the United Kingdom, but it cannot be allowed to cause a cancer on the island of Ireland. I thank our colleagues in the European Union for standing up for us, ensuring we are united and that we count. There are people within the Conservative Party who still have not accepted that we have parity of esteem on the island of Ireland. We want to be a friend and good neighbour, but they have to accept that the days of the 1920s, 1940s and 1950s are over. They do not reflect the generosity of the British people.

I hope that, in the coming weeks, Boris Johnson will come up with some credible solutions. As I said, we respect, although we regret, the UK's decision to leave. The fact remains that the Government will continue to represent and protect the interests of Ireland and, as  
*6 o'clock* the Tánaiste said, it is for London to decide what it intends to do next. It is a worrying situation. What we heard from the UK last night was especially worrying because it was like flying a kite that did not fly high. We must be united in ensuring the island of Ireland and the Good Friday Agreement will not become collateral damage in the UK's intent on Brexit.

**Senator Terry Leyden:** I welcome Deputy McEntee to the House and thank her for her work as Minister of State with responsibility for European affairs. She has been very active in all the capitals of the other 27 EU countries, including Britain. She has also created a very good image for the State. She has done well.

The Tánaiste, Deputy Coveney, has outlined the present position in great detail and it is moving very fast, so perhaps the less said the better at this stage. The matter is at a very sensitive stage. The speech by the Tánaiste was an opportunity for him to address this House and update us and the country in a comprehensive manner as to the position, and he took it. His assessment of the situation is one to which we all remain joined. It is unique, at least in the years that I have been in this House, that we have had such unity of purpose between all parties and Independents. Everyone is singing from the one hymn sheet as far as this issue is concerned because everyone understands this is the most serious issue that has affected us in the past 100 years. Everything must be looked at comprehensively.

The key point at the moment is whether an agreement will be reached on 31 October. An agreement would have to be ratified by the European Parliament, the negotiators and the House of Commons. Will the Hilary Benn Bill kick in and an extension be sought until next January or a year's time? It would certainly be better to have an extension than to have no agreement at all. The no-agreement situation would be the most serious one because it would create absolute chaos for the whole Single Market, including exports, imports and so forth.

I watched John Redwood MP at the Conservative Party conference last night. He and I were members of the Council of Ministers when we negotiated the Single European Act, and he was an active member and good colleague in that regard. It is sad to see that he has become such a Brexiteer because, at that time, he put forward many issues that were accepted unanimously by all the Council members. There were fewer than 28 members at that time but there was never

a division. He was a very good colleague from an Irish point of view when we brought issues forward. At that time, the Single European Act was a very forward-looking plan and we got derogation on many issues that we were not in a position to compete with at the time.

Let us consider Ireland's relationship with the United Kingdom before the European Union. We signed the very important Anglo-Irish Free Trade Agreement in 1965. It was signed between the Governments of that time in advance of the European Union and allowed free movement of trade between our two countries. Our joint membership of the European Economic Community, EEC, brought about new opportunities for trade throughout the whole region. The British Government is throwing away agreements that have been negotiated with Japan, Canada, the United States of America and South America, the last of which is not a particularly popular deal from our point of view but it can be tweaked.

I am pleased, in that regard, that the outgoing Commissioner, Phil Hogan, has secured one of the most significant commissionerships in the European Union and he will be a vital cog. He will be representing the 27 countries of the European Union, not only Ireland, if and when Britain leaves the Union. He will be at the forefront of all negotiations on a future trade agreement between the United Kingdom and the European Union. It is good to have somebody of his experience there who is so conscious and naturally well aware of the sensitivities of our position.

At this stage, Ireland is in no position to renegotiate any situation. It is a matter for the European Union and Mr. Barnier, in consultation with his colleagues, Ministers and the Commission. I, like others, compliment the European Union on standing firmly with Ireland as far as the backstop is concerned and protecting the integrity of the negotiated Good Friday Agreement. We have built those relationships through the Tánaiste and our Civil Service. I compliment our negotiators in the European Union, our ambassador to the EU and the marvellous staff over there. Senator McDowell served in government and will have realised the support and briefings that we Ministers received when we went to Europe. The Minister of State, Deputy McEntee, knows the calibre, quality, negotiating skill and high standing of our officials. I pay tribute to them. They are geared towards exactly what is happening in the European Union and are among the most influential civil servants in the European Union because of their ability to communicate and their warmth with members and colleagues throughout the Union.

I say the same thing for organisations in Ireland that represent barristers, solicitors and auctioneers and that have representatives in Europe. There are many organisations in Europe that have representatives from Ireland and we play a vital role in that regard.

Our negotiating team is negotiating along with Mr. Barnier, not directly with the United Kingdom. My choice would have been that the United Kingdom and Ireland became one special economic zone within the European Union. That would have solved a lot of problems at the very start. We are only 1% of the population of Europe but will be feeling nearly 90% of the collateral damage of the UK leaving the EU. At some stage, that solution should have been considered, but that is in the past now. We are down to realities at this point. The British Government cannot walk away from its financial commitments to the European Union because they are commitments to its own citizens who will be paid pensions and so on in that regard. The UK cannot just walk away and say it will not make a deal, because it must honour its commitments one way or another.

We hope there will be a deal and I am confident there will be one in the days before the deadline. It is to be hoped that deal will be accepted and not rejected by the House of Commons, or

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an extension triggered if that deal is not settled. The one thing we do not want is to walk away from the negotiating table because it would be chaos for the United Kingdom and Ireland.

**Senator Michael McDowell:** I welcome the Minister of State, Deputy McEntee, and echo the comments that have been made about her and her Department's sterling work on behalf of this country.

I am not as optimistic as others here for the following reason. I listened carefully to the entirety of what Prime Minister Johnson said on BBC Radio Four this morning. People have spoken here about incredulity, and I did not believe a word the Prime Minister was saying, and that is my problem. I believe he was engaging in disinformation, misrepresentation and exaggeration, all with a view to achieving something. I note there was further comment this morning that some members of the Conservative Party were hoping that they would get a deal from the EU and, tacked onto it, a statement from the EU that there would be no further extension so that Prime Minister Johnson could tell the House of Commons that this is the only deal that is available, there will be no extension and it is this deal or crash out. I would have absolutely no problem with him trying to raise the stakes to get an agreement through if I believed for one moment that he was intent on achieving an agreement but I do not believe that he is. Looking at the background of what is going on at the moment, the default position of the Tory Government that is now in office is to achieve a no-deal crash-out and then to start negotiating on the basis that remedying the chaos it has created in Ireland will be a bargaining chip. It cannot use that bargaining chip in negotiations now without repudiating the withdrawal agreement.

It is worth our while to remember why Boris Johnson, Dominic Raab, Jacob Rees-Mogg and Priti Patel are sitting at the Cabinet table in Downing Street. Although some of them voted for the withdrawal agreement, including a UK-wide backstop, their fundamental aim was to remove Theresa May from office by using the alliance between the European Research Group, ERG, and the DUP to make her position untenable. Whether this was for the sake of personal ambition or a genuine ideological position is hard to say. Again, it is hard to work out whether Prime Minister Johnson is motivated by his own political ambitions or a deep-rooted view on Europe, given that he wrote articles both ways before deciding to plump for the Leave campaign, as we all know.

It is also worth reminding ourselves of another proposition. The ERG-DUP alliance forced Theresa May to establish a red line of no checks or controls in the Irish Sea and forced her into the position of considering the whole of the UK as a single entity which would have a very close trading relationship with the EU. The ultra-right elements in the Tory party, such as Bill Cash, Mark Francois and all the others, leapt on that as a reason to reject her withdrawal agreement.

We are coddling ourselves if we do not ask this question. Given the night of the long knives he inflicted on the Tory establishment, which has left him in a decidedly minority position, what kind of deal could he now bring back to Westminster that would command a majority? What kind of deal could he put before Westminster now, apart from one accompanied by the threat from the EU that there would be no extension if it was not accepted? Why would members of the Labour Party, including people like Kate Hoey and others, cross the floor to help him out when they know that the very first thing he will do is call an election and leave them scuppered? We should not fool ourselves about what is likely to happen. The present Johnson Cabinet is minded to produce a no-deal outcome. I do not believe the flannel and nonsense we heard today about them working with might and main to produce agreements or the disinformation saying they have been working dramatically behind the scenes and there has huge progress, which is

constantly ladled out without any substantiation. I tend to believe it is not so and that it is a smokescreen. That is a pessimistic view and I am sorry to have to utter it.

Senator O’Sullivan said it is a pity that there is now nobody in Westminster to represent the majority of people in Northern Ireland who are opposed to Brexit. I want to deal with this very briefly, and not in an antagonistic way. I understand the Sinn Féin position to be one of abstention from Westminster but I would remind them that the abstentionists of 1918 did not abstain just to sit at home. They abstained to go to the Mansion House and establish an alternative Parliament. Dáil Éireann succeeded as an alternative Parliament for the people of Ireland. That is what happened in 1918. I do not state this in a lecturing or hectoring way but it is time for the majority in Northern Ireland to have some voice, other than the brave Sylvia Hermon of North Down, to tell Westminster that the majority of people there do not agree with what is going on. I refer to the people Senator Marshall was talking about, the leaders of business and civil society. Their view of the Union is not based on the right-wing Tory view that it must be a Union with no differentiation in the status of Northern Ireland *vis-à-vis* EU matters and no recognition of the North-South all-island economy.

**Senator Niall Ó Donnghaile:** Is the Senator going to give way?

**Senator Michael McDowell:** I want to say this if I may, because I am in my last minute. As far as I am concerned, we need a different approach to Northern Ireland. I commend Senator Black on her comments. It is not good enough any more to simply talk in vague terms about a border poll. That is counterproductive and useless. I took the trouble to develop the question of what could be at issue in a border poll in the recent Kennedy Summer School discussion of this matter, which was a very useful and positive discussion. Members can look at my website if they are interested. I prepared a paper for use on that occasion and in all humility, I ask Members of this House to take a look at it and see if it merits some consideration. There is no point in talking about border polls, pursuing the abstentionist policy or leaving Stormont empty as a general strategy. We have to get institutions going in this country in order that decent people of all persuasions in Northern Ireland can get their viewpoints across on this issue.

I will finish by saying that as far as I am concerned we would be very foolish to play along with what the Johnson Administration in England is doing to fool its own people. I do not believe that Dominic Cummings has any agenda for a real deal. I believe that Government wants to create a situation where there is no deal. It will move heaven and earth, if it can, to circumvent the so-called Benn Act and bring about a no-deal situation because that is where its heart really lies. If it gets the UK to crash out it will use the Irish angle, the economic, social and political pressure that will exist, as grounds to try to negotiate a better deal in the UK’s future trading relationship with the EU. That has been its strategy all along.

**Senator Máire Devine:** I welcome the Minister of State to the House and I thank the Tánaiste for his comprehensive statement on the UK withdrawal. Everybody here has talked about the profound implications for this country. A no-deal exit will bring lasting damage at every level. I tend to concur with Senator McDowell when he says the UK Government has no intention of getting a deal. It is playing silly games by bringing up various non-papers. It is a bit embarrassing. It is prepared to throw the baby out with the bathwater and many of its supporters in England will support that because they have been led to believe that this will make Great Britain great again.

Anybody living in Ireland who holds a driving licence from the North or Britain must ex-

change it for an Irish one before 31 October in case Britain leaves the EU. After that date, if there is a no-deal Brexit, such a driving licence will be invalid in the South and one will not be allowed to drive here. British licences are older, made of paper and last for 30 years rather than ten years. Many people's licences, therefore, will have a lot of time to run yet. It is believed that approximately 70,000 people resident in the State have such licences. While 30,000 people have swapped them, the other 40,000 have thus far failed to do so. It is not a problem of advertising. We have all heard the advertisements and the encouragement to take action, and people are informed. Rather, the problem for the majority is the cost. One might ask why one should swap one's licence when it will not expire for another 20 years. One will be charged €55 to obtain a ten-year licence and, therefore, one might not understand the rationale for that. The cost is prohibitive for many people. We need to examine the matter urgently and to propose an idea for a decreased cost to persuade people, or even to propose that there be no cost. There will be great challenges but people are just waiting for 31 October to see what will happen. For drivers working for businesses, not least small businesses whose staff must drive up and down the country, it will have an impact.

Brexit will also have an impact on the supply of medicines. Is there an update from the HSE as to what it believes that the impact may be, both in this State and the North? When the Brexit process kicked off a long time ago, I asked about the all-Ireland breast milk bank, which is in the North. Have we worked out how that will operate following what may be a severe no-deal crash out? Perhaps the HSE is working hard to provide medicines and the all-Ireland breast milk supply.

**Senator Alice-Mary Higgins:** I welcome the Minister of State to the House and join others in commending her, the Tánaiste and their team on their work in representing Ireland in the current negotiations. As others have noted, there has been some strong commonality of concern from all parties. There are also some shared clarities on core principles, which are vital to all of us and about which all of us have spoken in different ways. Among those principles is the idea that the Good Friday Agreement must be protected, maintained and prioritised. In the conversation about the backstop, sometimes the agreement has been somewhat lost.

The agreement is not simply some piece on a chessboard or something to be moved around. It is an internationally recognised peace agreement lodged with the Security Council. It is a document to which the UK and Irish Governments and the EU are guarantors and for which they have a responsibility to guarantee. It is important to remember that it was passed by referenda - by more than 70% of those in Northern Ireland and more than 90% in the Republic of Ireland. There is a strong mandate, therefore, although sometimes that is forgotten in conversations that seem to suggest it is an aspirational document to be moved around, edited or lightly referenced. It is a fundamental responsibility to guarantee its provisions to everyone on this island, in respect of citizens' equivalence, rights and all the core principles that obtain.

That guarantee to those on this island is reflected in the backstop. That the backstop would extend throughout the UK was, as was rightly pointed out, a proposal of the UK. The responsibility is to guarantee the agreement's provisions to those on this island, which has been rightly reflected in the negotiations and whose seriousness cannot be understated. The agreement is especially pertinent in respect of our alarm when we saw the non-paper. While the document has been discussed and rejected, what is notable is not simply its unworkability, lack of understanding or utter disregard for the Good Friday Agreement but that hundreds of thousands of people live within the highlighted zones. It just shows what an extraordinary proposal it is that there would supposedly be a 10 km zone through heavily populated areas. It reflected the lack

of understanding.

Others have spoken to the wider issues but I will comment on a few specific issues. We are at a crucial point and it is a different time. While we have spoken about the UK and what proposals it may bring, I would like the Minister of State, especially given her European remit, to comment on the question of the perspectives of our colleagues in Europe, in view of the pending European Council meeting. We cannot be sure, and many of us may not expect, that the current Tory Administration will put forward a proposal for an agreement that will be accepted. I was in London on the day the British Parliament was prorogued. I protested with many others and was glad to hear the British Supreme Court ruling on the matter.

The British Parliament has required the British Prime Minister to seek an extension if no deal is agreed. If there is the form of a request for an extension but there is not a substantial offer or a meaningful proposal, there will be a question as to whether our European colleagues consider the potential for a future proposal. Will they consider the prospect of a British election or even of another referendum, as has been put forward by the main British opposition party? Other proposals, in the event of a different arithmetic in a future House of Commons, may even lead to former versions of the withdrawal agreement being put forward. Will such considerations be in the mix? For a request for an extension to be accepted, will negotiations need to be at the point of a final agreement? The preference of the current British Administration has been made clear in some of the language it has used. Insofar as the Minister of State can - I acknowledge she has limits - will she outline what argument we can make to our colleagues in Europe on the issue?

Others have spoken about the necessary review of the omnibus Act, and about various business sectors and companies. How ready are our universities in respect of Horizon 2020 projects and ensuring that no major research projects or collaborations will be discontinued in the event of the scenario for which none of us wishes, namely, a no-deal crash out? The Tánaiste commented somewhat on our ports and the landbridge. I expect that the Minister of State, given her European remit, will contribute to a decision on special European projects of common interest. I urge the Government to consider prioritising the investment in Ireland's port infrastructure as a project of common interest in our connection with the EU, which is more important than our investment in a repository for fracked gas, as is the current Government priority. Such special projects will determine to a large extent the funding we receive from the EU over the next period.

On financial speculation, it has been galling for many British people, who face severe insecurity in respect of their employment and devastating impacts for their families, that many of the most vocal supporters of Brexit, some of whom funded and invested in the campaign for Brexit, are now betting on a collapse in the value of sterling if there is a no-deal crash out. It has been pointed out by many that the date of 31 October is not an accidental date but is a date with very serious implications around liabilities, corporate tax and speculative returns. It is particularly galling to see many who are pushing for Brexit moving their assets, companies and financial speculations and investments to Ireland. I do not know what the capacity is or what may be looked at but I urge the Government to try to think creatively on that issue. It is appalling that they may seek to profit financially from Ireland's financial situation while at the same time causing such damage to our country.

I shall now turn to human rights and emergency supports. I am a member of the Oireachtas Joint Committee on Employment Affairs and Social Protection and I am aware that Ireland has

common recognition of entitlements and rights, but we are potentially looking at a period of time where the emergency supports that we give to our social welfare system may be stretched if we see families who are moving or returning in the wake of Brexit. This is an area where a special and extra budget may need to be allocated. This would apply not simply to routine entitlements but also to the measures that may need to be in place, for example, before people can demonstrate habitual residence here or whatever other measures they may need to demonstrate. Potentially there is a greater caseload to come through our social welfare system. Those are some of the practical questions and issues.

I am aware that it is everybody's wish that we continue to have our open border and, appropriately, that we have our soft border but given that the Taoiseach today mentioned the prospect of border checks in a no-Brexit scenario I would like to know what steps the Minister of State is taking to ensure that we do not return to the border infrastructure or the militarised border of the past, or the militarised border that we currently see in other parts of the EU, for example, under groups such as Frontex?

**Senator Niall Ó Donnghaile:** Well said.

**Senator Alice-Mary Higgins:** There is a responsibility for us to ensure this, and an assurance is needed by the public that Ireland will do everything it can from its side to avoid, even in a no-deal scenario, anything that looks like the borders of the past or the borders in other parts of Europe at this time.

**Senator Rose Conway-Walsh:** I commend the Tánaiste and the Minister of State on holding firm and on not giving in to the bullying behaviour we have witnessed over the last years, months and weeks. I commend the 27 member states that have stood by their word. When Michel Barnier was in the Dáil he gave a firm commitment at that time, and I acknowledge that he has kept his word. The very big difference this time with regard to our relationship with the British is that we are part of the EU. This puts us onto a different playing pitch. As we wait to see which orifice Mr. Johnson is going to talk out of on any given day we have to do everything possible to respect the wishes of the majority of the people in the North and to protect the welfare of our citizens right across this island in farming and in business, and for jobs and employment.

I shall now address Senator McDowell's suggestion on Sinn Féin taking up its seats in Westminster. It is a very simplistic attitude in a sense.

**Senator Niall Ó Donnghaile:** Hear. Hear.

**Senator Rose Conway-Walsh:** I do not say this to be argumentative because I really believe that it is very important that we are all on the same page and that there is unity of purpose in addressing the challenges of Brexit, but people who vote for abstentionist candidates are also decent people.

**Senator Niall Ó Donnghaile:** Hear. Hear.

**Senator Rose Conway-Walsh:** Some 340,000 people voted for Sinn Féin in the last election in the full knowledge that we are an abstentionist party-----

**Senator Michael McDowell:** I accept that.

**Senator Rose Conway-Walsh:** The reason-----

**Senator Michael McDowell:** Is it a good idea to stay with it?

**Senator Rose Conway-Walsh:** Perhaps I will tease it out a bit. People voted for abstentionist MPs because they see Westminster as not as the solution but as the problem. The more we see coming out of Westminster the more we recognise that is the problem. When we consider the Six Counties and the neglect over the years and decades and the disparity between North and South, there is an enormous neglect there that has not been served. More and more citizens across the communities in the North are beginning to realise that their interests and the interests of their families are not served from Westminster, and we also believe that. There are more than 50 Scottish MPs in Westminster. Perhaps we should ask them what influence they have on policy there, or what influence they have at the moment. We can see and hear them with the Scottish accents on TV but what real influence are they having on policy? I do not believe they are having any.

**Senator Michael McDowell:** It is about the balance of power with the seats.

**Senator Rose Conway-Walsh:** I do not think they are having an influence. Then one is in a different situation. To say that also ignores the fact that there is enormous work being done by our MPs and by other MPs in Westminster. One does not have to sit, or lie as the case may be, on the green seats to be able to have an impact. Right from the beginning we have had a case for the North to achieve designated special status within the EU, and I am sure everyone has seen the document.

**Senator Niall Ó Donnghaile:** It became the backstop.

**Senator Rose Conway-Walsh:** It did. I do not say it was just us because we are a team in that sense. Sinn Féin has been proactive right from the get-go in addressing Brexit. We do not embrace it. I am not sure if Senator Feighan referred to that with regard to who canvassed for or supported the Remain side, but we canvassed to remain from the North also, and we used every influence that we had to ensure people saw the advantages of remaining. An interesting thing was brought up on “Sunday Politics” this week with Allison Morris and Professor Peter Shirlow. They discussed why marginalised people see the likes of Prime Minister Johnson as a saviour. I believe this is something we need to reflect upon and look at here also. People who are further marginalised and people who will really suffer as a consequence of Brexit see somebody such as this elite public schoolboy, who is propped up by Dominic Cummings, as the saviour to get them out of the poverty traps, marginalisation and exclusion zones they are in. We need to find ways, collectively, to address that.

I read Senator McDowell’s document with interest on what we mean by Irish unity. I agreed with parts of it and disagreed with other parts, and there are parts I would like to discuss further. I welcome this and it is very important that people from different perspectives start to examine the issue in a serious way. Sinn Féin has produced several papers over the years, weeks and days at this stage, around Irish unity, but it cannot just come from us as a party; it also has to come from other people. That is why Sinn Féin advocates setting up the cross-party forum here - Senator Black and others have also referred to this - so we would have room and space to discuss all of these things and how we would create a new and agreed island that would serve all of the citizens. There is a responsibility on the Government to do that sooner rather than later, and to issue a White Paper on Irish unity. This is not to disregard any community but we need to bring the conversation on further. I welcome civic nationalism and civic unionism getting involved in the debate. Everybody needs to be involved. It is the responsibility of the Govern-

ment to set up the structures where that can be discussed.

It is ironic that the withdrawal agreement, including the backstop, would put the North in a uniquely advantageous position, and this is badly needed to address the decades of neglect I spoke about. I find it really difficult to understand why people who purport to represent these people are disregarding it. It is a way of protecting the union of Great Britain and Northern Ireland. If we have empowered people and they are content with the *status quo* in the North, the withdrawal agreement and backstop would ensure this position. The language of the debate and argument that this will somehow affect the constitutional question if people agree to it means many lies are being told and there is not enough clear examination. We often speak about what will happen and the potential impact of Brexit. I am deeply worried about the impact of the language used, particularly by the British Prime Minister, and that it is polarising individuals, families and communities. I wonder how much that will cost us even in terms of what has been achieved in the North under the Good Friday Agreement.

We can no longer be the pawns on Mr. Johnson's and Mr. Cummings's no-deal chessboard. It is so obvious that they are playing a game. I commend the Minister of State, as well as the Minister, Deputy Coveney, and the Sinn Féin Party will continue to work with them to ensure the interests of all the citizens of this island can be protected. We all have a duty to do that.

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Helen McEntee):** It is good to be back in the refurbished Seanad and I wish everyone well for the new session. I thank all Members for their contributions this afternoon. It is very clear we all share the same concerns and, for the most part, we have the same objectives in addressing those concerns. As we get ever closer to a possible no-deal position on Brexit on 31 October, it is essential we continue to work together to face the challenges that Brexit poses for Ireland, and to again stress how important and welcome is the ongoing support and engagement from all political parties. I specifically thank the Members of this House for their assistance in passing the Brexit omnibus Act, which contains the essential legislative provisions we need to have in place immediately in the event of a no-deal Brexit.

A no-deal Brexit in just 30 days remains a very clear and significant risk. A week from now, the Minister for Finance, Deputy Donohoe, will outline the details of the budget for 2020, which has been prepared on the basis of a Government assessment of the implications of a possible no-deal position. This is not because we are resigned to this being the outcome but rather because it is the most prudent way to prepare. Despite the extensive media coverage of the United Kingdom's recent domestic political developments, the fundamentals of Brexit remain the same and our requests have not changed. We can say that we, as part of the European Union, have been clear and consistent in the more than three years in which these negotiations have taken place.

Ireland and our EU partners stand by the withdrawal agreement but are committed to finding a way forward. We are open to hearing any credible and fully worked out proposals that the United Kingdom has, although these must achieve the same aims as the backstop. They must avoid a hard border. After what we heard and saw last night, I took out the withdrawal agreement and went through some of the specific chapters, and there is a very clear commitment not just to avoid a hard border but also any related checks and controls. We need to protect fully the Good Friday Agreement and North-South co-operation. The United Kingdom has identified at least 152 areas of such co-operation. We need to preserve the all-island economy. The reference to protecting the all-island economy in the letter to the President of the European Council,

Mr. Donald Tusk, is not very strong and it has been omitted from much of the commentary. We must also protect the integrity of the Single Market and Ireland's place in it. As Senators have outlined, this is not just about trade or business, as has often been referred to; this is about people's lives and communities, working together and co-operation that has evolved in the 21 years since the Good Friday Agreement. We should also remember it is also about people's identity.

We welcome the intensification of discussions between the UK and the European Commission. The Commission has clearly stated, however, that the proposals that have been set out to date, particularly in the non-papers, fall very short of satisfying the objectives of the backstop and everything I have just outlined. Senator Higgins asked about the support of the European Commission. It has not changed and it will not change. Even in the past hour, any suggestions from Bloomberg that the EU had been looking at a time limit for the backstop have been met with confirmation that this is simply not the case and the position will not change.

Any request for, or consideration of, any extension by the EU or individual member states must come from the British Prime Minister. Without any specific request, it is not something we can discuss or collectively agree. We must wait and see what happens in the next two weeks. The Benn Act in the United Kingdom legally requires the British Prime Minister to seek that extension but the position has evolved in a very unpredictable way in the past few weeks. We will have to wait to see how that progresses.

As the Taoiseach stated after his recent meeting with Prime Minister Johnson in New York, there remains a very significant gap between what the United Kingdom is putting forward and what Ireland and the EU can accept. That is still the case as of today. With just 30 days to a possible no-deal Brexit and only 16 days until the European Council, or two weeks to the General Affairs Council on which I sit and which prepares the agenda for the EU, the UK must match its stated aspirations with real and credible proposals. A no-deal outcome will never be the EU's choice or our choice. It is the United Kingdom's responsibility to come forward with legally operable solutions that are compatible with the withdrawal agreement. Neither Ireland nor the EU can move away from an agreed negotiating position to unknown and untested concepts. The idea that what we have now - a legally binding solution - would be removed and replaced with further promises or commitments that are not legally binding is not something we can accept.

Our focus since the United Kingdom referendum result has been on securing a deal to ensure the closest possible relationship between the European Union and the United Kingdom but we are also working to try to mitigate any effects that Brexit would have on our economy and citizens. Brexit is a serious challenge for our nation but we do not face it alone. We must remember that we are acting from a position of strength and as a member of a family of 27 member states. We welcome the publication of the Commission's Brexit preparedness communications at the start of September, which is the sixth version of its communications, the first of which was published last December. This includes key proposals to roll over the timelines for existing contingency measures in essential areas, such as aviation, rail, road transport for passengers and freight. Essentially, the six-month timeframe given last April will be extended beyond 31 October in the event there is no deal. The Commission has also outlined proposals for the European Globalisation Adjustment Fund to be made available to support EU workers who are made redundant as a consequence of a no-deal Brexit. These are just some of the examples of the EU's very clear commitment to protect citizens across Europe from what would be some of the worst implications of a no-deal Brexit.

At home, Departments and agencies have been addressing the challenge likely to be posed by Brexit. Our contingency action plan, first published in December 2018 and which has been consistently updated, has documented in an upfront fashion the risks posed by Brexit. We are very clear that the impact would be serious and even in the event of a deal, we must be clear that Brexit will mean change. In the event there is no deal, that change will be much more significant. The Brexit omnibus Act signed into law on 17 March ensures we have additional staff, infrastructure and information technology facilities in place, including at ports and airports. We have used the time afforded by the extension last April to extend and refine preparations, particularly in encouraging businesses and citizens to prepare.

Since July, the Revenue Commissioners have written to over 100,000 companies that traded with the United Kingdom in 2018 and 2019, and over 25,000 of those have to date received direct phone calls to offer advice on the next steps. Even now, many more businesses will receive those phone calls in the coming weeks. Based on trade values, 97% of those companies which have exported in recent times to the UK and 90% of those which have imported from the UK have the economic operator registration and identification, EORI, number. That demonstrates how hard the Revenue Commissioners have been working and also that people are responding to the issue. There has been a large focus on the EORI number but it is only the first step for many businesses in preparing for the changes that could be brought by a no-deal position. For example, they need to decide who will complete their customs declarations. We are talking about going from just over 2 million declarations to as many as 20 million. This is not something that business is used to or has had to do for some time. Some businesses have never had to do it. There is clear information on the [www.gov.ie/brexit](http://www.gov.ie/brexit) website outlining the steps people can take. Since 16 September, local enterprise offices have used weekly slots on a number of local radio stations nationwide to provide information on getting businesses ready for Brexit.

Regarding the specific questions on medicines, the Department of Health, the HSE, our medicines agency and various private sector organisations have been meeting regularly. I believe they will meet again this Thursday. They have stated clearly that, at any given stage, there is an eight to ten-week buffer in the supply of all medicines. Even with the landbridge, which we will have difficulty in controlling if there is a no-deal Brexit, that buffer will remain. Ensuring the short-term supply of certain medicines will present a challenge, but that challenge exists currently even without the risk of Brexit. That private and governmental agencies have been working together closely is important.

I cannot give an exact answer about breast milk supply. That a memorandum of understanding on the common travel area has been signed means that people will still be able to access funding and supports, including medical supports, North and South, east and west. I will revert to the Senator with greater clarity on this specific issue.

The question of what Horizon 2020 will look like for universities was raised. The backstop is not the only element of the deal, as it also addresses citizens' rights and the financial settlement. There is still a year and a half left in the current EU budget. As such, the deal would cover the continuation of any project that has been agreed and financed through Horizon 2020 in collaboration between universities on this island or in Britain. In the event of a no-deal Brexit, however, much of this will boil down to what the UK is willing to continue co-funding. There is no suggestion that those projects should have to stop, but there would have to be an element of co-funding, and that will depend on what the UK Government is willing to fund and on its engagement with the universities in question. We do not want to see a reduction in that engagement and co-operation between universities North and South, east and west. A large

amount of engagement has taken place between various bodies on both islands.

I have outlined a snapshot of what has been happening and how businesses will be impacted. A large-scale campaign to inform citizens about the impact of a no-deal Brexit started this week. Our contingency planning will continue to intensify until 31 October. In next week's budget, the Minister will have €900 million of additional funding to spend. Divided between 15 Departments, it becomes much smaller, but it will be focused on Brexit contingency for those most in need. I do not have the details, but the Minister will fill Members in next Tuesday.

A number of Senators have discussed the uncertainty surrounding the arrangements for the Border in a no-deal scenario. That is the question being raised most frequently. I understand the concerns of Senators and the fact that we need to accept that we are only a month out. Since day one, however, central to the Government and EU's approach to Brexit has been the need, in the event of a no-deal Brexit, to protect the Good Friday Agreement and prevent the reintroduction of infrastructure that would in any way cause a security risk or threat, and to protect the Single Market and our place in it. It is important that we try to, and reach, these twin objectives. We are working intensively with the European Commission to try to find solutions that will best serve the objectives, but we are not there yet and we are still working through it. As people understand, they will be difficult to achieve, but we are determined to do so.

The Single Market is not just about our trade with Europe, which is substantial in its own right, but also about our access to more than 50 other markets through the EU's free trade agreements. This is why Irish butter can be found on supermarket shelves in Germany and South Africa. Being a part of the Single Market means opportunity, advantages and protections for our citizens and businesses. That is why we are so insistent on protecting it as well as the Good Friday Agreement and the invisible border that currently exists.

While Brexit will mean some changes on the island of Ireland, the Government has worked to try to minimise the impact on citizens. The Irish and British Governments have committed to ensuring the common travel area will be maintained in all circumstances. The common travel area, which dates back to the 1920s, is a mixture of various agreements and allows Irish and British citizens to move and reside freely in either jurisdiction. It enables us to access the range of associated rights and privileges in one another's country. This will continue after Brexit, which is an important message for people to hear and understand. Irish citizens in the UK and British citizens in Ireland have the right to reside, work, study and access healthcare, social welfare and other public services in one another's country as well as to vote in certain elections.

In 1973, we joined what is now the EU on the same day as the UK on the basis of a referendum that, as many have mentioned, was supported by 83% of Irish voters. Recent polling indicates support for the EU to be as high as 93%. When we ask our young people, it is as high as 97%. People recognise the crucial role that the EU has played in our development as a nation and how important it is for our future. Brexit is not a development that we wanted, but we respect the decision of the UK to leave. Similarly, the UK must respect the fact that the EU has the right to protect its businesses and citizens and that Ireland, as a member state, has the right to protect its citizens, industry and economy.

The withdrawal agreement remains the best way to ensure an orderly Brexit. It is a fair and balanced outcome that addresses the key concerns of both sides. It allows us to move on to build the strongest possible relationship between the UK and the EU after the former's departure.

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Many have suggested moving in the direction of a border poll. While I understand the basis on which some of the political parties are working in that regard, it is not the right time, given the severe sensitivities and complexities of where we find ourselves. The question will most likely be asked within my lifetime, but it should not be used as a means to an end in the context of Brexit. Our focus should be on re-establishing the institutions in Northern Ireland and ensuring there is a strong voice and representation for the North's people.

In negotiating the agreement, the EU demonstrated a significant degree of flexibility and compromise. We have always negotiated in good faith. Not one of the EU 27 wants a no-deal Brexit. The approach from the EU has been clear and consistent throughout and has Irish interests at its heart. Whatever Brexit scenario we face, we will face it with the full support of the EU 27. The Government will work together with the Oireachtas, businesses, citizens and our European partners to try to secure a future for Ireland at the heart of the EU.

I thank Senators for their support and ask for its continuance in the coming weeks.

**Acting Chairman (Senator Diarmuid Wilson):** I thank the Minister of State. Before we conclude, I welcome Deputy MacSharry to the Visitors Gallery.

**Senator Terry Leyden:** He was in the Seanad previously.

**Acting Chairman (Senator Diarmuid Wilson):** I hope he is not looking for his old seat.

**Senator Terry Leyden:** For a change, he cannot say anything.

**Acting Chairman (Senator Diarmuid Wilson):** That concludes the debate. When is it proposed to sit again?

**Senator Frank Feighan:** At 10.30 a.m. tomorrow.

The Seanad adjourned at 7 p.m. until 10.30 a.m. on Wednesday, 2 October 2019.