



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Máirt, 28 Samhain 2017

Tuesday, 28 November 2017

Chuaigh an Ceann Comhairle i gceannas ar 2 p.m.

Paidir.

Prayer.

Termination of Ministerial Appointment: Announcement by Taoiseach

The Taoiseach: I wish to announce for the information of the House that I am advising the President to accept the resignation of Deputy Frances Fitzgerald as a member of the Government and that I have accepted the Minister's resignation with regret. I have nominated myself to serve as Minister for Business, Enterprise and Innovation for a temporary period in addition to my existing duties pursuant to section 4(1) of the Ministers and Secretaries (Amendment) Act 1946.

This morning, Deputy Frances Fitzgerald came to me to offer her resignation as Tánaiste and Minister for Business, Enterprise and Innovation. She did so to avoid an unnecessary and early general election that could have left the country without a functioning Government and Oireachtas for several months at a crucial time for Ireland. Over the coming months, the Government needs to focus on phases one and two of the Brexit negotiations, enact the Finance Bill and the appropriation Bill and pass legislation to provide for public sector pay restoration and pension and social welfare increases. The Committee on the Eighth Amendment must also complete its important work to pave the way for a referendum next year. All of those tasks would fall in the event of a general election. The work of the Government and Parliament must not be interrupted during this important period so it is with deep regret that I have accepted her resignation.

It is my strong view that a good woman is leaving office without getting a full and fair hearing. Deputy Fitzgerald has been an exemplary member of Government and a loyal colleague. She established the Department of Children and Youth Affairs and Tusla and twice changed the Constitution to enshrine in it children's rights and the right to marriage equality. She was one of the most reforming Ministers for Justice we have ever had, setting up the independent Policing Authority chaired by Josephine Feehily, the Legal Services Regulatory Authority and bringing in a raft of reforming legislation, including the Criminal Law (Sexual Offences) Act. She always supported whistleblowers and enshrined a code of ethics in An Garda Síochána to protect them.

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In the past few days, a drip-drip of information may have made certain things seem greater than they are. There was a feeding frenzy and it became impossible for her to get a fair hearing based on the full facts. I hope that will change in the period ahead.

While all of the facts still remain unclear, there are few things that we do know. We know Deputy Fitzgerald had no hand, act or part in the former Garda Commissioner's legal strategy and did not devise or guide it in any way. She was advised by her own officials that she had no function in the matter. The Attorney General has since confirmed this advice and further advised that she would have been acting improperly and inappropriately if she had sought to interfere with the work of the O'Higgins commission. We know from the emails that Deputy Fitzgerald had no knowledge of the approach that was being taken until the commission's inquiries and hearings were already under way and that her knowledge of the detail was limited.

I believe a calm, measured reading of the evidence will show that the Tánaiste acted appropriately and I hope the Charleton tribunal will establish this conclusively in the weeks ahead and that she will have her good name vindicated. I expect her to continue to play a full role in political and public life, including at the highest level into the future. Throughout her career, the Tánaiste has been a champion of women's rights and equal rights and she has been a pioneer when it comes to supporting children and fighting against all forms of inequality and injustice.

The events of the past few days have exposed major problems once again within a dysfunctional Department of Justice and Equality, including the way important emails were not found and therefore not sent on to the Charleton tribunal during discovery. I am therefore directing that there will be an external inquiry into that to report before Christmas. Systemic problems within the Department were identified in the Toland report and the Minister, Deputy Fitzgerald, began the process of implementing the report. This has continued under her successor, Deputy Charles Flanagan. These reforms will now be accelerated and the Government is planning radical action to restore public confidence in the Department of Justice and Equality.

An independent change and implementation group will be established to assess progress in implementing the recommendations of the Toland report; review the culture of the Department and make recommendations for change, particularly in the light of evidence of a continued siloed and secretive culture and a failure to provide accurate information to me and the Oireachtas; examine in particular the relationship between the Department and the Garda to ensure that the relationship is appropriately structured, is understood in both organisations and operates in such a way as to ensure accountability and better performance; and draw on the expertise of the Policing Authority in conducting its work. The Government will in the coming days provide further details on this.

The Minister and the Secretary General of the Department of Justice and Equality will ensure that all future parliamentary questions are replied to as fully and openly as possible, subject to Dáil Standing Orders and the law. All recent parliamentary questions asked by any Deputy relating to Maurice McCabe will be reviewed and it will be ensured that they have been answered as fully and openly as is possible. Any additional relevant information will be provided to Deputies as quickly as possible.

These events have reminded us of some of the ways in which Maurice McCabe was undermined when he shone a light into some very dark places. As Taoiseach, I am determined to shine the brightest of lights into the darkest of places so that we arrive at the truth and have true accountability. I continue to believe that the Tánaiste acted throughout in a way that was ap-

appropriate, but these are matters that will now be investigated and adjudicated on by a tribunal. In the meantime, the Government will continue to work for the good of the country. We will focus on the challenge of Brexit and deal with the many other problems we face. We will not be distracted as we strive to do what is in the best interests of all the people.

Leaders' Questions

Deputy Micheál Martin: I acknowledge that this is a difficult day for the Taoiseach and his colleagues, particularly Deputy Frances Fitzgerald. Everyone accepts that. Deputy Fitzgerald is a well-liked Member of the House and has had many achievements as a Minister to her credit. However, she took the right decision today, given recent revelations and the best interests of the country. No one in this House takes any pleasure from Deputy Fitzgerald's resignation as Tánaiste and Minister; rather, everyone must learn lessons, the most fundamental being the nature and quality of the relationship between this Parliament and Government. Democratic accountability to this House and transparency from Government are the foundations of our parliamentary democracy. They have been sadly missing in the past few weeks. Genuine issues were raised by the Opposition for over three weeks and were dismissed for far too long.

At the core of this has been the appalling mistreatment of Maurice McCabe by the institutions of the State. Every citizen has a stake in the vindication of his integrity and good name. We on this side of the House were instrumental in forcing the establishment of the Charleton inquiry as a public inquiry with public cross-examination simply because Maurice McCabe was no longer prepared to have any inquiry held behind closed doors and face trials again. It was at his insistence and our insistence to the former Taoiseach, Deputy Enda Kenny, that that happened on that occasion.

Deputy Kelly's parliamentary questions on this issue should have been answered. Every Deputy in this House has the absolute right and expectation that when questions are put to the Government and its Departments, no matter how sensitive, correct and honest answers are given. This is crucial. We have said this many times before and much of what the Taoiseach read out earlier is the fruit of our agreement and our discussions over the weekend about this issue. This has to be the nail in the coffin of secrecy and silos in the Department of Justice and Equality. Yes, there must be a fundamental change in the culture of that Department, but the Government must also take responsibility and take legitimate questioning by the Opposition, not as partisan grandstanding all the time. Over the past three weeks the Government has taken too dismissive an attitude to Opposition Members who raised very important and profound questions. Every correction of the Dáil record, every non-answer and every answer to a question never asked only deepened suspicions and anxiety among Opposition Members about what was being hidden. In that context, will the Taoiseach confirm that the Minister for Justice and Equality, Deputy Charles Flanagan, will issue a statement to the House and apologise for the manner in which questions were answered?

The Taoiseach: I can confirm that arrangements are being made for the Minister for Justice and Equality, Deputy Charles Flanagan, to make a statement to the House to apologise for the failure of his Department to answer questions fully in the past couple of weeks, to offer further assurance that questions which have not yet been answered will be answered in full and that in the future he will ensure, as will his Secretary General, questions are answered properly.

I am certainly not in any way happy about how the last couple of weeks have played out.

Notwithstanding the enormous distraction this has been for the Government and the country, we did not have to end up in the situation we are in today. Had questions been answered properly and in full, I certainly would not have had to come into the House on two occasions to correct what I had said. The information I have given in the House has always been the full truth, or at least the truth as it was given to me. Second, had all of the questions been answered and the e-mails found and put in the public domain seven or ten days ago, I do not think it would have been necessary for the Tánaiste to tender her resignation this morning. It is a very sorry state of affairs that has occurred in the past week or two. That is, of course, why last week I ordered the trawl of all documents in the Department of Justice and Equality, which is why the additional e-mails came to light last week and in the past couple of days. It is also why I ordered the progress report on the implementation of the Toland reforms, which was published last night and shows which reforms have been implemented and which have yet to be implemented. I will ensure the report is fully implemented in the period ahead.

At the heart of all of this, on a day like today, is the human cost, not just the human cost to Deputy Frances Fitzgerald, her family, friends and colleagues but also, of course, the human cost to Detective Sergeant Maurice McCabe and his family who, once again, are in the spotlight of public attention and seeing their pictures on the front pages of the newspapers through no fault of their own.

I hope that answers Deputy Micheál Martin's question.

Deputy Micheál Martin: I thank the Taoiseach for his reply. It is welcome that the Minister for Justice and Equality, Deputy Charles Flanagan, will be coming before the Dáil to issue a statement. The external inquiry on which the Taoiseach and I agreed into why the documents that have now emerged were never sent to the Charleton inquiry has to happen. We must also ensure the external oversight group on which we agreed, which is to set about changing, rapidly and urgently, management structures within the Department of Justice and Equality, will happen very quickly. These are two key issues that go to the heart of democratic accountability and on which the Taoiseach and I are in agreement. We also agreed that where Deputies had relevant questions or concerns about this entire issue which they wished to put via parliamentary questions, this facility would be made available to them by the Minister and the Government to make sure any outstanding issue would be dealt with quickly. In addition, as I said, we need to look at the structures and the quality of the engagement between Parliament and the Government in terms of parliamentary questions and replies.

The Taoiseach and I agreed on Friday, when we met for the first time to discuss this matter, that neither of us wanted to have a general election. We both worked genuinely to avoid that reality, notwithstanding the very different positions we had on this issue. Our positions on Brexit have always been aligned in terms of the national interest. That will continue and we will continue to facilitate the workings of government in the coming months and beyond in line with the confidence and supply agreement to ensure the country will have the necessary stability to meet the very fundamental challenges that are facing the nation.

The Taoiseach: I will add to that by acknowledging that Deputy Micheál Martin, as leader of Fianna Fáil, and the Fianna Fáil Party engaged in good faith with me and the Government over the weekend in our efforts to avert an unnecessary general election. Both parties were always of the view that an election should be avoided if it could be. I regret that it necessitated the resignation of a very good person this morning but that ultimately was her decision, and ultimately that was what was required to avoid us going to the country tomorrow.

Turning to the other matters that we discussed over the weekend, the justice reforms will all be done and implemented. This includes an opportunity being given to Deputies to sit down with the senior officials in the Department to ask, face to face, exactly the questions they are asking so that answers can be given to them. As is the case in other Departments, a dedicated service or hotline will be set up in the Department of Justice and Equality which people can contact if they are not satisfied with the replies they are getting. This service already exists for matters related to social protection and health, and some other Departments. The Minister for Justice and Equality, Deputy Charles Flanagan, proposes to introduce that service for the Department of Justice and Equality also.

Deputy Mary Lou McDonald: After a week of the Taoiseach dithering and scrambling for cover, Deputy Frances Fitzgerald has done the honourable thing. She has taken the honourable course and finally resigned as Tánaiste. We have had a week of the Taoiseach and the leader of Fianna Fáil desperately conniving to sidestep or avoid genuine accountability. Today, at last, we now have the right outcome but it should not have taken this long.

It was clear some time ago that Deputy Frances Fitzgerald had to go not for fear of an election, but because of her grave failures as the Minister for Justice and Equality. The Taoiseach failed to act decisively and to take the appropriate action. He thought that he could brazen this out and instead of acting as a Taoiseach should, he played a game of bluff and a game of political poker with his partner, Deputy Micheál Martin.

Sinn Féin moved its motion of no confidence in Deputy Frances Fitzgerald because we wanted her held to account for her failure to challenge the attempts by very powerful agencies of this State to smear and destroy Maurice McCabe. We wanted her and the system held to account for the disingenuous manoeuvres which led to both her and the Taoiseach misleading the Dáil repeatedly. Make no mistake, if Sinn Féin had not moved its motion, the Taoiseach and the Fianna Fáil leader would have been quite happy to maintain the fiction that political accountability could be achieved in some other way. Deputy Micheál Martin was happy to maintain this fiction right up until last night when it became undeniable that the Tánaiste's position was completely untenable. It is a very alarming reflection on the Taoiseach that he continued to support this fiction up until a couple of hours ago.

There are now serious questions over the Taoiseach's judgment. It is clear that his handling of this issue turned a scandal into a political crisis and then into an absolute shambles of governance. The Taoiseach repeatedly misled the Dáil and supported a Minister who had clearly failed in her duties. The Taoiseach stood by those who had turned a blind eye to the smearing of Maurice McCabe when the Taoiseach should have held them to account. The Taoiseach put the interests of Fine Gael above all else. This was the first real test of the Taoiseach's leadership and he has failed it in a most spectacular fashion.

Let us be clear - the Tánaiste is gone but this debacle is not over, not by a long shot. For all the lip service the Taoiseach has paid to the importance of the Charleton tribunal, the Department of Justice and Equality withheld relevant documents from the tribunal. That is a breach of the law. I want to know what the Taoiseach proposes to do about that. The Taoiseach told us that the Minister for Justice and Equality, Deputy Charles Flanagan, will apologise for not answering parliamentary questions. Will the Minister for Justice and Equality, Deputy Flanagan, who sat beside the Taoiseach and allowed him to mislead the Dáil, explain also to the House how he allowed that to happen?

Deputy Pearse Doherty: Hear, hear.

The Taoiseach: I thank the Deputy. I assure the Deputy that neither I nor anyone on this side of the House has any fear of genuine accountability. Every time I come to the House, I act in good faith and tell the truth as I believe it to be. I put on the record the facts as they are given to me. If Members of the Deputy's party down the years and today acted with that level of standard, honesty and truth, we would be living in a much better country than we are at present. Indeed, Deputy McDonald misled the Dáil herself on Thursday in her interaction with the former Tánaiste when she claimed that some of the emails were sent to or from gardaí. Of course, none of these emails involved any gardaí. They were emails sent between officials, advisers and politicians. The Deputy has yet to correct the record in the context of the error she made on Thursday. Even though she clearly did not know all the facts on Thursday last - we know from the record that she did not know all of the facts-----

Deputy Seán Crowe: She is not part of the club.

The Taoiseach: -----it did not stop her putting down a motion of confidence in the Tánaiste.

Deputy David Cullinane: The Government hid the facts from us.

An Ceann Comhairle: Silence.

The Taoiseach: That is because for Deputy McDonald and the Sinn Féin Party this was never about getting to the truth or ensuring fair play; it was just about getting ahead and scoring points. Now, they are just trying to figure out on whom they can inflict damage next.

Deputy David Cullinane: Blame Sinn Féin again.

The Taoiseach: That is not the way honourable parties and politicians should operate.

Deputy Dessie Ellis: Tell us another porky.

An Ceann Comhairle: Please, Deputies.

The Taoiseach: The allegations that have been made against Deputy Fitzgerald by Deputy McDonald are now matters for the tribunal. I hope that, after this episode, Members on all sides of the House will at least allow the tribunal to do its work and hear evidence in the calm, judicious way in which tribunals operate and to give us the full facts. It will be interesting to see what the outcome of that tribunal is.

As to Deputy McDonald's question about why certain emails were not provided to the Charleton tribunal under discovery, I do not know the answer. That is why I have ordered an external investigation to try to find out why the emails were not provided to the tribunal when they should have been. I remind the Deputy and the House that the only reason those emails came to light was that I ordered a trawl of emails and documents last week because I was not confident or satisfied that the Department had released all of the information it had because I had to come in here on two occasions and correct the record.

Deputy Paul Murphy: It was because of questions asked here.

The Taoiseach: I never want to be put in that position again. The House can be sure I will be holding the Department and its senior officials to account to ensure that neither I nor any Minister or Member of the Dáil will ever be put in that position again.

Deputy Mary Lou McDonald: No doubt the Taoiseach has studied the documentation clearly. As a matter of fact, there was an email from gardaí to the Department. Whatever about that-----

Deputy Michael D'Arcy: Yes-----

Deputy Paul Kehoe: Whatever about that.

(Interruptions).

Deputy Mary Lou McDonald: If I can point out to the Fine Gael benches, I am merely demonstrating that the Taoiseach, I hope inadvertently, has misled the House again and I am correcting the facts.

Deputy Maurice Quinlivan: Hear, hear.

Deputy Mary Lou McDonald: For those who have not read the documents which were released, perhaps they might take the trouble to do so and then come at this from an informed position. The net point I put to the Taoiseach relates to the issue of the withholding of documents from the Charleton tribunal. That is not just a matter of sloppy practice or an administrative error, it is a breach of the law. I want to know what the Taoiseach, as Head of Government, proposes to do about that. He has turned up email correspondence and records of phone calls that were withheld from the tribunal and these happen to be the very pieces of documentation that were perhaps the most politically sensitive; those pieces of correspondence that clearly linked the former Tánaiste and her state of knowledge of the malicious legal strategy. I want to know what the Taoiseach proposes to do about that breach in the law. I invite him to go beyond a general statement about some unspecified general investigation. We want to know, in the spirit of accountability, that the law will be respected and upheld.

The Taoiseach: There were indeed emails from gardaí to officials in the Department of Justice and Equality, but not among those which were in the public domain last Thursday or the one to which the Deputy referred in her contribution last Thursday, which was that of 15 May 2015. The latter was entirely an email involving officials, advisers and the Minister.

Deputy Dessie Ellis: Did the Taoiseach get that from the Department?

The Taoiseach: I have already answered the Deputy McDonald's question. Last week I ordered a trawl of all the documents and Members have seen the outcome of that already. I ordered a progress report on the implementation of the Toland report and Members have seen the output of that already. As of today, I am ordering an external inquiry into why the Department of Justice and Equality did not find those emails-----

Deputy Mary Lou McDonald: Carried out by whom?

The Taoiseach: -----and why they were not sent on to the tribunal.

Deputy Mary Lou McDonald: By whom will it be carried out?

The Taoiseach: I am absolutely open to suggestions for who should carry it out but the norm in these circumstances is for it to be carried out by a Secretary General of another Department or of the Government. It may be the case that a reason cannot be discovered for why these documents were missed but I want to find out, for my own information at the very least. We

will deal with it when we have an outcome

It is important to reiterate what the Minister for Justice and Equality, Deputy Charles Flanagan, said and has said consistently throughout this affair. When he was made aware by his Secretary General on Monday night last - not Monday gone by but the one before that - that a document had been discovered pertaining to Maurice McCabe, he did exactly the right thing. He instructed the Secretary General to send it on immediately to the tribunal and that was subsequently done.

Deputy Brendan Howlin: It was a week later.

The Taoiseach: It is of deep regret to me that he did not actually see that email, that document for another week, when I saw it. Perhaps if he had seen it, we might have been in a different situation today but he acted absolutely appropriately in saying the email should be sent on to the tribunal, which is exactly where these documents are supposed to end up.

Deputy Dessie Ellis: He did not even look at the email.

Deputy Richard Boyd Barrett: There is, no doubt, relief among ordinary people across the country that the Taoiseach did not inflict a general election on them in the face of the pressures - often very serious financial pressures - they face in the run-up to Christmas, to gain some cynical political advantage which I think was part of his calculations in how he dealt with this unfolding crisis. How else can he explain that, right up until the last minute, he protected the former Minister for Justice and Equality, even though he knew over the weekend that the Tánaiste had misled the Dáil about the extent of her knowledge of an absolutely foul smear campaign against Maurice McCabe?

This place never ceases to amaze me. I have just come from the Business Committee. Given the scale of events unfolding around us, in which we have lost a Minister and Tánaiste over the revelations that she misled the Dáil and with serious questions hanging over the current Minister for Justice and Equality over why he did not inform the Taoiseach of the extent of the knowledge within the Department at the time about the campaign against Maurice McCabe, and the questions the Taoiseach has to answer on why he protected the Tánaiste until the very last minute when it was politically unsustainable for anything to happen other than that she step down, I proposed that the Taoiseach, the Minister for Justice and Equality, Deputy Flanagan, and the former Minister, Deputy Frances Fitzgerald, come to the House to answer questions. There was a complete conspiracy of silence at the Business Committee. My request for questions to be taken on all the unanswered questions was opposed across the board. It was even suggested, incredibly, that the Taoiseach should not even take Leaders' Questions today, though there was a quick backing down from this suggestion. The Taoiseach is trying to close the can of worms that has been opened on this scandal and Fianna Fáil is colluding with him, which is absolutely outrageous as so many questions remain unanswered. If information that should have been given to Mr. Justice Charleton was not given, who else in the Government at the time knew what Deputy Frances Fitzgerald and the rest of the Department knew? Did the Cabinet sub-committee on justice reform know about it? Did it deliberate on it? Is there other information in other ministries or memos on this matter that has not been handed over to Mr. Justice Charlton? Why did the Government and Fianna Fáil continue to defend Noreen O'Sullivan right up to the end, given that people in the Government knew that she had this knowledge of the smear campaign against Sergeant Maurice McCabe? It is absolutely extraordinary. We do not want to have a general election before Christmas because the people do not want to have

one inflicted on them, but how can anybody have confidence in the Government, given its handling of this issue? The people certainly need to have a general election to get rid of the Government as soon as possible in the new year.

An Ceann Comhairle: The Deputy referred to this morning's meeting of the Business Committee. To make it very clear to the membership, when he raised that matter, as he did very strongly this morning, it was pointed out that the reason such a debate could not be facilitated was Standing Order 59 explicitly prohibited such a debate. It states a matter shall not be raised in such a manner as it appears to be an attempt by the Dáil to encroach on the functions of the courts or a judicial tribunal. We are all aware that Mr. Justice Charlton issued a very clear and unambiguous statement on 24 November, in which he set out the work to be considered and undertaken by the tribunal, beginning in early January. The Deputy was also advised at the meeting that if he wanted to have the debate, he could do so either by changing the Standing Order, something that is open to the House, or by tabling a substantive motion.

Deputy Richard Boyd Barrett: On a point of order-----

An Ceann Comhairle: There is no point of order.

Deputy Richard Boyd Barrett: There is.

An Ceann Comhairle: There are no points of order during Leaders' Questions

Deputy Ruth Coppinger: It is about Ministers.

An Ceann Comhairle: Not during Leaders' Questions.

Deputy Richard Boyd Barrett: It is a point of order.

An Ceann Comhairle: It is not.

Deputy Ruth Coppinger: It is not convenient.

Deputy Richard Boyd Barrett: The Ceann Comhairle has just raised a point of order. I want to raise one.

An Ceann Comhairle: No, I did not.

Deputy Richard Boyd Barrett: Seriously-----

An Ceann Comhairle: Is the Deputy going to suggest something I have said is incorrect?

Deputy Richard Boyd Barrett: The Ceann Comhairle should outline my response to the points made at the Business Committee.

An Ceann Comhairle: The Deputy objected to all of them.

Deputy Richard Boyd Barrett: I also pointed out that Deputy Frances Fitzgerald had come in here last week and answered questions which had not been considered to infringe on the competency of the tribunal. If it happened last week, it can happen this week.

An Ceann Comhairle: I will ask the Taoiseach to deal with the questions asked.

Deputy Billy Kelleher: It is not a Standing Order but grandstanding.

The Taoiseach: Not for the first time the Deputy's question is a little confused. He started by saying how pleased he was the people would not have to tolerate a general election before Christmas and finished by saying we needed to have one as soon as possible; therefore, it is a little hard to reply to questions of that nature.

Deputy Mattie McGrath: Happy new year.

The Taoiseach: I did not request that I not take Leaders' Questions today. If anybody made that request, it certainly did not come from me. I am here two days a week to answer questions for the best part of three hours. I am happy to do so and will continue to do so.

Deputy Ruth Coppinger: The humility shown here today is astounding.

An Ceann Comhairle: Please, Deputy.

The Taoiseach: I will continue to do so for as long as I hold this office. It was never and will never be my intention to plunge the country into an unnecessary general election. I did everything I could over the weekend and in the past few days to ensure that would not be the case because we have a lot of work to do as a Government, not least with phase one and phase two of the Brexit talks coming up. The country does not need to find itself in a situation where we would have a caretaker Government, potentially for three or four months, during that very important period. As I have always said, I will do my best to make the Government work and last.

To answer the Deputy's question, I regret the fact that the former Tánaiste offered her resignation this morning but she did so for all of the right reasons. I did not seek it; she offered it of her own volition. She did so for the reasons I outlined in my statement, namely, in the interests of the country and the good governance of this country.

To ensure that the date on which the Minister for Justice and Equality, Deputy Flanagan, was informed of the first controversial email and the date that I saw it are correct on the record, the Secretary General of the Department told the Minister on Monday, 13 November, that he was going to retire. The Minister was also informed of the existence of a document on that date, at which point he said it should be sent to the tribunal right away. Both he and I saw it for the first time on 20 November, one week later.

Deputy Richard Boyd Barrett: This is the establishment trying to put the lid back on the can of worms that has been opened. It is quite extraordinary. It was perfectly okay for the former Tánaiste to come to the House last week and for us to ask questions about these matters. There was no problem with the Charleton tribunal, although there had been some suggestions previous to that, mainly from the Government, that there might be. It turned out that there was not. Now, because Fianna Fáil and Fine Gael have decided to put a lid on this matter, suddenly legalese is being used to justify saying that we cannot ask questions as to why the Taoiseach protected the former Tánaiste at the weekend when he was in possession of the knowledge that she had misled the Dáil about the extent of her knowledge and that of her Department of the smear campaign against Maurice McCabe. Incidentally, we now also know that she did not get legal advice from the Attorney General at that time, which was her excuse for not acting on the information that this smear campaign was being conducted against Maurice McCabe at the O'Higgins commission. I do not buy these legal covers for the Government now trying to run away from the questions that hang over the Taoiseach and the current Minister for Justice and Equality in the context of his stance and his failure to disclose the information that he had about this matter and in respect of the questions that still remain for the former Tánaiste.

An Ceann Comhairle: I thank the Deputy.

Deputy Richard Boyd Barrett: It is absolutely extraordinary. Just to conclude-----

An Ceann Comhairle: The Deputy is way over time.

Deputy Richard Boyd Barrett: The people of this country did not want an election inflicted on them before Christmas. The Taoiseach discovered that at the weekend. We all know that. However, that is not an excuse for these questions not being answered.

An Ceann Comhairle: I thank the Deputy.

Deputy Richard Boyd Barrett: After the way the Taoiseach has handled this matter, his legitimacy and that of the Government have been shredded. The people need an alternative Government.

The Taoiseach: First, I did not discover it at the weekend. I spoke with Deputy Micheál Martin by telephone on Wednesday and Thursday, and we met on Friday, before the weekend, in our efforts-----

Deputy Richard Boyd Barrett: Even earlier.

The Taoiseach: -----to avert an unnecessary general election. It is the Deputy and his fellow travellers who are continuing to demand an election. We in the two large parties in the House managed to avoid that. Again, the Deputy is accusing me of not coming to the House to answer questions. What am I doing now other than standing here and answering questions put to me by the Deputy? The Minister for Justice and Equality, Deputy Flanagan, is willing to make a statement and arrangements are being made for him to do that.

Deputy Richard Boyd Barrett: That is not what was said at the Business Committee.

The Taoiseach: As in the normal course of events, either he will take questions after that or he will take questions as Minister for Justice and Equality, as he does on a routine basis.

Deputy Ruth Coppinger: When is he making it?

The Taoiseach: Of course, there will also be questions on promised legislation later and tomorrow as well.

To answer the Deputy's other question, I ordered the trawl of documents because I had to come to the House twice to correct the record as I had not received full information from the Department of Justice and Equality. I ordered the trawl that allowed these documents to be found and I put them in the public domain on Monday.

Deputy Mary Lou McDonald: Why did the Minister not order it?

The Taoiseach: I received an interim report on Saturday. I wanted to see what was in the interim report and I wanted to talk to the former Tánaiste about the content of those emails. More than that, I wanted to end the drip, drip of information, emails and email threads emerging day after day. That is the reason I waited until I had the full report on Monday. When I had it, we put it in the public domain within hours. Had the Department of Justice and Equality done that many weeks or months ago, we would not be in this sorry situation today.

An Ceann Comhairle: I call Deputy Broughan.

Deputy Thomas P. Broughan: Deputy Wallace is speaking for us today.

Deputy Mick Wallace: I was asked to take Leaders' Questions a few minutes ago so I was not expecting it. I have no interest in kicking the Taoiseach or the former Tánaiste today. Since 2012, Deputy Clare Daly and I have been trying to highlight the dysfunctional nature of An Garda Síochána and the Department of Justice and Equality. While it is an incredible honour to be in this place and to be put here by the people in one's own area, I also find it incredibly frustrating. It is soul destroying watching the games that are played in here by all sides, not just the Government side. Are we ever going to change how we do things in here? We have lost two Commissioners, two Ministers for Justice and Equality and two Secretaries General. There are whistleblowers today who are as well protected as whistleblowers were six, eight or ten years ago. There is no appetite to protect whistleblowers in this country, regardless of which section they come from.

We have not doubted the dysfunctional nature of the Department of Justice and Equality for a long time. We are members of the Oireachtas Committee on Justice and Equality. There has been recent discussion of the Communications (Retention of Data) Bill 2017. The hair on your head would stand on end from looking at what the Department is at. Digital Rights Ireland has exposed the Department so much and yet the Department is prepared to go down blind alleys with it that will incur huge costs for the State. We listened to the Ombudsman recently reprimand the Department for its handling of the Magdalen redress scheme. It is mad stuff.

I do not know for how much longer the Taoiseach will be in office. I do not know how in God's name he will rebuild the toxic relationship with the boys on this side of the House. I presume we will have an election before Easter. For however long he remains Taoiseach, be it a month, three months or another five years, I wonder whether there is any chance that we will actually look at everything we do in here and start to take an honest approach to issues and not play games all the time. Can these problems be addressed? Is there any appetite for doing things differently? We do not represent the people in here. Last week, during the debate on the Finance Bill, we debated the fact that AIB will not pay corporation tax for 20 years. I would say the majority of people do not even know that. Given that this bank was on its back and dead and the people paid for its recovery, how does this represent the people when it is not what they would want? What is happening with the NAMA inquiry? Will the Department of Finance give the documents to this inquiry or will it behave in a similar manner to the Department of Justice and Equality? Is Mr. Justice John Cooke just carrying out a desktop exercise? I still insist that NAMA has cost this State more than €20 billion but I do not think anyone wants to know. What is happening in NAMA is crazy but I do not see anyone with an appetite for the truth about it to come out. Is anything going to change?

The Taoiseach: I am as dissatisfied about all of this as the Deputy. He may not believe that but I really am. This is not the way I want to see Parliament or Government operate and these are not the kind of issues on which I want to focus. In particular, I want to focus on the important negotiations regarding Brexit. An important summit is coming up in only two weeks' time and I have been unable to give that any of my attention for the past number of days. I can assure the Deputy that I do not want things to continue in the way they have been going on for the past number of years.

It is three years since I used the word "distinguished" to describe Maurice McCabe in con-

trast to the words used by the then Commissioner and it is three years since I described the Department of Justice and Equality as not being fit for purpose. As I found out as both a doctor and a politician, diagnosis is a damned sight easier than surgery and the cure. It is not difficult to identify some of the obvious problems that exist in our country and in some deep parts of our State. Identifying them is one thing, but trying to get a grip on them, trying to find out which allegations are true and which are not, and trying to deal with those fundamental problems is a real struggle. It is bedevilling all of us who have the privilege of holding Executive office.

There are things we have done. We have established the Policing Authority, which is holding the Garda to a new level of accountability. When Josephine Feehily and her group are fully up and running, they will hold the Garda to account in a way that has never been done before. The Commission on the Future of Policing in Ireland has been established under Kathleen O'Toole and I look forward to its interim and full recommendations.

We set up a full tribunal, the Charleton tribunal, which can look into all of these matters. I look forward to the tribunal having its hearings. It will report on its first module, the Harrison module, this week or next. Its reports are already coming and I look forward to its reporting on the McCabe module in the new year.

The Toland report on reform of the Department of Justice and Equality is partially implemented. I announced today that we will set up a change management board, with two or three change management experts who will monitor the full implementation of that report. I have ordered today an external inquiry to answer the question as to why these emails were not found sooner and why they were not sent on to the tribunal. If they were found as a result of a trawl that I ordered last week, they should have been found many months ago when they were required under discovery by the tribunal.

Deputy Mick Wallace: The Taoiseach mentioned Josephine Feehily and the Policing Authority. It does the Taoiseach no favours to try to defend poor and weak legislation on policing that has been implemented in the past number of years. In September, when Deputy Jack Chambers asked her at the justice committee if she was happy that the former Commissioner, Nóirín O'Sullivan, was gone, Josephine Feehily said "No". She said she regretted it and that the former Commissioner had been doing great work on reform. That is not true. Josephine Feehily is just as big a part of the problem. The Taoiseach and I will not agree on that, but perhaps the problems are a lot worse than the Taoiseach knows. He cannot be on top of everything. Unless there is a complete clean-out of the Garda hierarchy, things will not change. We will be bringing stuff in here next week or the week after about what is happening today in An Garda Síochána that will frighten the Taoiseach. The hierarchy has to go.

If we are going to take a fresh approach to things, housing should be one of them. The Government can say it is doing this, that and the other, but it is not dealing with the issue. It will not go away. The housing crisis is going to get worse before it gets better because of how the Government is handling it. I would love to sit down with the Taoiseach if he is interested. I know how it works and the Government is not dealing with it in a way that will fix the problem. The Taoiseach probably does not need me to tell him the HSE is a monster that is almost uncontrollable. I do not know how the Government will solve it. The Taoiseach has a lot on his plate.

The Taoiseach: I would certainly be happy to sit down with the Deputy between now and Christmas and talk to him about housing. I acknowledge it is an area in which the Deputy has much more experience than I do so I would be happy to take him up on that particular offer.

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I have no doubt the Deputy can come to the House with all sorts of terrifying allegations about malpractice and misconduct among gardaí. I welcome the Deputy having the opportunity to do that. The difficulty we always have on this side of the House, when one is in an Executive position, is that one has to first establish which allegations are true and which are not. We know from the O'Higgins commission that allegations made by whistleblowers are not always true. We will know that from the outcome of the Charleton tribunal. We cannot operate in government on the basis that every time somebody comes with an allegation that would make the hair on one's neck stand up, it must be true. Equally, we cannot operate on the basis that it is not true. We cannot dismiss serious allegations because so many of them turn out to be true. We always need to have in place some sort of process or system whereby we can take allegations seriously and then try to identify which ones are true, which ones stack up and which ones do not, and act on them from there.

Order of Business

Minister of State at the Department of the Taoiseach (Deputy Joe McHugh): Today's business shall be No. *a11*, motion re proposed authorisation by Dáil Éireann for the Houses of the Oireachtas Commission to instruct legal representatives; No. 30, Social Welfare Bill 2017 - Second Stage (resumed); No. 5, Public Service Pay and Pensions Bill 2017 - Order for Second Stage and Second Stage; No. 12, Financial Resolution re Public Service Pay and Pensions Bill 2017; and No. 1, Health Insurance (Amendment) Bill 2017 [*Seanad*] - Second Stage.

Tomorrow's business shall be No. 11, motion re Supplementary Estimates - leave to introduce; No. 11*a*, motion re referral of Supplementary Estimates to committee; No. 30, Social Welfare Bill 2017 - Second Stage (resumed), if not previously concluded; No. 5, Public Service Pay and Pensions Bill 2017 - Second Stage (resumed), if not previously concluded; No. 12, Financial Resolution re Public Service Pay and Pensions Bill 2017; No. 31, Planning and Development (Amendment) Bill 2016 - Report Stage (resumed); and No. 1, Health Insurance (Amendment) Bill 2017 [*Seanad*] - Second Stage (resumed), if not previously concluded. Private Members' business, to be selected by Sinn Féin, is to be confirmed.

Thursday's business shall be No. 13, motion re European Defence Agency; No. 1, Health Insurance (Amendment) Bill 2017 [*Seanad*] - Second Stage (resumed), if not previously concluded; No. 2, Intoxicating Liquor (Amendment) Bill 2017 [*Seanad*] - Second Stage; and No. 32, Road Traffic (Amendment) Bill 2017 - Second Stage (resumed). Second Stage of No. 49, University College Galway (Amendment) Bill 2017, will be debated in the evening slot.

I refer to the revised report of the Business Committee, dated 28 November 2017. In relation to today's business, it is proposed that:

(1) the motion re proposed authorisation by Dáil Éireann for the Houses of the Oireachtas Commission to instruct legal representatives shall be taken without debate and that any division demanded shall be taken immediately;

(2) any division demanded at the conclusion of Second Stage of the Social Welfare Bill 2017 and the Public Service Pay and Pensions Bill 2017 shall be taken immediately;

(3) the Financial Resolution re the Public Service Pay and Pensions Bill 2017 shall be taken without debate at the conclusion of Second Stage of the Public Service Pay and Pensions Bill

2017 and that any division demanded shall be taken immediately;

(4) Private Members' business shall not be taken and that the sequence pursuant to Standing Order 143F shall continue with Sinn Féin tomorrow.

In relation to tomorrow's business, it is proposed that the motions re Supplementary Estimates, subject to leave being given and referral to select committee, shall be taken without debate and that any division demanded thereon shall be taken immediately.

In relation to Thursday's business, it is proposed that the motion re the European Defence Agency shall be taken after questions on promised legislation and shall conclude within 40 minutes. Contributions shall be confined to a single round of five minutes each for speeches by a Minister or a Minister of State and the main spokespersons for parties or groups and any division demanded thereon shall be taken immediately. All Members may share time. The weekly voting block shall take place at the conclusion of the debate on the motion.

An Ceann Comhairle: There are three proposals to be put to the House. Is the proposal for dealing with today's business agreed to?

Deputy Ruth Coppinger: No. Obviously we registered our position at the Business Committee. How can it be acceptable when a Minister resigns or is effectively sacked, another Minister has questions to answer and the Taoiseach himself has questions to answer that there is no place for the matter to be discussed in the Dáil today? Not everybody can participate in Leaders' Questions, but there are also questions for others. The Standing Order that the Ceann Comhairle has indicated is being invoked was not acceptable to Fianna Fáil last week. How can it be acceptable this week?

An Ceann Comhairle: No.

Deputy Ruth Coppinger: How was it acceptable for a Minister to come in and answer questions for all parties and why can it not be done this week? I appeal to other parties and individual Deputies not to allow this bureaucratic manoeuvre to quash debate. Clearly, the big two parties, Fianna Fáil and Fine Gael, have decided to press down the lid on this matter, but it certainly is not enough for people outside the House. I appeal to other parties not to accept this; it simply is not good enough. Nothing was said about the Minister for Justice and Equality, Deputy Charles Flanagan, answering questions.

An Ceann Comhairle: We cannot get into a lengthy debate on the matter.

Deputy Ruth Coppinger: This relates to the Order of Business. Nothing was said at the Business Committee about the Minister, Deputy Charles Flanagan, and his answering questions is not on the agenda. It is not good enough for an apology to be made. There really are serious issues. Even some of the points the Taoiseach made-----

An Ceann Comhairle: The Deputy is asking-----

Deputy Ruth Coppinger: He basically excused the Minister and said there had been a feeding frenzy.

An Ceann Comhairle: The Deputy is asking when the Minister, Deputy Charles Flanagan, will answer questions.

Deputy Ruth Coppinger: It is utterly unacceptable. We will not allow this matter to rest until it is put on the agenda. Is it not great how Fianna Fáil has handed over its no confidence motion time for Government business? There is nothing to be seen here-----

An Ceann Comhairle: The Deputy has made her point.

Deputy Ruth Coppinger: -----but that is not the way the people see it.

An Ceann Comhairle: Deputy Donnchadh Ó Laoghaire, le do thoil.

Deputy Ruth Coppinger: That is not the way other people see it, and we should not allow this resignation to be used to quash debate.

An Ceann Comhairle: The Deputy has made her point.

Deputy Donnchadh Ó Laoghaire: The Taoiseach has said very clearly that there will be an opportunity to ask questions of the Minister, Deputy Flanagan. However, the Order of Business that has been outlined contains no reference to that. There are very clear questions regarding the manner in which information was given to him through his Department and regarding the record of the Dáil in that wrong information was put on the record. There are clearly issues in regard to his Department, the channels of information and all the rest of it. Many Deputies right across the House would welcome that opportunity and it needs to happen this week. The Taoiseach referred to the fact that there has been a drip-drip of information. If he wants to stop that drip, arrangements need to put in place this week - today or tomorrow - for the Minister for Justice and Equality to come to the House to answer questions. It needs to be added to the schedule for this week.

Deputy Mattie McGrath: I do not know if anybody else would like to have a debate but the Business Committee was called together this morning by the Deputy and the staff and we agreed the Order of Business.

Deputy Richard Boyd Barrett: I did not; I objected to it.

Deputy Mattie McGrath: I was about to say that the Deputy did not agree to it. He objected to it and we accept that, but everybody else unanimously agreed it.

Deputy Ruth Coppinger: It was not unanimous if somebody disagreed with it.

Deputy Mattie McGrath: Is there any need to have a Business Committee if this group wants to come in and tear it up every time we agree something? I want statements on this as well - we all do - but we have to go forward in some constructive manner.

Deputy Ruth Coppinger: It was not unanimous.

Deputy Regina Doherty: I think we need to explain democracy to the Deputy.

Deputy Brendan Howlin: When all of us agreed to the establishment of the Business Committee, it was to bring a consensus approach to the ordering of business in this House. We understood that there would be a consensual approach but what was announced by the Taoiseach was a bilateral discussion and agreement, in regard to the Minister for Justice and Equality answering questions, between the Taoiseach and the Fianna Fáil Party. I was unaware that offer was going to be made and I want to see when the time and arrangements for that can be provided.

There is often something surreal about this place when we have endless hours of debate about matters of real importance on the airwaves and in the public domain, but we cannot have them here. That disconnect undermines what we do. It would be very helpful if the Taoiseach would simply outline when the statement will be made by the Minister for Justice and Equality and the nature of it in terms of time, and how the follow-through questions that the Taoiseach has already offered are to be constructed. What will be the level of the bilateral discussion that he has also offered between individual Deputies who have tabled questions and the Minister for Justice and Equality? How is that to take place and what shape or form will it take? It would be helpful to have that outlined.

I have a second point that I indicated to the Ceann Comhairle's office. I have asked that the first item on today's business, which is the motion to instruct counsel, would not be taken without debate. I have asked that five minutes be provided for groups because there are important constitutional matters that need to be aired. I ask for the agreement of the House to give each party or group five minutes to discuss that business before we agree to instruct counsel.

Deputy Róisín Shortall: On the same subject, since the Business Committee met at lunch-time today, the Taoiseach has offered that the Minister, Deputy Flanagan, will come in here and make a statement in regard to outstanding questions in the Department. It is up to the House to decide on that matter. I ask the Taoiseach to show his bona fides on this, and that if he is agreeable, to let us schedule that as soon as possible. It really should be today. If he is agreeable to that, I also ask him to confirm that ample time will be allowed for questioning of the Minister to take place after his statement.

An Ceann Comhairle: I want to clarify again for Members, particularly regarding the point Deputy Howlin made about the debate that happens outside the House and the debate that may happen here, that what may happen here is governed by the Standing Orders that the Members put in place. If any of the Standing Orders that we have are preventing us from doing something that we want to do, it is open to the House to change them, but until they are changed, whoever occupies this Chair must implement the Standing Orders.

I want to make clear in respect of the debate last week that questioning as to the level of knowledge the Minister was given by her Department, what she told the Taoiseach she knew and when she knew it are not *sub judice* as that does not fall within the terms of reference of the tribunal because that does not involve communications between her and the Garda Commissioner. However, neither I nor anyone else can allow any debate on communications involving the Garda Commissioner, as such communications are covered by the tribunal's terms of reference and are since covered by Standing Order 59.

Deputy Brendan Howlin: Is it not Alice in Wonderland stuff to suggest we cannot deal with these matters because of the tribunal? Why are these matters not before the tribunal?

An Ceann Comhairle: Deputy, you are here longer than I am.

Deputy Brendan Howlin: This is Alice in Wonderland stuff.

An Ceann Comhairle: If you do not like it, change it.

Deputy Eamon Ryan: On this point, Deputies may recall that when we were setting the terms of reference for the tribunal, there was no time. We presented an amendment proposing that the terms of reference would include a review of the role of the Department of Justice and

Equality in this whole affair. I believe one thing has to change. If, as the Ceann Comhairle has said, we cannot look into certain areas because they are not in the tribunal's terms of reference, we should be looking to amend those terms. The incredibly narrow terms of reference were set preclude the role of the Department. This was one of the mistakes we raised at the time. Fine Gael and Fianna Fáil voted against an amendment that would have allowed this to be included in the terms of reference.

Deputy Micheál Martin: That is not true.

Deputy Eamon Ryan: We cannot live by the existing terms of reference if they block us from having a full and proper investigation into what went on.

An Ceann Comhairle: It was understood at the Business Committee meeting this morning that a substantive motion on the tribunal's terms of reference could be debated here.

Deputy Eamon Ryan: Would such a motion allow us to debate the issue I have raised?

Deputy Micheál Martin: Yes.

The Taoiseach: This is something we examined over the weekend. Term [h] of the terms of reference for the Charleton tribunal includes media and broadcasting personnel, members of the Government, TUSLA, the Health Service Executive and any other State entity. Obviously, the Department of Justice and Equality is a State entity. We are satisfied from our work over the weekend that the Department of Justice and Equality is covered by the Charleton tribunal's existing terms of reference.

On the Order of Business, as I am not a member of the Business Committee I am not at liberty to set the times or business of the House. That is now a matter for the Business Committee.

Deputy Aengus Ó Snodaigh: The Government Chief Whip is on the committee.

The Taoiseach: The Minister, Deputy Charles Flanagan, has indicated to me that he is keen to make a statement today. He will be happy to do so at 4 p.m., 4.30 p.m., 5 p.m. or later.

Deputy Paul Murphy: Will there be-----

An Ceann Comhairle: Only one member of each group may raise a point.

Deputy Paul Murphy: Will we have questions and answers?

An Ceann Comhairle: Can the Taoiseach clarify whether the Minister will answer questions?

The Taoiseach: Yes, he will.

An Ceann Comhairle: Yes, the Minister will answer questions.

Deputy Ruth Coppinger: For how long?

Deputy Aengus Ó Snodaigh: When?

An Ceann Comhairle: The Business Committee will have to work out the timings and arrangements. The Minister has indicated his willingness to do this from 4.30 p.m. In light of that, is the proposal for Tuesday's business agreed to? Agreed. Is the proposal for dealing with

Wednesday's business agreed to? Agreed. Is the proposal for dealing with Thursday's business agreed to? Agreed.

Deputy Brendan Howlin: I raised a separate matter in relation to Tuesday's business. I said we should be allowed a short debate on-----

An Ceann Comhairle: We will ask the Business Committee to address that as well.

Deputy Brendan Howlin: Okay, but it is the first item to be dealt with.

Deputy Ruth Coppinger: I would like to raise a genuine question. How can we know whether we are happy with the business for Wednesday and Thursday until we see what is agreed today? How much time will be provided for questioning? Will it be an hour? Two hours are going a-begging in terms of business.

An Ceann Comhairle: That is a matter for the Business Committee. The Deputy is represented on the committee.

Deputy Ruth Coppinger: Depending on what the Business Committee comes back with, will we be able to call a vote on the business for Wednesday or Thursday?

An Ceann Comhairle: No, because we have just agreed the business for Wednesday and Thursday.

Deputy Ruth Coppinger: I am not agreeing to it until I see today's business.

Deputy Michael D'Arcy: We have agreed Wednesday's business.

Deputy Ruth Coppinger: How can we know whether sufficient time will be provided for asking questions?

An Ceann Comhairle: If the Deputy is unhappy with the arrangements worked out by the Business Committee, she can raise an objection at that stage.

Deputy Ruth Coppinger: Can we not agree here to use the two-hour period that was to be used for the motion of no confidence? That might prevent dissatisfaction later on.

An Ceann Comhairle: That is entirely a matter for the Business Committee, on which the Deputy is very well represented.

Deputy Ruth Coppinger: We can agree it here. We have done it before.

An Ceann Comhairle: We will move on to promised legislation.

Deputy Micheál Martin: On a somewhat happier note, I have been working for some time with the Minister, Deputy Harris, on an application for the importation of medicinal cannabis on behalf of Ava Barry. The Minister has confirmed last evening that this has been sanctioned. I pay tribute to the courage of Ava's mother, Vera Twomey. As Deputies will be aware, Ava has gone to the Netherlands and is under the care of a Dutch neurologist who has been monitoring the application of CBD-THC in relation to Ava for quite some time. That work, combined with the efforts of doctors in Ireland, has resulted in a successful application. The Minister has in a broader context committed to a rapid access programme. My understanding is the rapid access programme will not include the utilisation of CBD-THC to treat drug-resistant epilepsy. In the

light of this development, I ask the Minister to give this matter consideration as he rolls out the rapid access programme. Will he give an indication of the timeline for the programme? In Canada a clinical trial on the application of CBD-THC for children with Dravet syndrome and drug-resistant epilepsy is under way under an Irish neurologist.

Minister for Health (Deputy Simon Harris): I thank the Deputy for his comments. While I cannot discuss an individual case, I am very pleased that I was in a position to sign another licence allowing a citizen, a little girl, to access a medicinal cannabis product. It is the third licence I have signed since becoming Minister for Health. All applications which have been validly submitted with the support of a monitoring consultant in Ireland have been granted. As the Deputy correctly said, I asked the Health Products Regulatory Authority to carry out a review of Ireland's policy on medicinal cannabis. The authority has reported on that review. It has stated medicinal cannabis may have some benefit in treating three specific conditions - epilepsy, where a patient undergoing chemotherapy is nauseated and multiple sclerosis. I have set up a clinical expert group to put guidance in place in that regard. The Deputy is right, there is a clinical debate on the use of CBD as opposed to THC. I will keep the matter under review. I hope to roll out the rapid access programme early in 2018.

Deputy Mary Lou McDonald: I return to the external review which the Taoiseach has said he will establish of the withholding of documentation from the Charleton tribunal by the Department of Justice and Equality. Under whose auspices will the review be established? Who will be responsible for it? Will it require legislation to be brought before the Dáil? Has a criminal complaint been considered in respect of the withholding of such information from the tribunal? As the Taoiseach is aware, it represents a breach of the law.

The Taoiseach: It is my intention that the review will be carried out under my auspices and those of my Department. I will ask my Secretary General who is the Secretary General to the Government to carry out the inquiry. I do not think it will require legislation. Similar investigations have been carried out in the past by the Secretary General to the Government. I intend to proceed in that manner and to have it done by Christmas. Whether a criminal complaint will follow will depend on the outcome of the investigation.

Deputy Brendan Howlin: The census of population was concluded last year and the boundary commission established by the Government reported on foot of its results. It is my understanding legislation is ready to implement the recommendations of the boundary commission. Since it is custom and practice for the House not to amend the impartial recommendations of the boundary commission, although I remember such recommendations being hotly debated in the past, will the Taoiseach specify when the mandatory legislation to implement the changes required by the increase in population will be brought before the House? Can it be done before the end of this session?

The Taoiseach: It is intended to bring the legislation before the House before the end of the session. Obviously, there is other priority legislation, including the Finance Bill 2017, the Appropriation Bill-----

Deputy Brendan Howlin: It could be rushed through because it cannot be amended.

The Taoiseach: Technically, it could be amended, although it has never actually happened. History shows, however, that for some reason, even though it is never amended and is always just voted through, the number of speakers is often very high. I imagine that is because people

like to talk about their own constituencies and use the legislation as an opportunity to do so. The matter has to be discussed by the Business Committee, but it is suggested we schedule a Second Stage debate for some Friday between now and Christmas in order that Members can use all of that day to talk about their constituencies. I presume the legislation would then proceed through Report Stage very quickly on a different day.

Deputy Ruth Coppinger: Given the political instability and the political crisis created by the Taoiseach's Government, there is huge anxiety about legislation to allow a referendum to be held to repeal the eighth amendment. I have received a huge amount of correspondence on the issue. People were fearful that the Taoiseach's willingness to place one woman's career above all women's rights would lead to a referendum not being held in May and we are not out of the woods yet as the Government is on its last legs. In order to ensure there will be a vote in favour of repeal in May - last week thousands of young people registered to vote - does the Taoiseach agree that a couple of things need to be done? To meet the deadline we need an immediate vote at the Joint Committee on the Eighth Amendment of the Constitution and to swiftly enact a Bill in the Dáil to allow for a referendum to be held to repeal the eighth amendment. I have a Bill here and it could not be simpler. It should not take long to deal with it. It was done in the case of the banks and now needs to be done for women. If a vote does not take place and the Bill is not speeded through the Dáil, my fear is that, if the Government collapses in January, we will not have a referendum to repeal the eighth amendment. As I said, tens of thousands of young people have registered to vote. Will the Taoiseach ensure a vote in favour of repeal will take place swiftly at the committee, leaving aside other issues for now, and that the Bill will be passed through the Dáil?

The Taoiseach: People who have any fear that there will not be a referendum on this important matter should not fear. In my first speech in this Chamber as Taoiseach I committed to holding a referendum on the eighth amendment. I was the first Taoiseach to do so. When I spoke at the FemFest on Saturday morning, I assured the young women present that the referendum would be held.

Deputy Ruth Coppinger: Will it be held in May?

The Taoiseach: I intend to stay in office until it is.

Deputy Mattie McGrath: There is a commitment in the programme for Government to support An Post and the post office network. The Joint Committee on Communications, Climate Action and Environment and others have recently suggested responsibility for television licence fee collection be transferred to the Revenue Commissioners. Last week the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, announced a loan of €35 million to support An Post. It is a loan and must be repaid. Does the Taoiseach know what he is doing? One hand is taking food from the other. If we do this, small post offices throughout the country will lose more of their revenue, fail every sustainability test An Post puts in their way and be closed. On the one hand, the Taoiseach is closing post offices and, on the other, letting on that he is supporting them.

Deputy Michael Healy-Rae: I declare an interest in this matter as the postmaster of a small rural post office. The suggestion of the Joint Committee on Communications, Climate Action and Environment is completely wrong. I really mean it. The collection of a television licence fee by a post office is a transaction. To ensure the Taoiseach is clear on this issue - every post office is paid based on the number of transactions. If we do this, it will cost post offices money.

That is not what the Taoiseach wants and it is not what is stated in the programme for Government. The Minister's heart is in the right place. He is doing great work for the post office network. Will the Taoiseach stop this move immediately because it is wrong?

The Taoiseach: I understand the suggestion is made in a report being published today by a joint committee. It is not a Government proposal and I have not yet read the report. Like all joint committee reports, the Government will consider it and respond to it in due course.

Deputy Róisín Shortall: On the review of the e-mails in the Department, it would be a very serious mistake to have the review carried out internally within the Civil Service. It is essential for credibility that it be an independent review. The Taoiseach mentioned his intention to shine a light on dark places. If he is serious, in the interests of accountability, will he request the release of the transcripts of proceedings at the O'Higgins commission in order that we will all know the exact tactics used by An Garda Síochána against Sergeant McCabe and the commission's response to them? It is really important to give us a full picture.

The Taoiseach: I would have to check the law in that area, but I am fairly certain that transcripts of proceedings at a commission of investigation are privileged and cannot be released. They were released to GSOC following a court order and they were obviously released to the tribunal, but I am almost certain that it would not be lawful to release the transcripts of proceedings at a commission of investigation. It would go against the whole thing. I will have to check, but it is my understanding transcripts of proceedings at a commission of investigation which by their very nature are held in private cannot be released. That is the difference between such commissions and public inquiries or tribunals which are carried out in public. As I said, it is my intention to ask the Secretary General of my Department, as head of the Civil Service, to carry out the inquiry. If there are substantive suggestions from Deputies as to an alternative person or body that could carry that out, I am all ears.

An Ceann Comhairle: Deputy Eamon Ryan.

Deputy Róisín Shortall: On a point of order, the Taoiseach is proposing that the Civil Service-----

An Ceann Comhairle: Deputy Shortall has asked her question.

Deputy Róisín Shortall: -----investigate the matter and we know that investigation will not be worth anything, but is he at least undertaking to take legal advice on the release of transcripts?

An Ceann Comhairle: The Deputy may ask one question only. Deputy Eamon Ryan.

Deputy Eamon Ryan: In this new era of the Government being willing to answer questions, I ask the Taoiseach, in his new role as Minister for Business, Enterprise and Innovation, to answer a question I was not allowed to ask last week as to whether he agrees with the criticism of the Department of Justice and Equality by the IDA in regard to the interception of postal packets and telecommunications messages (regulation) (amendment) Bill? My question on that issue was transferred to the Department of Justice and Equality, which is the last Department I wanted to answer it. I failed to get an answer from the then Minister for Business, Enterprise and Employment, Deputy Fitzgerald, as to whether she agreed with the IDA. Will the Taoiseach and interim Minister for Business, Enterprise and Innovation commit to answering my question because it is a critical issue, as Deputy Wallace has said? I am being witty about

it but the problem is that I was not able to get an answer to a key question regarding digital rights and rules which are critical for the country and, rather, the question was shunted back to the Department of Justice and Equality. Will the Taoiseach answer that question in substantive written form?

The Taoiseach: I have been the Minister for Business, Enterprise and Innovation for only approximately an hour and am not yet on top of that issue. I will endeavour to ensure the Deputy gets an answer from the correct Department.

Deputy Eamon Ryan: Not the Department of Justice and Equality.

Deputy Éamon Ó Cuív: The ministerial rota for the taking of oral parliamentary questions to the end of this session was published last week and once again the Minister for Rural and Community Development has been left off it. That means that by Christmas the Minister will have been in his post at Cabinet for six months and for some peculiar reason he will not have had the opportunity to come in and answer questions in the Dáil about his Department. That is unprecedented. I do not remember a Minister being appointed and not being given an opportunity to answer questions to the House during my time as a Member. Why is this happening, what has the Minister, Deputy Ring, done to be put in the sin bin and when will he have the opportunity, for which I know he is longing, to come in and explain why he cannot spend the money with which he has been provided by the Oireachtas?

The Taoiseach: I have no role in respect of the parliamentary questions rota.

Minister of State at the Department of Culture, Heritage and the Gaeltacht (Deputy Joe McHugh): We have been working on that issue and I have spoken to the Minister, Deputy Ring in that regard. I agree with Deputy Ó Cuív that the Minister longs to answer such questions in the Dáil. However, that would have meant putting back the other ministerial questions but we now have agreement he will be coming before the Dáil in the next couple of weeks.

Deputy Charlie McConalogue: My question is for the Minister of State at the Department of Housing, Planning and Local Government, Deputy English, and regards the report on mica in defective blocks in County Donegal. The report was laid before the House six months ago. The Minister of State visited Donegal and at the time he committed to looking into ensuring social housing options would be available for those who must move out of homes that have been exceptionally badly affected. He also committed to going back to the county to update the mica action group on progress before the end of the year. Will the Minister do so and update the House on the issue?

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): I should be in a position to update the House before the end of the year. The expert panel is progressing well in terms of technical issues and regulations 1 and 2.

As regards those who are in an unsafe house, once they prove they are entitled to go on the social housing list, local authorities can accommodate them. A number of people made applications but did not qualify for various reasons I cannot reveal because of data protection concerns. However, the council has been asked to contact those people and give them specific information on why they did not qualify. If somebody is in an unsafe house in which he or she cannot live and satisfies the means test, he or she can apply for social housing and will be helped by any local authority. I want to be very clear on that. We will engage directly on the report before the end of the year.

Deputy Danny Healy-Rae: Before the controversy over emails in the Department of Justice and Equality there was a proposal to reopen six rural Garda stations. That commitment is certainly in the programme for Government. The Taoiseach has said there is a proposal to open three Garda stations in Dublin but Dublin is not rural. In light of the level of rural crime, I ask the Taoiseach to reopen a Garda station on each side of the Kenmare River to prevent the importation of drugs and progress the apprehension of criminals in that vast countryside.

The Taoiseach: Rush is fairly rural. It would be worth the Deputy's while to pay a visit to north County Dublin. He would be surprised how rural certain parts of it are. Those six Garda stations are to be reopened on a pilot basis and thereafter their impact on Garda service and crime in the areas will be assessed. There are no proposals to open any Garda stations apart from those six until the pilot scheme is evaluated and we see how the re-openings have impacted on those areas.

An Ceann Comhairle: I thank the Taoiseach. My apologies to the five Deputies who have not been reached but that concludes the Order of Business.

Rural Crime: Motion (Resumed) [Private Members]

The following motion was moved by Deputy Jim O'Callaghan on Tuesday, 21 November 2017:

“That Dáil Éireann:

notes:

— the fear that exists in local communities posed by the threat of crime to people and their property;

— the failure of the Government to respond to the need for extra, and more visible, Gardaí on the ground in local communities;

— the increased ability of criminal gangs to access rural areas because of the improved motorway network;

— the absence of any Garda stations in large areas of rural communities; and

— the growing intolerance of local communities to organised acts of criminal violence and burglary;

recognises:

— the success of An Garda Síochána in fighting certain types of crime provided they are given political priority by the Government;

— the support that exists in local communities for an Garda Síochána and the fight against crime;

— the organized and repeated criminal activity being carried out by criminal gangs; and

— that the closure of many rural Garda stations has made many rural communi-

ties more vulnerable to criminal activity; and

calls for:

- an increase of the number of Gardaí on the ground in local communities;
- the reopening of Garda stations in rural areas that are vulnerable to criminal activity and without a nearby 24 hour Garda presence;
- the increase in funding and support for Garda controlled CCTV that can be used by An Garda Síochána to detect and deter criminal activity;
- the encouragement and promotion of GPS tracking and location devices to help protect against the robbery of farming machinery and equipment;
- the amendment of our bail laws to make electronic monitoring a condition of bail, where an application for bail is made by a person who has been convicted of a serious offence in the ten years prior to the application, or where the person is alleged to have committed the offence whilst on bail for a separate offence; and
- the introduction of a mechanism whereby the cost of the legal aid granted can be recouped from a person charged and convicted of an offence if that person's financial means substantially change.”

Debate resumed on amendment No. 2:

To delete all words after “Dáil Éireann” and substitute the following:

“strongly condemns:

- all criminality and reaffirms its strong commitment to upholding law and order; and
- recent violent burglaries and wishes to see the perpetrators of such crimes brought to justice;

recognises:

- that in rural locations there is a particular fear and concern about burglaries; that community policing plays a key part in responding to crime by taking into account and responding to local conditions and needs; and
- the crucial importance of front line policing, noting that the Government has provided for the recruitment of 4,000 civilians by 2021 so that Gardaí can undertake core policing roles;

acknowledges:

- that the closure of the Garda College by a previous Government in 2010 has left a legacy in terms of policing numbers and strongly reaffirms the commitment in A Programme for a Partnership Government to ensure a strong and visible police presence throughout the country in order to maintain and strengthen community engagement, provide reassurance to citizens and deter crime;
- the positive partnerships with community and farming organisations and An Garda

Síochána that help enhance safety measures in rural properties;

— the importance of rural dwellers knowing the Eircode for their property which can help An Garda Síochána to locate addresses in an emergency;

— the value of special operations to target organised crime, in particular Operation Thor which has resulted in more than 92,040 targeted checkpoints nationwide and in the region of 6,130 arrests connected to offences including burglary, handling stolen property, possession of firearms, and drug offences;

— that since Operation Thor was launched in November 2015, burglary figures have been going down – by 30 per cent in quarter four of 2016 compared to the same period in 2015;

— the importance of people resisting the temptation to highlight the existence of checkpoints on social media, having regard to the fact that such information may be useful to criminals; and

— the constitutional right to criminal legal aid on foot of a means test where serious legal charges are brought;

notes:

— the policing advice that Garda patrols are particularly effective in crime prevention and detection;

— that since the Garda College was re-opened in September 2014, 1,400 new recruits have attested;

— that 200 further new recruits are scheduled to attest next month, bringing Garda numbers up to 13,500 by the end of the year;

— the successful operations carried out by An Garda Síochána nationwide and the recovery of machinery, farm equipment and other stolen property and the importance of marking property with an Eircode to assist the Garda to retrieve stolen property; and

— that on foot of a commitment in A Programme for a Partnership Government, the Garda Síochána Inspectorate, at the request of the Policing Authority, is carrying out a review of the dispersal and use of resources available to An Garda Síochána in the delivery of policing services to local communities;

welcomes and supports:

— the Government's plans to achieve an overall Garda workforce of 21,000 personnel by 2021, comprising 15,000 Garda members, 2,000 Reserve members and 4,000 civilians;

— the introduction of 720 new Garda vehicles since the start of 2015;

— the 3,700 community alert and neighbourhood watch schemes nationwide;

— the Garda text alert scheme as an effective means for gardaí to communicate crime prevention information to local communities, noting that the scheme is now offered in every Garda division and with 164,000 subscribers and counting and in the order of three million

text messages sent annually;

— the enactment of the Criminal Justice Act 2017, strengthening the laws on bail and amending provisions on electronic monitoring to facilitate the targeted use of those provisions in bail cases where they will be most effective;

— the enactment of the Criminal Justice (Burglary of Dwellings) Act 2015 which targets repeat burglars who have previous convictions and who are charged with multiple offences of residential burglary;

— the significant financial supports provided to An Garda Síochána by this Government to tackle rural crime;

— the provision of €100 million in Garda overtime in budget 2018 to ensure a strong policing presence throughout the country;

— the provision of some €330 million, including €205 million under the capital investment plan 2016 – 2021, being invested in Garda ICT infrastructure over the period 2016 to 2021, to enable them to carry out their work in the most efficient manner;

— the provision of €46 million in funding for Garda vehicles as part of the capital investment plan 2016 – 2021; and

— the actions taken by the Garda Commissioner to tackle rural crime, noting in particular, the creation of new task forces;

encourages:

— people to participate in the Garda text alert scheme and the community and neighbourhood watch scheme;

— the public to mark all equipment machinery with an Eircode to assist with the return of stolen property;

— communities to avail of community CCTV schemes, noting the €1 million funding announced earlier this year; and

— qualifying persons to register for the seniors alert scheme; and reaffirms the unwavering support of this House for members of An Garda Síochána and the life-threatening work they do every day on behalf of the Irish people and the unique role of gardaí as guardians of the peace.

- (Minister for Justice and Equality)

An Ceann Comhairle: I must now deal with a postponed division relating to the motion regarding rural crime. On Tuesday, 21 November 2017, on the question that amendment No. 2 to the motion be agreed to, a division was claimed and in accordance with Standing Order 70(2), that division must be taken now.

Amendment put:

<i>The Dáil divided: Tá, 51; Níl, 87; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>

<i>Bailey, Maria.</i>	<i>Adams, Gerry.</i>	
<i>Barrett, Seán.</i>	<i>Aylward, Bobby.</i>	
<i>Breen, Pat.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Brophy, Colm.</i>	<i>Brady, John.</i>	
<i>Bruton, Richard.</i>	<i>Broughan, Thomas P.</i>	
<i>Burke, Peter.</i>	<i>Buckley, Pat.</i>	
<i>Byrne, Catherine.</i>	<i>Burton, Joan.</i>	
<i>Canney, Seán.</i>	<i>Butler, Mary.</i>	
<i>Cannon, Ciarán.</i>	<i>Byrne, Thomas.</i>	
<i>Carey, Joe.</i>	<i>Cahill, Jackie.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>Calleary, Dara.</i>	
<i>Coveney, Simon.</i>	<i>Casey, Pat.</i>	
<i>Creed, Michael.</i>	<i>Cassells, Shane.</i>	
<i>D'Arcy, Michael.</i>	<i>Chambers, Jack.</i>	
<i>Deering, Pat.</i>	<i>Chambers, Lisa.</i>	
<i>Doherty, Regina.</i>	<i>Collins, Michael.</i>	
<i>Donohoe, Paschal.</i>	<i>Collins, Niall.</i>	
<i>Durkan, Bernard J.</i>	<i>Connolly, Catherine.</i>	
<i>English, Damien.</i>	<i>Coppinger, Ruth.</i>	
<i>Farrell, Alan.</i>	<i>Crowe, Seán.</i>	
<i>Flanagan, Charles.</i>	<i>Cullinane, David.</i>	
<i>Griffin, Brendan.</i>	<i>Curran, John.</i>	
<i>Halligan, John.</i>	<i>Doherty, Pearse.</i>	
<i>Harris, Simon.</i>	<i>Donnelly, Stephen S.</i>	
<i>Heydon, Martin.</i>	<i>Dooley, Timmy.</i>	
<i>Humphreys, Heather.</i>	<i>Ellis, Dessie.</i>	
<i>Kehoe, Paul.</i>	<i>Ferris, Martin.</i>	
<i>Kyne, Seán.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Lowry, Michael.</i>	<i>Fleming, Sean.</i>	
<i>McEntee, Helen.</i>	<i>Funchion, Kathleen.</i>	
<i>McGrath, Finian.</i>	<i>Gallagher, Pat The Cope.</i>	
<i>McHugh, Joe.</i>	<i>Grealish, Noel.</i>	
<i>McLoughlin, Tony.</i>	<i>Harty, Michael.</i>	
<i>Madigan, Josepha.</i>	<i>Haughey, Seán.</i>	
<i>Mitchell O'Connor, Mary.</i>	<i>Healy-Rae, Danny.</i>	
<i>Moran, Kevin Boxer.</i>	<i>Healy-Rae, Michael.</i>	
<i>Murphy, Eoghan.</i>	<i>Healy, Seamus.</i>	
<i>Naughten, Denis.</i>	<i>Howlin, Brendan.</i>	
<i>Naughton, Hildegard.</i>	<i>Kelleher, Billy.</i>	
<i>Neville, Tom.</i>	<i>Kelly, Alan.</i>	
<i>Noonan, Michael.</i>	<i>Kenny, Gino.</i>	
<i>O'Connell, Kate.</i>	<i>Kenny, Martin.</i>	

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<i>O'Donovan, Patrick.</i>	<i>Lahart, John.</i>	
<i>O'Dowd, Fergus.</i>	<i>Lawless, James.</i>	
<i>Phelan, John Paul.</i>	<i>McConalogue, Charlie.</i>	
<i>Ring, Michael.</i>	<i>McDonald, Mary Lou.</i>	
<i>Rock, Noel.</i>	<i>McGrath, Mattie.</i>	
<i>Ross, Shane.</i>	<i>McGrath, Michael.</i>	
<i>Stanton, David.</i>	<i>McGuinness, John.</i>	
<i>Varadkar, Leo.</i>	<i>Martin, Catherine.</i>	
<i>Zappone, Katherine.</i>	<i>Martin, Micheál.</i>	
	<i>Mitchell, Denise.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Munster, Imelda.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	
	<i>Murphy, Catherine.</i>	
	<i>Murphy, Eugene.</i>	
	<i>Murphy, Paul.</i>	
	<i>Nolan, Carol.</i>	
	<i>Ó Caoláin, Caoimhghín.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>Ó Laoghaire, Donnchadh.</i>	
	<i>Ó Snodaigh, Aengus.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Brien, Jonathan.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Dea, Willie.</i>	
	<i>O'Keefe, Kevin.</i>	
	<i>O'Loughlin, Fiona.</i>	
	<i>O'Reilly, Louise.</i>	
	<i>O'Rourke, Frank.</i>	
	<i>O'Sullivan, Jan.</i>	
	<i>O'Sullivan, Maureen.</i>	
	<i>Penrose, Willie.</i>	
	<i>Pringle, Thomas.</i>	
	<i>Quinlivan, Maurice.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ryan, Brendan.</i>	
	<i>Ryan, Eamon.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Sherlock, Sean.</i>	
	<i>Shortall, Róisín.</i>	
	<i>Smyth, Niamh.</i>	

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	<i>Stanley, Brian.</i>	
	<i>Tóibín, Peadar.</i>	
	<i>Troy, Robert.</i>	

Tellers: Tá, Deputies Joe McHugh and Tony McLoughlin; Níl, Deputies Michael Moynihan and John Lahart.

Amendment declared lost.

Deputy Donnchadh Ó Laoghaire: I move amendment No. 1:

To delete all words after “the robbery of farming machinery and equipment” and substitute the following:

“- greater powers and scope to be given to joint policing committees, as well as increasing their numbers, in order to ensure greater feedback from communities to the

Garda; and

- reinvestment in the national model of community policing, and a reverse of the dramatic fall in numbers of dedicated community gardaí assisting our communities, who play a crucial role in assisting community alert schemes.”

Amendment put:

<i>The Dáil divided: Tá, 41; Níl, 96; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staan</i>
<i>Adams, Gerry.</i>	<i>Aylward, Bobby.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Bailey, Maria.</i>	
<i>Brady, John.</i>	<i>Barrett, Seán.</i>	
<i>Broughan, Thomas P.</i>	<i>Breen, Pat.</i>	
<i>Buckley, Pat.</i>	<i>Brophy, Colm.</i>	
<i>Burton, Joan.</i>	<i>Bruton, Richard.</i>	
<i>Connolly, Catherine.</i>	<i>Burke, Peter.</i>	
<i>Coppinger, Ruth.</i>	<i>Butler, Mary.</i>	
<i>Crowe, Seán.</i>	<i>Byrne, Catherine.</i>	
<i>Cullinane, David.</i>	<i>Byrne, Thomas.</i>	
<i>Doherty, Pearse.</i>	<i>Cahill, Jackie.</i>	
<i>Ellis, Dessie.</i>	<i>Calleary, Dara.</i>	
<i>Ferris, Martin.</i>	<i>Canney, Seán.</i>	
<i>Fitzmaurice, Michael.</i>	<i>Cannon, Ciarán.</i>	
<i>Funchion, Kathleen.</i>	<i>Carey, Joe.</i>	
<i>Healy, Seamus.</i>	<i>Casey, Pat.</i>	
<i>Howlin, Brendan.</i>	<i>Cassells, Shane.</i>	
<i>Kelly, Alan.</i>	<i>Chambers, Jack.</i>	
<i>Kenny, Gino.</i>	<i>Chambers, Lisa.</i>	
<i>Kenny, Martin.</i>	<i>Collins, Michael.</i>	

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<i>McDonald, Mary Lou.</i>	<i>Collins, Niall.</i>	
<i>Martin, Catherine.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Mitchell, Denise.</i>	<i>Coveney, Simon.</i>	
<i>Munster, Imelda.</i>	<i>Creed, Michael.</i>	
<i>Murphy, Catherine.</i>	<i>Curran, John.</i>	
<i>Murphy, Paul.</i>	<i>D'Arcy, Michael.</i>	
<i>Nolan, Carol.</i>	<i>Deering, Pat.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Doherty, Regina.</i>	
<i>Ó Laoghaire, Donnchadh.</i>	<i>Donnelly, Stephen S.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Donohoe, Paschal.</i>	
<i>O'Brien, Jonathan.</i>	<i>Dooley, Timmy.</i>	
<i>O'Reilly, Louise.</i>	<i>Durkan, Bernard J.</i>	
<i>O'Sullivan, Jan.</i>	<i>English, Damien.</i>	
<i>Penrose, Willie.</i>	<i>Farrell, Alan.</i>	
<i>Quinlivan, Maurice.</i>	<i>Fitzgerald, Frances.</i>	
<i>Ryan, Brendan.</i>	<i>Flanagan, Charles.</i>	
<i>Ryan, Eamon.</i>	<i>Fleming, Sean.</i>	
<i>Sherlock, Sean.</i>	<i>Gallagher, Pat The Cope.</i>	
<i>Shortall, Róisín.</i>	<i>Grealish, Noel.</i>	
<i>Stanley, Brian.</i>	<i>Griffin, Brendan.</i>	
<i>Tóibín, Peadar.</i>	<i>Halligan, John.</i>	
	<i>Harris, Simon.</i>	
	<i>Harty, Michael.</i>	
	<i>Haughey, Seán.</i>	
	<i>Healy-Rae, Danny.</i>	
	<i>Healy-Rae, Michael.</i>	
	<i>Heydon, Martin.</i>	
	<i>Humphreys, Heather.</i>	
	<i>Kehoe, Paul.</i>	
	<i>Kelleher, Billy.</i>	
	<i>Kyne, Seán.</i>	
	<i>Lahart, John.</i>	
	<i>Lawless, James.</i>	
	<i>Lowry, Michael.</i>	
	<i>McConalogue, Charlie.</i>	
	<i>McEntee, Helen.</i>	
	<i>McGrath, Finian.</i>	
	<i>McGrath, Mattie.</i>	
	<i>McGrath, Michael.</i>	
	<i>McGuinness, John.</i>	
	<i>McHugh, Joe.</i>	
	<i>McLoughlin, Tony.</i>	

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	<i>Madigan, Josepha.</i>	
	<i>Martin, Micheál.</i>	
	<i>Mitchell O'Connor, Mary.</i>	
	<i>Moran, Kevin Boxer.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	
	<i>Murphy, Eoghan.</i>	
	<i>Murphy, Eugene.</i>	
	<i>Naughten, Denis.</i>	
	<i>Naughton, Hildegard.</i>	
	<i>Neville, Tom.</i>	
	<i>Noonan, Michael.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Dea, Willie.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Keefe, Kevin.</i>	
	<i>O'Loughlin, Fiona.</i>	
	<i>O'Rourke, Frank.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ring, Michael.</i>	
	<i>Rock, Noel.</i>	
	<i>Ross, Shane.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Stanton, David.</i>	
	<i>Troy, Robert.</i>	
	<i>Varadkar, Leo.</i>	
	<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Aengus Ó Snodaigh and Donnchadh Ó Laoghaire; Níl, Deputies Michael Moynihan and John Lahart.

Amendment declared lost.

Motion put and declared carried.

Planning and Development (Amendment) Bill 2017: Second Stage (Resumed) [Private Members]

An Ceann Comhairle: I must now deal with a postponed division relating to the Planning and Development (Amendment) Bill 2017 which was taken on Wednesday, 22 November 2017. On the question, “That the Bill be now read a Second Time,” a division was claimed. In accordance with Standing Order 70(2), that division must be taken now.

Question put:

<i>The Dáil divided: Tá, 40; Níl, 98; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Adams, Gerry.</i>	<i>Aylward, Bobby.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Bailey, Maria.</i>	
<i>Brady, John.</i>	<i>Barrett, Seán.</i>	
<i>Broughan, Thomas P.</i>	<i>Breen, Pat.</i>	
<i>Buckley, Pat.</i>	<i>Brophy, Colm.</i>	
<i>Burton, Joan.</i>	<i>Bruton, Richard.</i>	
<i>Connolly, Catherine.</i>	<i>Burke, Peter.</i>	
<i>Coppinger, Ruth.</i>	<i>Butler, Mary.</i>	
<i>Crowe, Seán.</i>	<i>Byrne, Catherine.</i>	
<i>Cullinane, David.</i>	<i>Byrne, Thomas.</i>	
<i>Doherty, Pearse.</i>	<i>Cahill, Jackie.</i>	
<i>Ellis, Dessie.</i>	<i>Calleary, Dara.</i>	
<i>Ferris, Martin.</i>	<i>Canney, Seán.</i>	
<i>Funchion, Kathleen.</i>	<i>Cannon, Ciarán.</i>	
<i>Healy, Seamus.</i>	<i>Carey, Joe.</i>	
<i>Howlin, Brendan.</i>	<i>Casey, Pat.</i>	
<i>Kelly, Alan.</i>	<i>Cassells, Shane.</i>	
<i>Kenny, Gino.</i>	<i>Chambers, Jack.</i>	
<i>Kenny, Martin.</i>	<i>Chambers, Lisa.</i>	
<i>McDonald, Mary Lou.</i>	<i>Collins, Michael.</i>	
<i>Martin, Catherine.</i>	<i>Collins, Niall.</i>	
<i>Mitchell, Denise.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Munster, Imelda.</i>	<i>Coveney, Simon.</i>	
<i>Murphy, Catherine.</i>	<i>Creed, Michael.</i>	
<i>Murphy, Paul.</i>	<i>Curran, John.</i>	
<i>Nolan, Carol.</i>	<i>D’Arcy, Michael.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Deering, Pat.</i>	
<i>Ó Laoghaire, Donnchadh.</i>	<i>Doherty, Regina.</i>	
<i>O’Brien, Jonathan.</i>	<i>Donnelly, Stephen S.</i>	
<i>O’Reilly, Louise.</i>	<i>Donohoe, Paschal.</i>	
<i>O’Sullivan, Jan.</i>	<i>Dooley, Timmy.</i>	

<i>O'Sullivan, Maureen.</i>	<i>Durkan, Bernard J.</i>	
<i>Penrose, Willie.</i>	<i>English, Damien.</i>	
<i>Quinlivan, Maurice.</i>	<i>Farrell, Alan.</i>	
<i>Ryan, Brendan.</i>	<i>Fitzgerald, Frances.</i>	
<i>Ryan, Eamon.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Sherlock, Sean.</i>	<i>Flanagan, Charles.</i>	
<i>Shortall, Róisín.</i>	<i>Fleming, Sean.</i>	
<i>Stanley, Brian.</i>	<i>Gallagher, Pat The Cope.</i>	
<i>Tóibín, Peadar.</i>	<i>Grealish, Noel.</i>	
	<i>Griffin, Brendan.</i>	
	<i>Halligan, John.</i>	
	<i>Harris, Simon.</i>	
	<i>Harty, Michael.</i>	
	<i>Haughey, Seán.</i>	
	<i>Healy-Rae, Danny.</i>	
	<i>Healy-Rae, Michael.</i>	
	<i>Heydon, Martin.</i>	
	<i>Humphreys, Heather.</i>	
	<i>Kehoe, Paul.</i>	
	<i>Kelleher, Billy.</i>	
	<i>Kyne, Seán.</i>	
	<i>Lahart, John.</i>	
	<i>Lawless, James.</i>	
	<i>Lowry, Michael.</i>	
	<i>MacSharry, Marc.</i>	
	<i>McConalogue, Charlie.</i>	
	<i>McEntee, Helen.</i>	
	<i>McGrath, Finian.</i>	
	<i>McGrath, Mattie.</i>	
	<i>McGrath, Michael.</i>	
	<i>McGuinness, John.</i>	
	<i>McHugh, Joe.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Madigan, Josepha.</i>	
	<i>Martin, Micheál.</i>	
	<i>Mitchell O'Connor, Mary.</i>	
	<i>Moran, Kevin Boxer.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	
	<i>Murphy, Eoghan.</i>	
	<i>Murphy, Eugene.</i>	

	<i>Naughten, Denis.</i>	
	<i>Naughton, Hildegarde.</i>	
	<i>Neville, Tom.</i>	
	<i>Noonan, Michael.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Dea, Willie.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Keeffe, Kevin.</i>	
	<i>O'Loughlin, Fiona.</i>	
	<i>O'Rourke, Frank.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ring, Michael.</i>	
	<i>Rock, Noel.</i>	
	<i>Ross, Shane.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Stanton, David.</i>	
	<i>Troy, Robert.</i>	
	<i>Varadkar, Leo.</i>	
	<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Ruth Coppinger and Paul Murphy; Níl, Deputies Joe McHugh and Tony McLoughlin.

Question declared lost.

Consumer Protection (Amendment) Bill 2017: First Stage

Deputy Niall Collins: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Consumer Protection Act 2007 to provide for specified regulations relating to gift vouchers and for related matters.

The Bill has been specifically designed to enhance consumer protection and consumer rights in an area that is completely unregulated. The Bill is pro-consumer and deals with an issue on which Fianna Fáil has campaigned for a number of years. I have raised it with the Minister for Business, Enterprise and Innovation at Question Time in the Chamber. We have also raised it by way of parliamentary questions. The area of gift vouchers and gift cards is completely unregulated. The Bill is opportune because at this time of year, as we approach Christmas, there

is a significant consumer spend on gift cards and gift vouchers.

That spend is estimated at €300 million. What is of concern to nearly all consumers is the fact that many of these gift vouchers have vague, if any, terms and conditions according to which they can be presented in exchange for goods and services. The main issue arising relates to the validity period during which they can be redeemed. The lack of regulation in this area impacts disproportionately on children, many of whom receive vouchers at birthdays and other times of celebration, including first communion and confirmation, as well as at Christmas. To be fair, many retailers are flexible, honourable and decent as to how they approach vouchers when they are presented. However, it has been a failing of this and previous Governments not to have enacted proper consumer protection legislation. While a consumer rights Bill was produced in 2015, it has remained in limbo.

The Bill before the House proposes new provisions to regulate the sale of gift vouchers and the contracts for their supply by way of amendment of the Consumer Protection Act 2007. For the first time, the Bill sets out a definition of “gift voucher” which will cover all forms of voucher out there, namely, electronic, card, written certificate, etc. The Bill also proposes to provide for an expiry period of not less than five years. In other words, all gift vouchers would remain valid for a period of five years. This is the position in other jurisdictions internationally. The Bill seeks to impose on traders an obligation to inform the consumer of any fees associated with the sale of the voucher. When the person buys the voucher, he or she will know if any fee or commission is to be paid in relation to it. We are offering the legislation to the House. It is timely in the run-up to the Christmas period and we hope to advance it on Second Stage as soon as the opportunity presents itself.

An Leas-Cheann Comhairle: Is the Bill opposed?

Minister of State at the Department of the Taoiseach (Deputy Helen McEntee): No.

Question put and agreed to.

An Leas-Cheann Comhairle: Since this is a Private Members’ Bill, Second Stage must, under Standing Orders, be taken in Private Members’ time.

Deputy Niall Collins: I move: “That the Bill be taken in Private Members’ time.”

Question put and agreed to.

Ceisteanna - Questions

Northern Ireland

1. **Deputy Micheál Martin** asked the Taoiseach if he has spoken to Prime Minister May regarding the 1987 Enniskillen bombing recently in view of the fact that it is 30 years since it occurred and persons have not been held accountable. [47901/17]

2. **Deputy Joan Burton** asked the Taoiseach if he will report on his visit to Enniskillen on Remembrance Sunday, 12 November 2017. [48975/17]

3. **Deputy Michael Moynihan** asked the Taoiseach the position regarding his Department's strategy statement commitment on implementing the all party Dáil Éireann motions of 2008 and 2011 relating to the 1974 Dublin and Monaghan bombing. [49421/17]

4. **Deputy Eamon Ryan** asked the Taoiseach if he will report on his recent meeting with Ms Arlene Foster MLA. [50206/17]

The Taoiseach: I propose to take Questions Nos. 1 to 4, inclusive, together.

While I have not had detailed discussions with Prime Minister May on the Enniskillen bombing, I have raised the Dublin and Monaghan bombings and other legacy cases with her. I have stressed to her the importance of making progress on legacy issues and the overall arrangements for dealing with the past. The Government is strongly committed and working to achieve, as soon as possible, the establishment of the legacy institutions provided for in the Stormont House Agreement. The Government will continue to engage with the British Government on the Dublin and Monaghan bombings and pursue all possible avenues to achieve progress on this issue consistent with the request made by the Dáil and in the hope that it will bring some measure of closure to the families.

The Enniskillen bombing was one of the worst atrocities carried out during the Troubles. It was a barbaric act which resulted in the pointless murder of many innocent people. I attended Remembrance Day ceremonies in Enniskillen on Sunday, 12 November, which also marked the 30th anniversary of the bombing. I laid a wreath at the Cenotaph and attended a Remembrance Service in St. Macartin's Cathedral before visiting the Royal British Legion hall for lunch. In the afternoon, I visited the South West Acute Hospital, Enniskillen, for a tour of the facility with local representatives and had a private meeting with staff, many of whom cared for the victims of the 1987 bombing. During my visit to Enniskillen, I also took the opportunity to meet with DUP leader, Ms Arlene Foster, to discuss the ongoing political situation in Northern Ireland and Brexit.

Deputy Micheál Martin: On a Sunday in November 1987, as the Taoiseach said, the Provisional IRA brought an unspeakable horror to a picturesque Fermanagh town with a proud military tradition. Its bomb, left in a community hall, was timed to explode as people of all ages gathered to pay their respects to the dead of two world wars and later campaigns. When the dust finally settled on the scattered debris and the mangled poppy leaves around the Cenotaph, six men and five women lay dead or dying and a seventh man would remain in a coma for 13 years before succumbing to his injuries. The 40 lb bomb had been brought across the Border by several terrorist cells working in relays to avoid detection. They placed the deadly device in a building known as the Reading Rooms adjacent to prime vantage points for those attending the annual service. Subsequent statements from the IRA attempted to distance the organisation from the full horror of the slaughter. Initially, the IRA claimed, falsely, that the bomb had been detonated by electric equipment carried by members of the security forces. It then stated that a UDR colour party was the intended target.

In the immediate aftermath of the bombing, the softly spoken words of Mr. Gordon Wilson, the father of 20 year old nurse, Marie Wilson, who died at the scene, set a conciliatory tone which, in public at least, became synonymous with the town's Protestant population. He said: "I bear no ill will. Dirty sort of talk is not going to bring her back to life. She was a great wee lassie."

The reason I have asked my question on Enniskillen is twofold. First, the event illustrates the unspeakable horror that occurred; a horror which calls into question how anyone could support, cheer or endorse that kind of violence. Second, however, is the fact that out of that event came the spirit of reconciliation and forgiveness which Gordon Wilson personified in his life. Nevertheless, no one was ever convicted of the bombing. Related to this issue are attempts to introduce an effective amnesty for many different groups from the Provisional IRA, the DUP and members of the British establishment. Recently, there was an attempt to introduce an effective amnesty for British military personnel, which is a disturbing development. The Dublin and Monaghan bombings were horrific bombings carried out by loyalist paramilitaries where, again, no satisfactory convictions or conclusions have occurred. In fact, inquiries have been stymied by the British establishment and Government. Can the Taoiseach update the House on legacy issues? Has he spoken to the Prime Minister, Mrs. May, about any amnesty, in particular to ensure that nothing like that can occur?

Deputy Joan Burton: It is ironic that Enniskillen is on one side of the Border while Monaghan is on the other side. I commend the Taoiseach on attending the commemoration, as the former Taoiseach, Deputy Enda Kenny, did every year. Did he speak with the leader of the DUP and former First Minister, Ms Arlene Foster, about Brexit, conscious of the fact that her party has a different view of Brexit from most if not all parties in the Republic and the majority of people who voted in the referendum in the North? Going back to Enniskillen and Monaghan, Brexit is equally threatening to both towns. It creates the risk of significant job losses over a long period and risks a potential return of a hard border. Following the complete confusion and chaos in government arising from the questions put by my colleague, Deputy Alan Kelly, not being answered properly, the Taoiseach has said he will concentrate his efforts in the next couple of weeks on Brexit and protecting the interests of everybody on the island. How does he propose to undo the damage potentially caused to our and his reputation by what has happened in the past week? He will have to negotiate in a hardball way at the end of the next two weeks at the European summit. Did he receive or seek any assurance from Ms Foster on whether the DUP might address and be mindful of the interests of the people, not just in the North but all of the people on the island? Did he discuss the dangers posed to agriculture and trade, particularly in the North but also in the South, as well as the dangers posed to tens of thousands of jobs by a hard Brexit or the return of a hard border?

Deputy Eamon Ryan: I echo the comments made in memory of the Enniskillen bombing. What was the nature of the conversation the Taoiseach had with Ms Arlene Foster regarding Border issues post-Brexit? The preferred option of the Irish Government, that the United Kingdom as a whole remain in the customs union, does not now seem to be a real option. Of the remaining options, is it our preferred position that there be some border arrangement in the Irish Sea such that all east-west trade, that is, trade between the island of Ireland and Britain, would be treated in a similar manner? Did the Taoiseach discuss such an arrangement with Ms Arlene Foster and what response did he receive? How does he see it playing out as we approach the European Council meeting on 15 December? Does the Government have an effective veto on what the UK Government does in that regard? How do we maintain communication with the DUP and others in the North to ensure we will not antagonise them and can break the impasse as we broke the impasse here yesterday and this morning? How do we break the deadlock on this Border issue?

Deputy Mary Lou McDonald: The victims of the conflict have been very much in our thoughts in recent weeks and I, too, commend the Taoiseach for his attendance at the cenotaph

in Enniskillen to commemorate the attack in which 12 innocent lives had been claimed. He may be familiar with the documentary “No Stone Unturned” which was made by Mr. Alex Gibney about the killing of six men in Loughinisland in 1994. It brought substantial new attention to the level of collusion between British state forces and unionist paramilitaries. I am sure the Taoiseach is aware that, at the start of the month in a victory for the victims of the Glenanne gang, the High Court in Belfast confirmed that it was making an order to compel the Chief Constable of the PSNI to complete an overarching investigation into the activities of the gang which, as the Taoiseach knows, was implicated in the Dublin-Monaghan bomb attacks. Thus far, the British Government has refused to co-operate with the Irish Government - indeed, successive Governments - on these matters. The programme for Government specifically commits the Government to actively pursue implementation of the all-party Dáil motions of 2008 and 2011 on the Dublin and Monaghan bombings. Has the Taoiseach raised these issues with the British Prime Minister? What is his view of the British Government’s intentions to include a Statute of Limitations or an amnesty for members of the British crown forces in its soon-to-be-published legacy paper? He will be aware that at the time of the Stormont House Agreement we managed to reach agreement on the architecture and mechanisms for truth recovery to begin dealing with legacy issues but at no point was an amnesty for any combatant of the crown forces or other force even considered, much less agreed to. I have spoken to the Minister for Foreign Affairs and Trade who has very strongly indicated his opposition to any suggestion that there be a Statute of Limitations or an amnesty. Can the Taoiseach offer to the House his assessment of that proposition?

The Taoiseach: It was a real humbling experience to attend in Enniskillen a few weeks ago. I had been there before but not to attend Remembrance Sunday. When one stands there on a very cold day and sees people gathering around the cenotaph to mourn the dead in two wars, one can only imagine in one’s mind’s eye what it must have been like when people suddenly experienced a bomb going off and all of the horror and carnage that must have gone with it. I was only eight years old when the bombing happened, but I remember it well. Gordon Wilson is one of my memories of the Troubles for the way he showed such extraordinary leadership to us all by responding to such an atrocity with forgiveness. I am really proud that he subsequently became a Member of the Houses of the Oireachtas.

I also had the opportunity to meet a person who had kept one of the wreaths from the day, a wreath that had been partially damaged by the bomb and which was going to a museum. I met one man and his wife who had to have 44 operations in the past 30 years as a consequence of the bombing. I am conscious that the next day the UDA carried out a revenge attack in which one person died and 60 others were injured. I do not think it is inappropriate to use this opportunity to encourage the incoming leader of Sinn Féin to agree with me that the men who planted the bomb were no heroes and should be condemned and brought to justice. I invite the deputy leader of Sinn Féin to take the opportunity in this House, given that questions have been tabled by others, not by me, to say that.

I spent most of the day with Ms Arlene Foster, not one to one but with lots of others, at the cenotaph, the church service, the cathedral and the British legion. At her invitation, I then visited South West Acute Hospital where I had the opportunity to meet other public representatives, including the local MP Ms Michelle Gildernew and MLAs from different parties. It is a fabulous new hospital in Enniskillen, but, if anything, it is underused. We discussed ways by which we might enable more patients from counties Donegal and Sligo to use its facilities to help us to deal with our capacity shortcomings.

We also had a one to one meeting and the topics of conversation were principally the ongoing efforts to get power-sharing back up and running in Northern Ireland and Brexit. Ms Foster always says she wants to have a sensible Brexit. She is certainly open to the idea of a new customs arrangement or partnership between the United Kingdom and the European Union as one of the mechanisms that might allow us to continue to trade more or less as we do now, at least when it comes to merchandise. It would, of course, cover the whole of the United Kingdom, not just Northern Ireland. It is not hugely dissimilar to the proposal recently put forward by the British-Irish Chamber of Commerce, which has a lot of merit. However, for the United Kingdom to enter into any meaningful new customs partnership or customs union arrangement with the European Union, it would not be possible for it to then negotiate bilateral trade deals with third countries. We remain unable to square this circle. It is still the desire of the British Government to be able to trade freely with the European Union as though the United Kingdom were still in the customs union but also to conclude deals with third countries. However, that is just not possible.

It is important that, when we talk about special arrangements and measures for Northern Ireland, we reassure the unionist parties in the North that we do not want to undermine the union in so doing. We respect the Good Friday Agreement and that Northern Ireland remains in the United Kingdom until the people of Northern Ireland decide otherwise. It is important that we reassure the unionist parties there that any efforts we try or any measures we propose in relation to the Border with Northern Ireland are not about changing the constitutional status of Northern Ireland but about ensuring ordinary people, businesses and farmers can go about their lives as they have for the past 20 years. We are much more likely to have them as advocates for the type of solution we want if we do not put them in a position where they feel threatened about Brexit undermining the union.

We also need to recognise that one of the things they do not want is to disrupt the trading relationship between Northern Ireland and Great Britain. What she would say to me is the main single market Northern Ireland wants to stay in is the United Kingdom single market, and the main customs union it wants to stay in is the customs union of the UK, and it does not want anything that would diminish this. Of course, the counterpoint I would always make is the majority of people in Northern Ireland voted the other way, to remain in the European Union. The level of understanding and the commonality in position may be closer than some of the rhetoric I have heard in the last couple of weeks.

The issue of the Statute of Limitations came up last week. We do not agree with it. We very much disagree with the proposal and we have informed the British Government of our opposition to it.

An Leas-Cheann Comhairle: We will try to endeavour to get the three groups in today, but we are losing some time.

Strategic Communications Unit

5. **Deputy Micheál Martin** asked the Taoiseach the role of the strategic communications unit in his Department in the winter ready campaign. [48170/17]

6. **Deputy Brendan Howlin** asked the Taoiseach if he will report on the planned campaigns on which the strategic communications unit will work. [49110/17]

7. **Deputy Brendan Howlin** asked the Taoiseach if will report on his Department's planned budget in 2018 for purchasing advertising and sponsoring posts on social media. [49172/17]

8. **Deputy Gerry Adams** asked the Taoiseach if he will report on the role of the strategic communications unit in Government information campaigns. [49291/17]

9. **Deputy Micheál Martin** asked the Taoiseach the moneys received from other Departments to fund the strategic communications unit within his Department. [49416/17]

10. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on the strategic communications unit and its role in Government information campaigns; and the way in which it works in relation to the Government Information Service. [50208/17]

11. **Deputy Michael Harty** asked the Taoiseach the practical benefits that will accrue from the new strategic communications unit established in his office. [50380/17]

The Taoiseach: I propose to take Questions Nos. 5 to 11, inclusive, together.

Staff of the strategic communications unit met with the Office of Emergency Planning to discuss the winter ready campaign and provided it with the Government of Ireland identity, which appeared on the cover of the winter ready booklet. The Government of Ireland identity replaced 17 logos of Departments and State agencies whose names were listed instead. This serves to simplify the message and illustrates to the citizen how Departments and agencies are working as a whole to deliver a co-ordinated approach to Government communications. The booklet, which incidentally has some excellent tips and advice, assists households in preparing for severe weather and coping with it when it actually happens. *Merrionstreet.ie* also provided social media support when the booklet was launched.

The Cabinet has approved that the unit in my Department will work on the following campaigns in the coming months: the ten year capital plan, a campaign related to Brexit and the consequences thereof, the national children's hospital, the Healthy Ireland campaign, the Creative Ireland campaign, global Ireland and rural Ireland. Further campaigns will be added to this list in due course.

The role of the unit is to streamline communications by working with other Departments to deliver on these major cross-Government campaigns. It will help us to ensure simple citizen-focused communications, so that it is evident when the Government of Ireland is communicating or delivering a service. This will lead to more co-ordinated and cost effective communications that will generate efficiencies and increased value for money.

The costs associated with the unit, since its establishment in 2017, have been met from existing resources within my Department. No moneys have been sought from other Departments to fund the unit.

In 2018, my Department's budget will decrease by 2% compared to this year. The unit's budget of €5 million is from existing resources within my Department's budget for 2018. The vast bulk of the budget is being earmarked for major cross-Government information campaigns, which I have already outlined. These campaigns will include an allocation for media buying across all media platforms, both traditional and digital. This will maximise efficiency and provide value.

It is intended that the unit will drive savings across all Departments over time through ef-

iciencies generated by, *inter alia*, cross-governmental collaboration on major campaigns, more efficient use of technology platforms, consolidated media buying, efficient third-party contract management, rationalising design projects, streamlining participation in national events and increased communication capacity within Departments.

The press and communications function in my Department has evolved and grown significantly over many years. This reflects the growth in demand for the service, longer hours, the large increase in media outlets and, in particular, the growth of social media. The Government press office will continue to operate as it has before in dealing with day-to-day media queries, under the direction of the Government press secretary.

The practical benefits of the unit will be to simplify Government communications and increase efficiencies across the public sector when dealing with the Irish public. It will achieve this, as I mentioned, by streamlining communications for citizens, developing and delivering major cross-Government communication campaigns and improving communications capacity across Government.

Deputy Micheál Martin: The Taoiseach's original explanation for the creation of this highly staffed unit has changed over time. Initially, he claimed it as a major personal initiative but then said it was really a Civil Service initiative. He also informed the Dáil it would be in addition to the Government Information Service but changed his position to stating it would take over from it.

What is extraordinary about the unit is it has undertaken research on what it should do, but it has already decided on what it will do. Will the Taoiseach explain how it was decided to spend €5 million on marketing to promote a select series of initiatives before any work was undertaken to get feedback from the public on what it would like to receive information on? The entire purpose of the unit, if we are to believe what we have been told, is to fill a gap in terms of information which the public wants, but the Taoiseach has decided unilaterally what the public wants. He announced the various communication campaigns. I wrote to the Secretary General of the Department and I received a comprehensive reply, and the objective of my letter was to raise and identify my main concern in terms of the party politicisation of Government communications.

The Taoiseach referenced the buying of media advertising in digital and print, and there is a huge danger of the blurring of the demarcation lines between bona fide departmental campaigns and full-blooded political campaigns. The Taoiseach mentioned the national building programme, and I challenge anyone to distinguish between an objective information campaign and a full-blooded political campaign. We have got a small taste of this, and I have not fully got the background of it, but recently the unit tweeted #generalelection18. What the business of the communications unit has to do with politics and elections is beyond me, but it gives us a small sense of the dangers that can unfold when something like this is developed.

The Secretary General of the Department has made it very clear to me he will do everything he possibly can to ring-fence and have a demarcation line, but I have to say that even what the Taoiseach has announced today concerns me in terms of the degree to which this will be about promoting individual Ministers and a broader party political message, rather than the provision of basic information. I understand the social welfare booklet going out in terms of information for citizens, but we are all fairly open-eyed here, and if it is a campaign about someone getting a road or getting this or that, then I know what that is and it can be dressed up in any shape or

form. There is a huge danger here. Will the Taoiseach give us any assurance this is not simply to promote Ministers and their political campaigns and that the €5 million will not be used in this way?

Deputy Joan Burton: Has the Taoiseach considered recasting this unit as a strategic advice unit in the context of the debacle about the questions asked by my colleague, Deputy Alan Kelly, to which he failed to get answers? The simplest and most required form of communication from the Taoiseach is that he and his Government answer the questions that are properly asked of them. This is the essential function of Parliament. I was very concerned to hear some information given about costs, which are being met within the budget of the unit, in respect of sponsoring posts on social media. In my view, and I think in the view of most people, this is political. The Taoiseach is the Taoiseach of the country, and as such he is the head of the Government, but he is also a political leader. As we know, until yesterday or the day before yesterday, he appeared, unless it was misquoted or miscommunicated, to be heavily in favour of an early general election. He acted and presented accordingly. This work on posting on social media along with party political messages, including those by office holders who are members of different parties or of none when they are in Government, has always been regarded as political, and rightly so. It is political. The Taoiseach is accountable to the Dáil because he was elected Taoiseach by virtue of the support he commands in the House, which is political.

Will the Taoiseach reconsider the propriety of this? The State funds political parties to put forward their political messages. The Taoiseach has strayed into new territory and reach as no other Taoiseach has done. It is dangerous territory. If this is to be done, it should be done entirely in the context of it being open to every Member and political party in the House. It also should be done through the political funding that is given by the Government to political parties and voted on in this House. That is the right and proper way of doing it. I have asked the Taoiseach this question previously. Obviously, he now has more experience of how communications can work, but also of how communications can be difficult and end in extremely destructive outcomes for this country at a time when Brexit is taking place and when we must put our best foot forward.

An Leas-Cheann Comhairle: I advise Members that we will not reach the third group of questions.

Deputy Mary Lou McDonald: I will try to be brief. Am I right in saying that additional resources of €900,000, in addition to the €5 million, have been allocated to this unit? Perhaps the Taoiseach will clarify that.

I share the concerns articulated about the blurring of the distinction between what might rightly be considered a straight information campaign and straying into matters that might be party political. Who sets the work plan and programme for this unit? How is it decided what matters are appropriate to be dealt with by the unit? Is the unit involved in the commissioning and receipt of polling data, running focus groups and so forth? What controls and oversight are there for this? In setting it up, and let us accept for the purposes of this discussion the Taoiseach's bona fides that it is purely a matter of quality information and that he envisages it as a cost saving mechanism in some way, how has he gone about setting controls to ensure that it does not turn into a propaganda unit and that public moneys are not used inappropriately?

Deputy Richard Boyd Barrett: Frankly, I do not understand why the Taoiseach needs this strategic communications unit for any purpose other than political propaganda. He has

the Government Information Service. Why does he need this? How will he prevent the blurring of the lines in terms of the Taoiseach just getting out a political message that is convenient for him as against information? We have Ministers who are responsible for different Departments. They are supposed to answer questions. They make announcements about what they do. Why does the Taoiseach need another highly staffed, costly, so-called strategic communications unit? Where are the lines drawn between information the public objectively needs to know about what the Government is doing and the Taoiseach just putting out spin that suits him? For example, most people's perception of what happened over the past few days is that the Taoiseach had information which the public would have wished to have known about the extent of knowledge of the former Minister for Justice and Equality and within the Department of Justice and Equality about a hotly debated issue regarding the treatment of a whistleblower. As soon as that information comes into the Taoiseach's possession, is it the job of the strategic communications unit to get that information out and inform the public or is it something the Taoiseach does when it suits him, as turned out to be the case, or when the media leak certain information the Taoiseach then puts a spin on it? I do not understand where the information begins and the spin ends for this communications unit. Certainly, I believe, and it is the public perception, that this is just a spin unit, and a highly resourced and expensive one at that.

The Taoiseach: I thank the Deputies for their questions. Initially, it was a personal initiative but I stepped back from it to avoid unnecessary controversy. As I explained last week, decisions relating to the budget and staffing have been left in the purview of the Secretary General of the Department. The unit will not be doing any party political work. I have given that assurance on a number of occasions. It will inform the public of the work the Government is doing. In the aftermath of the budget, for example, it ran information campaigns and some meetings around the country to tell people about the budget and what it meant for their lives and their regions. While these things might have been done in the past by line Departments, the budget is about much more than a single Department. It is an attempt to break out of that silo, the idea that the budget is just a creature of the Department of Finance and the Department of Public Expenditure and Reform. It also involves €15 billion for health and the changes that arise from that and €10 billion for education and the improvements that arise from that. It is about pulling things together and taking a more strategic view of how we communicate the work of the Government to the public so that it is not just about departmental silos but about how the work of Government affects people, their regions and different groups in society in a more thematic approach. I believe that is a better approach.

One of the first things the unit did was the back to school campaign. What the Government does to support families during the back to school period does not come from a single Department. It ranges from school meals and the back to school clothing and footwear allowance from the Department of Employment Affairs and Social Protection to the school books programme run by the Department of Education and Skills and to what the Department of Children and Youth Affairs does for preschool. Many of these things happen across Departments and this is an attempt to break out of that silo and, in that case, speak to young families about what the Government does for them, but not from the old-fashioned perspective of what an individual Department does with an individual scheme.

Deputy Joan Burton: That is the Constitution. It is old-fashioned, but it is the Constitution.

The Taoiseach: The ten-year capital programme will be explained to people in a similar way. None of these things is a party message. It is entirely reasonable for the Government to

tell people what the Government does on their behalf with their money, just as any other big organisation does.

Deputy Micheál Martin: Will it ever say what the Government does not do?

The Taoiseach: In terms of the winter ready campaign-----

Deputy Micheál Martin: It will be a good news campaign all the way.

The Taoiseach: The winter ready campaign is a good example of how it can bring things together and save money in the medium term. We went from a winter ready campaign which was very much the old way of the Government doing things with a booklet having 17 different logos on it and everyone having their logo and identity represented on it to a single identity. This really started in 2016 with the national commemorations. Instead of having 20 or more different logos-----

Deputy Micheál Martin: The Taoiseach should be careful. This is not North Korea.

The Taoiseach: -----there is just one. People understand it better when they see a single identity which is telling them what the Government is doing on their behalf, particularly when it is something that brings together 17 different agencies and Departments. Surely there should just be one logo and identity rather than 17. Over time one can see, as was done in Holland and the United Kingdom, for example-----

Deputy Joan Burton: Is the Taoiseach really spending his time on this stuff?

The Taoiseach: -----huge numbers of websites being collapsed into a smaller number. Savings obviously arise from that as well.

The unit does not have a role in answering parliamentary questions. It does not have a role in dispensing political advice and obviously had no role whatsoever in the political controversy in the past few days. That is simply not its remit.

I must disagree with one of the assertions made by Deputy Burton. I have never favoured an early election and certainly not an election before Christmas. I can guarantee everyone in the House that the events of the past week or two were not in any plan I had or anything I ever imagined happening. This is not a day for celebration in my party or for me personally given that it saw the resignation of a member of my Government. I know I am ascribed all sorts of motivations and levels of genius but I can assure the House and guarantee that the events of the past ten days were never part of any plan to have an election or to have it early. We have much to do before this Government is in a position to seek a new mandate and we have a three-year deal with the main Opposition party, one that I intend to honour and one I believe it intends to honour it as well. Deputy Boyd Barrett asked where the unit comes in. It comes in for cross-Government activities and campaigns.

An Leas-Cheann Comhairle: There are seven minutes left. Do Members wish to have a round of short questions or to move to the next question proper?

Deputy Richard Boyd Barrett: Short questions

Deputy Joan Burton: Regarding social reform, could the Taoiseach indicate whether the Government discussed potential dates for the proposed referendum relating to the repeal of the

eighth amendment of the Constitution? If memory serves, while the Taoiseach has indicated that the matter might be dealt with in the period from April to June, could he indicate if he has firmed up his view on when it might be appropriate to hold the referendum?

Deputy Mary Lou McDonald: I am not sure whether I am to ask something relating to the current question or another question. I do not know whether the Taoiseach answered the question regarding polling date, focus groups and his strategic communications unit, whether that matter falls within the unit's remit and whether or it has commissioned that kind of research. The Taoiseach might shed some light on that.

Deputy Richard Boyd Barrett: I still do not understand what is the independent information that might be put out. Over the past few days, everybody wanted to know what information was in the possession of the Government about the extent of knowledge within the Department of Justice and Equality and the former Minister about the campaign against Maurice McCabe. Is it the Taoiseach's decision when we find out what he knew and when or it is down to the strategic communications unit to independently state that the public needs this knowledge and that it is going to put it out there regardless of the Taoiseach's political considerations? The signs are that the Taoiseach only acknowledged that when it suited him politically. I asked how we can know whether this strategic communications unit will be genuinely independent and operate objectively to get information out and who decides what information the public needs to know in an objective manner independent of the political considerations of the Taoiseach or other members of the Government.

An Leas-Cheann Comhairle: Does Deputy Eugene Murphy have a question on the communications unit?

Deputy Eugene Murphy: Can the Taoiseach indicate how much of the €5 million marketing budget has been allocated for the health area next year? What troubles me about this is that if one takes the national children's hospital, it appears that it has its own budget and public relations set-up so one could ask why this new communications office has to come in again on the matter. Most Departments seem to have their own budgets for advertising. This seems to be a doubling up and there is a lot of money involved so could the Taoiseach address that query regarding the example of the national children's hospital?

The Taoiseach: I do not have a specific date for the referendum on the eighth amendment. I intend it to be held in May or June. That is a tight timeline but I want to achieve it. Establishing or meeting this timeline is, of course, not entirely within my control or that of the Government. We are waiting, first, for the all-party Oireachtas committee to produce its report. It has set a deadline of 20 December. We will then need to agree wording for a referendum and, quite possibly, legislation which we may not need to enact but which we may need to publish. We then need to establish a referendum commission - or have a referendum Bill - and allow time for a campaign before the vote happens. That is the process by which a referendum occurs. I know Deputies already know this but for others outside the House reading the Official Report, there is probably no harm in putting on the record the fact that this it is not something which is solely within my control or that of the Government. It will require the co-operation of these Houses to meet the deadline I have set of May or June. I am very serious about meeting the deadlines. I hope and, indeed, I am confident that the committee will be able to come up with its report by 20 December, which is the next deadline that needs to be achieved.

The strategic communications unit has commissioned research. I do not know whether that

involves focus groups but it definitely involves quantitative research. That was done by public tender and has already been discussed in this House. The unit is not independent; it is part of the Government and part of the Government's wider corporate communications and, therefore, it is not intended to be independent. It is intended to be a unit of the Government. I think I have already explained the role of the unit to the Deputy with regard to the recent controversy, which is none whatsoever. This is not what it does. It carries out information campaigns. It is not involved in day-to-day politics and, therefore, had no role at all in advising me or anyone else on the controversies of the past couple of weeks, in putting any information into the public domain or in concealing any information from the public because that is not the role of this unit, full stop.

I do not have a breakdown as to how the budget will work in the context of health. I know one of the matters that will be prioritised next year is the Healthy Ireland agenda in terms of trying to encourage people to lead healthier lives and make people more aware of Government action in this area probably starting with the anti-smoking campaign and running through to other things. Again, this is an area that is not just about the Department of Health; it is about other Departments as well. It involves the Department of Education and Skills and what happens in schools and the Department of Transport, Tourism and Sport in the context of sport and greenways. It makes a great deal of sense to approach Healthy Ireland and the campaign, with which I want to be very much associated and which I want to see us doing in respect of living in a healthier Ireland next year, as a cross-Government or whole-of-Government initiative and not just one that is just seen as a project of one Department.

Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Robert Troy - the delay in the sports capital grant announcements; (2) Deputies Seán Haughey, John Lahart and Darragh O'Brien - the need for additional emergency ambulances in the Dublin fire service; (3) Deputies Mary Butler and David Cullinane - child psychology services in the Waterford area; (4) Deputy Niamh Smyth - the need to address flooding here; (5) Deputy James Lawless - decisions on the Leixlip and Celbridge local area plans; (6) Deputy Éamon Ó Cuív - funding for Traveller-specific issues highlighted in the Traveller community survey; (7) Deputy Tom Neville - traffic calming on the N69 at Kilcornan, County Limerick; (8) Deputy Thomas P. Broughan - the problem of joyriding and anti-social behaviour in the Dublin Bay North constituency; (9) Deputy Kevin O'Keeffe - the urgent need for the appointment of a full-time medical officer and the restoration of respite services at St. Patrick's community hospital, Fermoy, County Cork; (10) Deputy Clare Daly - the publication of the Ombudsman's report into the administration of the Magdalen restorative justice scheme; (11) Deputy Richard Boyd Barrett - the EPA report on Ireland's increased CO2 emissions and reliance on fossil fuels; (12) Deputy Mick Wallace - the NAMA policy of deleting emails of former staff after one year; (13) Deputy Dessie Ellis - the role of local authorities in the delivery of maintenance and not being reliant on the private sector; (14) Deputy Lisa Chambers - the need for the Minister for Defence to make a statement on a serving Air Corps whistleblower who is now facing discharge as a result of a work-related industrial dispute; (15) Deputies Bríd Smith and Gino Kenny - the proposal that the Revenue Commissioners will collect the broadcasting fee; and (16) Deputies James Browne, John Brassil and Billy Kelleher - the provision of the Respreeza medication.

28 November 2017

The matters raised by Deputies Robert Troy; Tom Neville; Seán Haughey, John Lahart and Darragh O'Brien; and Bríd Smith and Gino Kenny have been selected for discussion.

Ceisteanna - Questions (Resumed)

Priority Questions

Early Childhood Care and Education Programmes

36. **Deputy Anne Rabbitte** asked the Minister for Children and Youth Affairs the steps she is taking to address the shortages in ECCE places that exist in certain parts of the country; and if she will make a statement on the matter. [50554/17]

Deputy Anne Rabbitte: The purpose of my question is to ask the Minister the steps she is taking to address the shortages in ECCE places in certain parts of the country; and if she will make a statement on the matter.

Minister for Children and Youth Affairs (Deputy Katherine Zappone): My Department has conducted an analysis of the ECCE scheme capacity and is satisfied there will be no shortfall in ECCE places for the 2017-18 programme year. It should be noted the peak number of children attending ECCE in 2016-17 was just over 120,000. The 2017-18 numbers are expected and on track to be in line with the 2016-17 uptake.

From September 2018, the ECCE programme will revert to one single entry point, in September, in a given ECCE programme year with eligible children entitled to two full years of ECCE provision. From September 2018, the number of ECCE enrolments in any given year will be around 114,000. The fact that 120,000 children were provided with ECCE places in April 2017 suggests there is sufficient capacity to deal with the lower, albeit year round number of 114,000.

As with the previous expansion of the ECCE programme, my Department is working closely with all city and county child care committees to monitor a range of scheme related issues, including capacity. In the event capacity issues emerge, we will seek to address them accordingly. Recent media statements on the issue cited the total number of children aged three to five in the population and concluded there was a capacity issue for ECCE. It did not account for the many four and five year olds already in primary school or those who opt for only one year of the ECCE programme. The conclusion that a capacity issue exists is therefore inaccurate.

Deputy Anne Rabbitte: I thank the Minister for her response. I will begin by welcoming that there is now only one entry point in the second year of the ECCE scheme. I also welcome the expansion of the second year of the ECCE scheme. Does the Minister understand where my question is coming from? It is based on a parliamentary question I put to the Department in recent weeks. The reply said there was a shortage of 17,677 spaces, if one was to look at the capacity issue. Of those, six are in the commuter belt of Dublin, which means there is a capacity issue of 8,000 spaces. The highest is in Cork county where there is a shortage of 2,260 spaces. I find it hard to believe 20,000 of those have either started school or are only taking

up an ECCE scheme space for one year. What will the Minister put in place to address areas where there will be a genuine shortage of spaces? Are new grants being introduced to expand the number of ECCE spaces or to support crèches to run a model in the morning and a model in the afternoon? If there needs to be expansion in Meath, Dublin or Cork, will there be capital funding to support it?

Deputy Katherine Zappone: I appreciate the Deputy's question and the way my Department has answered it. The issue of capacity is consistently monitored, particularly by the city and county child care committees. I am not aware of any specific capacity concerns. If the Deputy has a specific capacity concern, she should bring it to the attention of my Department and the city and county child care committees. There is ongoing monitoring and we are not concerned at this stage. The reply by the Department identified the number of three to five year olds in the population and the number of places that will be available. As I have already said, they do not necessarily correlate. There may be some whose parents choose to send them to school early rather than spending a second year in preschool.

The Deputy's other question was that if we are concerned about capacity, do we have plans for capital investment in 2018. The answer is that we do.

Deputy Anne Rabbitte: I welcome that funding will become available. The Minister asked me about crèches and areas I was talking about. I was talking about Mountbellew community child care group. There is another community child care group in Kerry that I was talking about, which is looking at 20 or 30 extra spaces. As a result of streamlining the entry points and removing those in December and April, it will see a capacity issue and will need an extra room or a prefab. I saw it earlier this year in Portumna. I welcome that there will be funding mechanisms to support them if they work with the city and county child care committees.

Deputy Katherine Zappone: One of the measures I introduced in 2016 and 2017 was to support capital development, specifically for capacity issues. My Department provided €8.4 million for its 2017 early years capital funding programme, €4 million for the 2016 early years capital funding programme and the 2017 funding was made available to providers under three strands, the largest of which, €4.2 million, went towards enabling services to provide additional child care places. I will be announcing details of the 2018 capital scheme in the very near future.

Care Orders

37. **Deputy Denise Mitchell** asked the Minister for Children and Youth Affairs the number of applications for full care orders that have been made in respect of children already on voluntary care orders in the past three years; her plans to review the maximum amount of time a child can spend on a voluntary care agreement; and if she will make a statement on the matter. [50309/17]

Deputy Denise Mitchell: How many applications for full care orders have been made in respect of children already on voluntary care orders? I am asking the Minister this question because I have concerns about children being placed on voluntary care orders for very long periods and the uncertainty that brings. I would like her to answer my question.

Deputy Katherine Zappone: I thank the Deputy for the explanation of her question. The

information requested by the Deputy is not available at present. Tusla's existing information systems do not directly track movements of children from voluntary to full care orders. However, I am pleased to say the national child care information system, which is being rolled out nationally, will greatly improve information about these trends, including each child's pathway through the care system. At present, Tusla collects and publishes a great deal of information about the Irish child protection system and about the more than 6,000 children who are currently in the care of the State. Monthly, quarterly and annual data are published on the Tusla website which provides information by age, gender, area and by the reasons for the child's admission to care. It also records the child's care status, whether they are in voluntary care or in care under a court order.

I am committed to helping Tusla improve its central data systems, both for the protection and welfare of our children and to ensure that child protection policy in Ireland is firmly based on high quality evidence. With this in mind, the national child care information system will operate as a central national database supporting the provision of child welfare and protection services. Access to the system will ensure that every social work department has a user friendly way to record the case history of every child who is the subject of a child protection or welfare concern, from the point of initial referral to case closure.

The system has been piloted in Tusla's mid-west region and the intention is to have it in all areas between now and the end of June 2018. As promised under the Better Outcomes, Brighter Futures strategy, my Department has initiated work to review the Child Care Act 1991. All matters relevant to the situation of children in care, including the usage of voluntary care orders, will be considered in the context of the review.

Deputy Denise Mitchell: I thank the Minister for her reply. Tusla should start recording and tracking this information. We all know children in care need certainty in their lives. Voluntary care arrangements are intended as temporary solutions for parents who are unable to look after their children. Unfortunately, I have come across a situation far too often in which there are children in voluntary care arrangements for a number of years. It has a huge impact on the children because they have no certainty about where they will be in a year.

This causes them great concern and anguish. A mechanism should be put in place. When a child is in care for a number of years, Tusla should pursue full care orders and have a mechanism in place to protect these children. The current system seems to be somewhat *ad hoc* in nature, which is not acceptable.

Deputy Katherine Zappone: The first issue is the pathway from voluntary care to court-ordered care and that Tusla should be aware of the trends in how many children may move from one to the other. That is an excellent point and Tusla has already taken it into consideration. It is built into the new database that has been developed and that is being rolled out across the country. In recent meetings with the chief executive, the chairperson and other board members of Tusla, I have been assured that the data system should be fully rolled out by the end of June 2018. In that context, we will have considerably more information on the questions and concerns the Deputy raised, which will enable better protection for children in care.

Deputy Denise Mitchell: I welcome the Minister's indication that the data system will be rolled out in 2018. Some children aged ten and 11 have been in voluntary care placements for years. These children are vulnerable and do not know whether they are coming or going.

Tusla's approach seems to be "If it's not broken, don't fix it". In other words, the relationship is going smoothly. That is not acceptable for children because they want security and to know where they will be in the coming years.

Sometimes other problems arise for children in voluntary care. We have had cases where foster parents were trying to bring children abroad on a holiday but were prevented from doing so on foot of the care order. It is not acceptable that children's lives have to stand still until Tusla gets involved.

Deputy Katherine Zappone: This moves into the second area of the Deputy's concerns relating to what happens in the context of voluntary care and decisions that are made to move beyond that. Those are very valid concerns. As the Deputy is aware, voluntary care is an arrangement undertaken by the parents or guardians of a child and Tusla and does not involve the courts system. We need to be aware of the dynamics involved in that, including the kinds of meetings Tusla staff have with the family. Those relationships are important in order to support that voluntary care, which is usually better for the child if it can be supported. On foot of the fact that it does not involve the courts system, it has not benefited as much from extensive research carried out within the Irish child protection system. However, we have some research into voluntary care that has been undertaken, for example, by people in UCC. It appears to be one of the significant pathways to care under a full care order. This is something that my Department has taken into account in its review of the Child Care Act.

Combatting Cyberbullying

38. **Deputy Anne Rabbitte** asked the Minister for Children and Youth Affairs her role in protecting children from online bullying, abuse and grooming; and if she will make a statement on the matter. [50555/17]

Deputy Anne Rabbitte: I ask the Minister to clarify her role in protecting children from online bullying, abuse and grooming.

Deputy Katherine Zappone: Protecting children from online abuse, bullying and grooming requires a whole-of-Government approach. The devastating effects are becoming increasingly obvious in our homes, schools and communities.

While my Department does not have the lead responsibility in this area, it plays an important role in a wider range of actions across a number of Departments.

Last week, I met the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, and the Minister for Justice and Equality, Deputy Flanagan, to discuss the cross-Government collaboration that is needed. Much work is being done by individual Departments. However, we need to develop an action plan involving all relevant Departments to ensure that our actions are co-ordinated, complementary and robust. It is our intention to include the Minister for Health and the Minister for Education and Skills in the development of the action plan.

I will commence all remaining provisions of the Children First Act 2015 on 11 December next. The ongoing role of the statutory Children First interdepartmental implementation group, which is chaired by my Department, is to ensure consistent implementation of the provisions of

the Children First Act and guidance across Departments, the HSE, the Garda and Tusla. Issues relating to Internet safety, which have a child protection dimension and which require cross-Government collaboration or support, can be raised in that group.

The national youth health programme is a partnership between the HSE, the National Youth Council of Ireland and my Department. It aims to provide a broad-based, flexible health promotion-education support and training service to youth organisations and to all those working with young people in out-of-school settings. The Web Safety in Youth Work resource, available on the National Youth Council of Ireland's website, provides valuable advice to young people on reporting online behaviour and passing on concerns about the protection and welfare of a child or young person.

Deputy Anne Rabbitte: I thank the Minister for her reply. It is wonderful to hear that so many Departments are working together on this. I am a member of the Oireachtas Joint Committee on Children and Youth Affairs. Dr. Geoffrey Shannon presented a report to the committee explaining that 59% of all children between the ages of nine and 15 use electronic devices. He explained the harrowing effect online devices are having, for example, where the child does not have his or her account completely private. Sometimes a third party would be involved in putting up imagery to such Dr. Shannon referred, including “upskirting” and “downblousing”. Dr. Shannon also referred to the right to take down something that might be online. I ask the Minister to liaise with the other Cabinet members, particularly the Minister for Communications, Climate Action and Environment who has done considerable work in the field. I ask that the Minister, along with her colleagues, the Ministers for Justice and Equality, and Communications, Climate Action and Environment, appear together before the Joint Committee on Children and Youth Affairs in order that they might hear about and understand the good work that is being done.

Parents are looking for support. What support can be offered to them and to teachers who, as we heard last week, do not feel they have the tools to do their job? How can we move forward to educate?

Deputy Katherine Zappone: I would be willing to accept that invitation and I am certain that my colleagues would also. As the Deputy identified, we need a whole-of-Government approach. The Ministers whose Departments are at the forefront of the issue need to work together to identify more clearly an action plan for what each of us is doing. Together we need to ensure that plan is implemented. For example, the issues that are particularly relevant to the Department of Communications, Climate Action and Environment are technology, the legislative framework and industry.

Combating online child grooming is particularly relevant to the Department of Justice and Equality, and is addressed as part of a wide-ranging package of measures aimed at the reform of Ireland's criminal law on sexual offences, set out in the Criminal Law (Sexual Offences) Act 2017. The Office for Internet Safety is an executive office of the Department of Justice and Equality. We are particularly looking at reforming that or approaching it in a different way.

Deputy Anne Rabbitte: What are the Minister's views on creating the post of digital safety commissioner, as proposed by the Oireachtas Joint Committee on Children and Youth Affairs? All the witnesses who appeared before the committee agreed this would be a step in the right direction.

I compliment the Office for Internet Safety on the good work it is doing. It produced 40,000 booklets but that is only a fraction of the number required. There are great tools in the booklet for younger children, older children, parents and teachers. If I was to make one recommendation to that Department other than that it take on more staff, it would be that the next time those books are published, more be produced. I got them in my office and from the Minister, Deputy Flanagan. As a parent and an advocate for correct usage of the Internet, I found the booklet fantastic. It is really well done. What is the strategy for the establishment of an office of digital safety commissioner? Can the Minister request the production of more of the booklets?

Deputy Katherine Zappone: Regarding the Deputy's last request, that has been heard and I will take it back to the appropriate Department.

Regarding the Deputy's first issue concerning the recommendation for the establishment of an office of digital commissioner, we discussed that at the recent meeting with the Minister, Deputy Flanagan, and the Minister, Deputy Naughten. We are aware of that recommendation. What we decided as a result of our meeting, which was the first time certainly in the context of this Government that the three Departments have come together, was that we must not only put it in reports that we need to work on this together but that we must come together physically in this respect. Our officials were all present at the table and the next step would be that the officials would meet again to plan perhaps a wider and more public gathering to listen to recommendations on how best the Government should move forward in this regard. The establishment of an office of digital commissioner would be integral to considerations in that context.

School Completion Programme

39. **Deputy Sean Sherlock** asked the Minister for Children and Youth Affairs if she has considered the proposed changes in the administration of the school completion programme; if she has engaged in formal consultations with the parties involved; and if she will make a statement on the matter. [50382/17]

Deputy Sean Sherlock: There are 124 school completion programmes throughout the State, which cover 470 primary schools and 224 post-primary schools. The Minister announced an expansion in budget 2018 for the school completion programme. I want to interrogate further what is the exact figure behind that expansion? I would also ask her why I am receiving correspondence from trade union officials, IMPACT in particular, whom I have been lobbied by and who have expressed concern about their jobs and future employment prospects.

Deputy Katherine Zappone: I believe the school completion programme is critical to ensuring that children who are most at risk of early school leaving are supported to stay in education. However, I believe that it needs to be reformed to ensure that it delivers the best possible outcomes for children. To this end, I am examining carefully how best to strengthen it. Any reforms will be informed by the Economic and Social Research Institute, ESRI, review of the programme, which acknowledged its great contribution to vulnerable children, but which pointed to the need for an improved governance structure and revised model of employment.

In particular, I want to ensure that services under the programme are compliant with financial and governance rules and that we have a good model of service delivery throughout the country. I also want to ensure that those employed under the programme have clear contracts of employment and that their work is properly co-ordinated.

I am deeply committed to an effective reform of this programme, not only in relation to the governance and employment issues, but also the programmes, supports and processes that are in place to ensure that young people complete school. I am reviewing the extensive consultation process that has been carried out. I am considering recommendations from the expert panel that Tusla has established to consider possible options for reform. I also plan to consult with experts across the educational welfare sector before making any decisions.

In my view the reform will incorporate universal supports as well as targeted supports to ensure that those most in need are reached by the programme. It is critical that we have a whole school approach to this, as well as ensuring that other child and family supports, delivered by statutory or voluntary agencies, are integrated so that the child or young person has the best chance of staying in school. I am also committed to incorporating recognition of the strengths and capabilities of the child or young person into these reforms. I believe the emotional stability of the young person is critical in enabling his or her engagement in learning and contributes to his or her desire to finish school.

Deputy Sean Sherlock: What extra resources have been applied to the school completion programme in budget 2018? That was not clear from the document we received on budget day.

In terms of strengthening the structures and governance, and the Minister spoke about reform, apart from the experts, with whom else is she consulting? Is she formally consulting those people who represent workers, namely, trade unions? She has stated publicly previously that she has encouraged people who work within this sector to join trade unions. People represented by trade unions are coming to us expressing concern about their specific programmes and that they are not being consulted. I need a reassurance from the Minister that she will reach out to, or at least engage with, the stakeholder groupings, including the trade unions.

Deputy Katherine Zappone: There are two aspects to the Deputy's question. The first relates specifically to the resources allocated under budget 2018 for the programme I have identified, that reform of the programme is a priority for me in the context of the recent letter I wrote to Tusla in terms of a performance statement and I look forward to receiving its formal response laying out a business plan and identifying more clearly the specific resources that will go into that programme. As the Deputy is aware, I received a significant increase in investment for the overall programme with respect to Tusla. I have identified the school completion programme as a priority and I await the response in that regard.

The trade unions have been in touch with my officials and they will be meeting them. We are engaged in a process where there have been reviews and reports. Those have been submitted to me and I am examining them, but I understand my officials will meet the trade union officials as part of that process.

Deputy Sean Sherlock: I appreciate the Minister's answer and she has been frank, to be fair. As soon as a budget line emerges around that expansion of the school completion programme, I ask that she would inform the House of it. I do not want to use the word "suspicious" but how long is a piece of string with respect to the engagement with Tusla? We are waiting for it to come back with some ideas or principles in terms of how it will manage the school completion programme and no figure in terms of a budget has been put behind that. What is the timeframe? Will it be the end of 2017, the end of 2018 or the first or second quarter of 2018? It would help if we had accurate information.

Deputy Katherine Zappone: I am absolutely committed to making decisions on the reform as soon as possible. I am deeply committed to its reform. I have considerable understanding and experience of dealing with people who work in the context of school completion and have a deep understanding of the issues involved in terms of the programmes and processes that I wish to encourage as we move forward in terms of the reform. I want to do that as soon as possible. It will not be done by the end of this year. I hope that will be possible within the first quarter of next year because of the decision that I have taken to spend a little bit more time particularly focused on examining the programme, what will happen our young people in the context of the school completion programme as well as considering the governance and employment reports that have come in to me. That is why we are taking a little more time to get that whole package as right as possible.

Early Childhood Care and Education Programmes

40. **Deputy Anne Rabbitte** asked the Minister for Children and Youth Affairs if she is satisfied that each child in need of support under the access and inclusion model is able to access this support in a timely and appropriate manner; and if she will make a statement on the matter. [50579/17]

Deputy Anne Rabbitte: Is the Minister satisfied with respect to the timely aspect in which the access and inclusion model is accessible by parents and child care providers? I would like her to make a statement on that matter.

Deputy Katherine Zappone: We have made good progress in implementing the access and inclusion model, AIM, which helps children with disabilities to reap the full benefits of free pre-school education. Its goal is to empower preschool providers to deliver an inclusive preschool experience. As the Deputy is aware, AIM is a child-centred model that involves seven levels of progressive support, moving from the universal to the targeted. It is based on the needs of the child and the preschool setting. Since the introduction of AIM in June 2016, it has enhanced free preschool education for all children, particularly children with a disability. When a preschool provider, in conjunction with a parent, considers that additional support is needed for a child with a disability, an application can be made via Pobal for a suite of targeted supports. These supports involve access to mentoring from a team of dedicated early years specialists at level four; access to specialised equipment, appliances and minor alteration grants at level five; access to therapeutic services at level six; and access to additional capitation to facilitate lower adult to child ratios at level seven.

An application for support at levels four, six or seven is generally responded to by an early years specialist within two to three days. This is followed by an observation visit, which generally takes place within two to four weeks, depending on the availability of the preschool provider and the attendance pattern of the child. An application for support at level six is referred to the HSE within days of the observation visit. An application for support at level seven is generally appraised within two to five weeks. The application process for support at level five, which involves equipment and alterations, is separate. The appraisal process for such applications is usually completed within two weeks and equipment or appliances are delivered within four to 12 weeks, depending on availability and supplier delivery terms for the items required. In the current preschool year, more than 3,000 applications have been approved for targeted AIM supports. There has been one appeal on the decisions. This suggests that access to the

model is good.

Deputy Anne Rabbitte: I thank the Minister for her response. I tabled this question because I recently met a woman who has been trying to get her child, who has a disability, into a preschool service. Even though she lives just outside Portumna, the only preschool service she can get for her child is near Limerick. When I got to the bones of it, I discovered that some child care providers do not look on this project favourably because, frustratingly, it takes 50 working days, or ten weeks, for the whole assessment to be put through. One of the first announcements made by the Minister and the Minister of State, Deputy Finian McGrath, involved the provision of €40 million for the project. There are 1,900 trained link workers and I reckon that a further 900 such staff are in training. I discovered earlier in response to a question that 120,000 children are availing of the early childhood care and education scheme. Has the Minister considered that Pobal could do the applications and the training during the summer? This would enable child care providers to have their systems up and running when services resume on 1 September.

Deputy Katherine Zappone: The Deputy has identified a particular case. We are speaking specifically about the AIM programme, which has had huge take-up. As I identified in my initial response, there has been just one appeal of a case of refusal in that regard. I can say in response to another one of the Deputy's supplementary questions that I have tried to identify specific timeframes for our responses at each level. I think a pretty strong and sustainable structure is being developed. When I get emails from people from time to time who are concerned that they cannot access AIM applications or crèches in their localities that will take their children under the AIM programme, I immediately send such messages to my Department to ensure such cases receive attention as quickly as possible with a view to resolving the issues involved.

Deputy Anne Rabbitte: I hear exactly what the Minister is saying to me. I do not want to trivialise the situation. While the AIM model provides for absolutely fantastic interventions and wholeheartedly inclusive groupings, it is not working in the sense that it takes 50 days, or ten weeks, for applications to go through. It is a boundary for child care providers who are looking to put systems in place so they can work wholeheartedly as part of an early intervention mechanism. When child care providers take in children on 1 September every year, they need to know they will get the supports they need in a timely manner. However, it can take up to ten weeks, which restricts them when they are considering the possibility of taking in certain children. I am identifying an issue that might be discouraging expansion in the child care sector or deterring people from taking up child care services. Last year, 2,443 children benefitted from level four supports and 1,431 children benefitted from level seven supports. There has been a decrease this year, unfortunately, perhaps as a result of the ten-week waiting lists. Some 301 children have benefitted to date in 2017, which means that 1,272 fewer children are in the system this year. I wonder whether the timeframe is the reason for this.

Deputy Katherine Zappone: The good questions raised by the Deputy do not take away from the facts I have identified with regard to the timeframes that apply under the various AIM levels. I will bring back to my officials the Deputy's suggestion regarding the initiation of access to AIM in circumstances in which the direction that needs to be taken is known. I will be happy to take that back as a recommendation. Maybe some of the numbers have reduced for the reasons suggested by the Deputy. I have identified that the turnaround times which apply to the levels at which the applications are coming through are very efficient. As this is just the second year of the roll-out of the AIM model itself, it is open to improvement. We will take the Deputy's recommendation on board.

Dáil Éireann
Other Questions

Foster Care Provision

41. **Deputy Anne Rabbitte** asked the Minister for Children and Youth Affairs to address the fact that numerous evaluations by HIQA have found that many foster care services have consistent and serious failings; and to set out the steps she is taking to ensure these failings are addressed. [50218/17]

An Ceann Comhairle: Deputy Rabbitte is working overtime.

Deputy Anne Rabbitte: I am asking a broad range of questions this afternoon. Given that numerous HIQA evaluations have found consistent and serious failings in many foster care services, I ask the Minister to set out the steps she is taking to ensure such failings are addressed. I am asking this question on the back of last week's publication by HIQA of its second Cork report, which is based on the findings of the first Cork report.

Deputy Katherine Zappone: I welcome HIQA's important work on foster care services and the report prepared by the Oireachtas joint committee. I will respond to the joint committee by the end of the year. In Ireland, 92% of children living in care are in foster care placements, which is an enviable situation. This compares favourably to foster care services overseas. The most recent figures for England show that 74% of children in care were in foster placements. The figure in Northern Ireland is 80% for children who have been in care for at least 12 months. The vast majority of foster placements are stable and loving long-term arrangements in which children are nurtured and supported. By the end of last year, HIQA had inspected all foster care services. Its findings show that, in general, children in foster care are safe, happy and in good health and are attending school. For 2017, HIQA has focused in more detail on specific standards, such as the checks and balances that foster care committees and senior managers should have in place to support safe and effective services. Children's experience of the service was not assessed during 2017.

This year's inspections show delays in completing formal assessments of relative carers and the lack of regular reviews of all foster carers. The need for Garda vetting for children over the age of 16 and young adults in the household has also been highlighted. There are weaknesses in how some foster care committees are informed about complaints and allegations against foster carers. I am pleased to note that HIQA has accepted Tusla's action plans with regard to the inspection reports. I am monitoring the improvements that are being made. The clear themes coming through are the need for better oversight, the recruitment of staff, the replenishment and broadening of foster care panels, improved supports and the supervision of foster carers. I am asking Tusla to provide me with a national strategy for the recruitment of foster carers as part of its 2018 business plan and to build on and improve the assessment of and support for foster carers. I have secured additional funding of over €40 million for Tusla to ensure the business plan can be achieved.

Deputy Anne Rabbitte: It is welcome to hear that the Minister is looking for a national strategy in the business plan for 2018 because when the report on the situation in Cork came out the other day, it made for very worrying reading. It found that a number of key recommendations made in the previous report had still not been addressed, least of all the recommendation

on Garda vetting. It also found that a number of families who were fostering children in care had not been subjected to Garda vetting. That is a huge issue. We have to drill deep to find out why Garda vetting is still an issue, despite being the most fundamental part of any of the reports presented, including the Tusla and HIQA reports. In this day and age, Garda vetting should not be an issue in cases where children are in care. We need to find out why this has repeatedly been an issue. I am concerned that a number of the four key recommendations made in the Cork report had still not been addressed. We have to find out why they were not addressed, when they will be addressed and who is going to be held accountable. What role does the Minister's Department play in all of this? The fact is there is now a second report.

Deputy Katherine Zappone: HIQA sends its reports directly to me and my Department. To respond to the Deputy's last query and issue, as she says, there was an inspection of foster care services in Cork in February and a follow-up inspection at the end of August. The follow-up inspection took place before many of the actions recommended were due to be completed, as shown in Tusla's action plan as accepted by HIQA. Therefore, the findings were to be expected as many of the actions recommended were still under way. For example, the rolling out of a new process to manage concerns and allegations involving foster carers had been recommended as an action, but it could not be commented on in the report because no new reports had been received since the new policy came into effect in July. The inspection report indicates that progress is being made and in line with the expected progress shown in the action plan. HIQA noted that some actions had been completed, but it was concerned that their completion was not timely or of good quality. I will seek to have Tusla confirm to me that the position has improved following the most recent inspection.

On Garda vetting, I accept that it is an issue, although not across the board. As the Deputy is aware, one of the things I have been doing in the context of the wider approach taken by Tusla is working with An Garda Síochána. We have been looking very closely at the issue and had several meetings to discuss the ways in which interagency co-operation can be improved.

Deputy Anne Rabbitte: As the Minister is aware, the Joint Committee on Children and Youth Affairs carried out a scope of works in respect of foster care services. One of the recommendations made by the committee was that the powers afforded to HIQA be extended to include powers of enforcement. Earlier today representatives of HIQA were before the committee to discuss the Oberstown Children Detention Campus. While HIQA has a monitoring role, it needs to have an implementation role. There is no point in producing reports unless it has good oversight, implementation and enforcement powers. I would welcome the Minister's commentary in that regard.

Deputy Katherine Zappone: I am aware of the joint committee's recommendations. There are some details in the report, including those relating to the cost of Tusla's provision of private foster care, on which I hope to obtain more information before responding to the recommendations overall. I am happy to say some of that work with Tusla is in hand. It ties in with the recommendations of the committee. My officials will be writing to the CEO of Tusla to seek its formal response to the report which will be incorporated into my reply on the committee's recommendations which I hope to give as soon as possible.

The Deputy raised the issue of expanding the role of HIQA to include enforcement and regulation. My Department wrote to HIQA following its presentation to the joint committee about the issues raised. As the Deputy is aware, HIQA is largely involved with developing standards and inspecting services, but it has indicated that it would like to be given a role in regulation.

I am open to having that discussion with Tusla. I want to hear its views on how any proposed change could improve the lives of children in foster care. I am also open to having discussions with HIQA on future revisions to foster care standards.

Family Resource Centres

42. **Deputy John Curran** asked the Minister for Children and Youth Affairs her plans to fast-track a review of the service provision of family resource centres by Tusla to provide centres with only two members of staff an opportunity to secure additional funding and work with a base of three staff; and if she will make a statement on the matter. [50214/17]

Deputy John Curran: Will the Minister fast-track a review of the service provision of family resource centres by Tusla to allow centres with only two members of staff an opportunity to secure additional funding and work from a base of three staff?

Deputy Katherine Zappone: Family resource centres play a really important role in communities across the country. I am personally convinced by the work they do in identifying and providing the services most needed by their communities. It is for this reason that the Government has provided additional funding of almost €3 million for family resource centres in 2018. As part of this allocation, I am pleased to confirm that additional funding of €10,000 will be made available to each family resource centre. Tusla will have discussions with centres about service needs, funding and staffing resources.

On the operation of family resource centres, the Deputy will be aware that they are independent organisations which are managed by voluntary boards of management which represent the local community. The centres operate independently of Tusla. Each centre is responsible for the recruitment of employees and the terms and conditions under which they are employed. The Deputy may also be aware that last week Tusla announced once-off funding for small capital works of €2.12 million for the 109 existing family resource centres.

I am placing strong emphasis on the development of capacity within the family resource centre programme next year. Tusla, the Child and Family Agency, allocates funding to 109 family resource centres. I have provided funding for Tusla to increase this number by 11, bringing to 120 the number of family resource centres that will be operational next year. Family resource centres are critical to prevention and early intervention. Through their services and engagement, they can spot potential difficulties for children and families before they emerge as serious issues. They support families and in so doing make an invaluable contribution to keeping children safe and well.

Deputy John Curran: I acknowledge the additional funding which the Minister has indicated will be made available next year. The question I am asking is slightly different in that historically we have had 109 family resource centres, approximately 45 of which work from a base of three core staff, while the remainder work with two. The problem is that the additional funding will not be sufficient to allow some of these family resource centres which operate in disadvantaged areas an opportunity to grow. Having met representatives of some of the family resource centres, while one-off grants are always welcome, it is very hard for centres to plan from one year to the next without a sustainable level of core funding. The challenge I am meeting is that a substantial number of centres which have only two core staff and which are operating in areas experiencing significant disadvantage cannot seem to obtain the additional

funding required from Tusla to transition from a base of two staff to three. That is the challenge we are facing.

Deputy Katherine Zappone: I am very pleased to engage with the Deputy on this issue. I understand and I am aware of the concerns about some family resource centres throughout the country. I have an absolute commitment to and an understanding of the incredible work done by family resource centres. Therefore, I was determined to ensure we would be able to invest more next year, as well as making more support available this year. As I have identified, we have recently done that. This commitment is demonstrated in providing more money for the centres, and for expanding their number throughout the country. As the Deputy can appreciate, I have also received many representations in that regard. I see this as the first step towards increasing the level of investment in family resource centres. I accept some of the points raised by the Deputy, but this is a significant first step and a demonstration of our commitment.

Deputy John Curran: I thank the Minister. When she has time we may be able to visit Quarryvale family resource centre. Its grant for 2017 was €86,500. When the Minister was announcing additional funding on Friday last, she spoke about 11 new family resource centres and made available funding of €1.76 million for them, which is €160,000 per family resource centre and almost double what the Quarryvale family resource centre currently receives. The centre is very constrained. Too much of the time of development workers there is taken up with fundraising to keep essential services running. In an area of huge disadvantage, those workers now hear of new family resource centres that will be funded at twice the level of their centre. Therein lies the challenge. I acknowledge that the Minister is expanding the number of centres but some family resource centres that are working from the core base of two employees have huge issues in their areas. They do not just need an annual grant, their core funding must be significantly increased to allow them move from a two-person to three-person operations in order to meet the needs in their communities.

Deputy Katherine Zappone: As regards Quarryvale family resource centre and as the Deputy is aware, the funding of €86,478 covers the salaries of a full-time co-ordinator, a part-time development worker and a part-time administrator. When Quarryvale entered the programme in 2005, its original budget was set at €39,777. Whether the same criteria are used to determine the annual funding of family resource centres depends on when the project entered the programme. The number of staff, location, size and catchment area of the centre and the deprivation index of the area are also taken into account. Quarryvale is in the lower funding bracket due to its only having two staff - as the Deputy identified - as well as the date on which it entered the programme. It is located in an area of high deprivation. The Deputy has raised these issues and I have asked that they be examined. I am investing money in the sector. I understand the concerns raised by the Deputy and I will ask Tusla to note them, particularly in the context of Quarryvale, for the future.

Early Years Strategy Publication

43. **Deputy Denise Mitchell** asked the Minister for Children and Youth Affairs when she will publish the national early years strategy; when it will be implemented; and if she will make a statement on the matter. [50171/17]

Deputy Denise Mitchell: When will the Minister publish the national early years strategy and when will it be implemented?

Deputy Katherine Zappone: Better Outcomes, Brighter Futures, the national policy framework for children and young people, contains a commitment to publish Ireland's first-ever national early years strategy. The ten-year cross-Government strategy will focus on the period of early childhood from birth to five and cover all aspects of children's lives. Given the importance of the first five years for childhood development and for development over the life course, the strategy is a priority for me. No other strategy offers the same potential to transform the lives of children and their families. It is, therefore, important that we get it right.

Drafting of the strategy is being advanced by my Department, which is drawing on substantial national and international research evidence and being informed by experts' views, including those of the expert advisory group on the early years strategy, bilateral meetings with other Departments and a range of stakeholder consultations, including one undertaken with children aged three to five. We also held a very valuable open policy debate which brought together over 80 experts from the fields of health, education, early childhood care and education, child protection, housing, community, social protection and social inclusion.

A draft strategy has been prepared and a process of redrafting is about to commence alongside further consultation with Departments and key stakeholders.

Efforts to progress the remaining work and finalise the strategy for publication have recently intensified with the assignment of an additional resource by my Department. When it is published as early as possible in 2018, my Department will outline a plan for implementation that will involve the close monitoring of progress on all actions within the agreed timeframes.

Deputy Denise Mitchell: The national early years strategy presents us with a very important opportunity to identify what is in the best interests of every child from birth to six years of age. It includes a specific focus on early childhood care and education. I acknowledge the work that has been carried out by the Minister such as brainstorming sessions and policy debates with stakeholders to progress the strategy. However, while there have been various schemes and announcements regarding early years services, I fear that, although it is well-meaning, the strategy is disjointed. I would like it to be published as soon as possible. The Minister said that will be done in 2018 but this process has been ongoing for a long period and I hope she will be able to give a date for its publication and implementation.

Deputy Katherine Zappone: I thank the Deputy. The first area she identified relates to whether we are being strategic. We do not yet have a strategy. As regards why it has been delayed, the commitment to publish the strategy coincided with a commitment to totally reform the early childhood care and education sector in Ireland. As the Deputy is aware, my Department has been engaged in many initiatives and a significant reform agenda at the same time as trying to progress the strategy. Examples of its work are the report on the future investment in child care, the early years regulations, the access and inclusion model, the action plan for school age child care, the expansion of the ECCE, early childhood care and education, scheme and more affordable child care measures in 2017. While I acknowledge there has been a delay, it has been contributed to by that significant reform.

Deputy Denise Mitchell: The strategy, when published, needs to include an implementation plan. Over the years, we have all seen various well-meaning schemes whose clear goals have sometimes fallen flat. What plans does the Minister have to fund and prioritise the strategy?

Deputy Katherine Zappone: I assure the Deputy that an implementation plan will be part of the strategy. We will draw on the learning we have gained from the experience and cross-Departmental work that has been carried out, in particular in the context of the Better Outcomes, Brighter Futures national ten-year strategy whereby high-level officials gather every quarter under my chairmanship and have worked together to understand and ensure that implementation will be the focus once the report has been published. That will enable us to have the strategy and also a structure for its implementation. As part of that process there will, in the first instance, be an identification of the aspects of budgets within Departments that are already focused on ensuring that parts of the plan are resourced, as well as working together to be able to identify resource gaps that will have to be filled to ensure the plan is implemented.

Youth Services Funding

44. **Deputy Brian Stanley** asked the Minister for Children and Youth Affairs the reason funding for an organisation (details supplied) in County Laois is lower than the national average. [50222/17]

Deputy Brian Stanley: I want to ask the Minister about funding for youth work at Laois youth work centre. The county has consistently received a very small slice of the cake in that regard. For example, in the current year it received €107,000 while Cavan received €333,000 - although I am not arguing for the Minister to take money off Cavan - and Wexford received €440,000.

Deputy Katherine Zappone: Funding to staff-led youth services has generally been targeted at areas of disadvantage and not allocated in proportion to the youth population of a county. That has had an impact on Laois's funding relative to other counties.

Laois youth services received €86,803 in funding in 2017 under the special projects for youth scheme. Under the scheme, grant aid is made available in respect of out-of-school projects for disadvantaged young people. Priority is given to projects in the spheres of special youth work initiatives, young homeless people, young people at risk of substance abuse and young Travellers. In addition, funding has been provided to Laois and Offaly Education and Training Board under the local youth club grant scheme, youth capital funding scheme and the local youth club equipment scheme.

My Department also funds 31 national and major regional voluntary youth organisations. Foróige is funded through the scheme and provides a service to support 11 youth clubs in County Laois. Other clubs operating in County Laois that are affiliated to national organisations that receive funding from my Department include Macra na Feirme, Youth Work Ireland, the Irish Girl Guides, ECO-Unesco, the Order of Malta and Scouting Ireland. In 2017 I allocated €57.4 million in current funding to support the provision of youth services. This was an increase of €5.5 million on the allocation for 2016. I have enhanced it by a further €1.5 million in 2018. I am committed to continuing to seek additional investment in youth services.

The Deputy will be aware that my Department is managing the most significant reform of youth services ever undertaken. Earlier this year I approved funding of €800,000 for the establishment of new youth projects and the augmentation of a small number of existing youth services to meet new challenges arising from population increases. Future development of and investment in youth services will be informed by the recently completed exercise which

mapped youth service provision across the State.

Deputy Brian Stanley: I thank the Minister for her reply. It is welcome that we have a Minister for Children and Youth Affairs. It is one of the more positive things that have happened in recent years. The Minister has mentioned that funding is allocated not necessarily in proportion to the size of the youth population but rather based on income and disadvantage. With respect, I point out to her in comparison to the other 25 counties County Laois has a low income figure per head of population. For a rural county we also have a huge concentration of foreign nationals. There are many children whose home language is not English or Irish and this creates a lot of difficulties. There is a high unemployment rate because the collapse of the construction industry hit County Laois severely. Very many people travel to work in Dublin in construction. There is a significant level of disadvantage in County Laois. Out of a population of 86,000, 11,500 people commute every day. Of the €57.4 million in current funding the Department of Children and Youth Affairs has allocated to support the provision of youth services, County Laois received just €86,000 which represents 0.15% of the total sum. According to the census, the youth population in the county is growing rapidly. Some 24.6% of the people living in the county are under 14 years of age and there has been a 26.3% increase in the youth population in the past ten years.

An Ceann Comhairle: We need to hear from the Minister or we will not fit in everyone's questions.

Deputy Katherine Zappone: I am aware, not just from the Deputy's question but also from my work, of the significant level of disadvantage in County Laois. As the Deputy says, there has been a certain amount of investment, particularly in the special projects for youth scheme. I have talked about other investment in County Laois, but we are focusing, in particular, on the special projects for youth scheme. The mapping exercise carried out by Pobal which shows how the social demographics have changed in a given area potentially offers an opportunity for more investment. I think some officials in County Laois are in conversation and having meetings with my Department, looking at how to support the best approach to accessing and making applications for grants and there is willingness to continue to support the officers concerned to ensure their grant applications will ultimately be successful.

Deputy Brian Stanley: Some of the electoral divisions in County Laois, including places such as Mountrath and Mountmellick and parts of Portlaoise and other towns, almost have the lowest income figures in the State per head of population. Twenty-eight grant applications were received for the €100,000 approved for the ETBs. The Department approved nine for targeted areas and the expansion of a further seven, but, as the Minister mentioned, County Laois was also unsuccessful in that regard. I am trying to point out to her that the local youth services, specifically Youth Work Laois, do tremendous work but that an awful lot of their time is spent in trying to access funding. I have been in and out of this issue, as have other public representatives. There is a huge stretch on the resources available to these services which are under huge pressure. I ask the Minister and her officials to look again at this issue. Towards the end of the year public bodies, including Departments, sometimes have a little money left in the kitty. The Minister will start off next year with a new budget. I ask her to look at County Laois, in particular, to ensure there is a fair divvying up.

An Ceann Comhairle: Does the Minister have any money left in the kitty for County Laois?

Deputy Katherine Zappone: Exactly.

Deputy Brian Stanley: I ask her not to forget south Kildare also.

Deputy Katherine Zappone: I will check. I understand the points made by the Deputy.

Deputy Brian Stanley: I make them to the Minister genuinely.

Deputy Katherine Zappone: There has been a new mapping exercise and a profiling that gives us additional information, acknowledging the level of disadvantage in County Laois. The Deputy has pointed to the fact that applications have been made. I am trying to indicate the support of my Department to ensure successful applications can be made in the future. A general amount of money is made available and we then have to go through processes to identify the best way to use it and for the Department to be assured that that will be the case. It is my understanding that later this week my Department, with the Centre for Effective Services, will provide two-day training for staff in all ETB areas in area profiling, the prioritising of needs and, on that basis, the amount of money one should seek. The Centre for Effective Services will provide a training workshop in that regard. I think staff from the Laois-Offaly ETB will attend.

Question No. 45 taken after Question No. 46.

Foster Care Supports

46. **Deputy Martin Heydon** asked the Minister for Children and Youth Affairs her plans to review the funding and allowances paid to foster parents as part of Tusla's increased funding in 2018 in order to take account of the role of foster parents and the additional duties and responsibilities they assume; and if she will make a statement on the matter. [50221/17]

Deputy Martin Heydon: I take the opportunity to ask about the plans to review the allowances and funding paid to foster parents who carry out a very important role, given the increased funding of €40 million for Tusla in budget 2018. I am sure the Minister will agree that foster carers are a vital resource in the care system, in looking after almost 92% of the total number of children in care. At the end of July there were 5,801 children in foster care. I point to the extra resources needed to further support foster parents and the fact that we need to attract new foster parents.

Deputy Katherine Zappone: I have no plans to change the rate of the foster care allowance at this time. However, my Department has begun an extensive review of the Child Care Act 1991 and will examine foster care arrangements as part of this review. It will have regard to income support measures available to foster families generally.

I acknowledge foster carers as the backbone of child care services. Foster care is the preferred option in Ireland for children who cannot live with their parents or guardians. Approximately 92% of children in care are looked after by foster carers. More than one quarter of these children are placed with relative foster carers.

The foster care allowance is currently €325 per week per child under 12 years of age and €352 per week per child aged 12 years and over. This payment was protected during recent economic hardships and is tax-free. It is paid in respect of the child and provided in order to allow foster carers to meet all of the child's daily living needs, including food, clothing, basic

travel, education costs and hobbies and sports activities. The allowance is not considered as means for social welfare purposes.

Foster carers also receive a number of targeted supports to ensure they continue to function as a recognised and valued part of the alternative care system. Key elements of this support include a link social worker, access to training and support group meetings and the allocation of a social worker for each child in care. It is important that foster carers have access to specialist services to meet the child's identified needs. Respite care for children may be arranged if it is part of their care plan.

Pre-assessment and ongoing training are compulsory for foster carers in order to equip them with the skills and knowledge to provide high quality care. Recognising the specific dynamics and the personal nature of relative care, Tusla addresses the training needs of relatives who are foster carers separately. In addition, Tusla provides funding for the Irish Foster Care Association which offers a range of supports to carers, including advocacy, mediation, training and a telephone advice service.

Deputy Martin Heydon: I thank the Minister for her response. We need to review how foster parents are rewarded and recompensed for the work she has outlined, work which, we must acknowledge, saves the State an awful lot of money. When were the allowances last reviewed? From talking to foster parents who have been fostering for many years and do not remember a change in the rates, my sense is that they have not been reviewed for a very long time. The Minister has outlined foster carers' responsibilities and what the money is for: clothes, food, accommodation, classes and education. She has said it does not act as a payment in any way for foster parents. However, we need to recognise that the obligations placed on foster parents have increased, rightly so. Under Children First, they are now being asked to take on additional reporting obligations. There are extra responsibilities and they are taking on the role of a social worker.

Will the Minister comment on an anomaly that arises in regard to the rates of allowance for which foster carers are eligible? As she indicated, the rate is €325 per week for children aged under 12 and €352 for the over 12s. However, once a child reaches 18 years of age, the rate drops to €300. Given the high uptake of transition year, many students are not finishing second level by the time they turn 18. Moreover, it is probably much more expensive to care for an 18 year old than a 14 year old, but families are getting €52 less per week for an older child.

Deputy Katherine Zappone: I do not know when the rates were last reviewed but I will find that out for the Deputy.

Deputy Martin Heydon: I understand it was not done recently.

Deputy Katherine Zappone: If it is the case, as he suggests, that the rates have not been reviewed recently, it is even more important that this should be done in the context of the extensive review of the Child Care Act in which my Department is engaged. The points the Deputy has raised are timely and all of them circle around the extraordinary contribution foster carers make to the protection and care of children and to Irish society in general. All of these issues will be considered as part of the wider consultation associated with the review of the Child Care Act. I expect that consultation to include an examination of the rationale for an increase in allowance rates in the context of the increased costs facing foster carers and the additional supports they may require.

Deputy Martin Heydon: The concerns I am raising are compounded by the difficulties being experienced by foster parents in qualifying for the contributory pension. The problem here is that what they do is not seen as work. I understand this particular issue is outside the Minister's remit and may be more properly a matter for the Department of Social Protection. However, as Minister with ultimate responsibility for foster parents, I look forward to teasing out the matter with her in the future with a view to championing the cause of foster parents in this regard. While foster carers qualify for homemaker's credits until their foster children are 12, thereafter they are deemed to be not working and are being told they must get a part-time job. They are expected to do so while also caring for teenagers who are often very vulnerable. We must ensure the role of foster parent is recognised as a job that qualifies for credits and thereby allows them to qualify for a contributory pension.

Some 92% of the children in the care of the State, many of them requiring a great deal of support, are looked after on our behalf by foster carers. Those carers are deserving of adequate practical support, such as the retention of the higher-rate allowance and the mileage payment of 33 cent per mile after their foster child turns 18. In addition to this practical provision, there also must be an acknowledgment on the part of the State of the very important role foster parents perform and a clear statement of the desirability of ensuring they are adequately supported. That is vital if we are to continue to attract people into this vital role in the future.

Deputy Katherine Zappone: The Deputy has made his points very well. As I said, they are timely in the context of the review being conducted within my Department. The Deputy referred in particular to the income supports that are provided to those who take on this important and special role on behalf of the State. As I set out in my reply, there are other forms of support in addition to income support that are part of the system and are also significant. These include regular home visits and telephone contact from an assigned fostering link worker and the allocation of a social worker to each child, who visits the child and maintains a link with his or her birth family. In addition, foster carers may apply for child benefit for each child in their care and there is a comprehensive training programme for carers at both the pre-approval and post-approval stage. Each child in foster care will have his or her own medical card. These additional supports illustrate the effort on the part of the State to acknowledge the extraordinary role carried out by foster carers.

Acting Chairman (Deputy Bernard J. Durkan): We will now go back to Question No. 45, which is taken with Question No. 60. Deputy John Curran is deputising for Deputy Brendan Smith.

Child Care Services Funding

45. **Deputy Brendan Smith** asked the Minister for Children and Youth Affairs the level of funding that will be provided in 2018 to assist in the upgrading of existing child care facilities and the provision of additional child care places; and if she will make a statement on the matter. [50185/17]

60. **Deputy Brendan Smith** asked the Minister for Children and Youth Affairs the level of funding that will be provided in 2018 to assist in the upgrading of existing community and private child care facilities and the provision of additional child care places, both community and private; and if she will make a statement on the matter. [50186/17]

Deputy John Curran: My colleague, Deputy Brendan Smith, apologises for his absence, which arises from his attendance at a meeting of the British-Irish Parliamentary Assembly in the House of Commons. Will the Minister set out the level of funding that will be provided in 2018 to assist in the upgrading of existing child care facilities and enable the provision of additional child care places?

(Deputy Katherine Zappone): I propose to take Questions Nos. 45 and 60 together.

An allocation of €6.86 million was secured in budget 2018 for my Department's capital funding programme. As in 2017, this will be allocated to early years and school age child care capital projects. An official announcement on the specification of the capital programme for 2018 is due to be made in the coming week and will see the early years and school age capital programmes running concurrently. There also will be a continuation of the childminding development grant, CMDG.

Officials in my Department have listened to feedback from providers in developing the capital programme 2018. The result of this will be a programme that builds on previous successes while also ensuring an earlier, more efficient delivery than in 2017. Delivery this year was delayed by two factors, namely, the huge volume of applications from providers seeking to improve or expand their services and, second, the possibility of incorporating significant extra funding into the capital programme from savings made elsewhere in the Department. We have learned from the difficulties experienced by providers as a result of this delay.

Departmental officials have liaised with Pobal and with city and county child care committees, CCCs, in order to determine the focus, priorities and structure of the capital programme, with a specific view to opening applications early in 2018. This will allow for significantly earlier appraisal and notification processes than in previous years. It will also provide for sign-off on the commencement of capital works approved for funding early in the summer of 2018. This represents a significant improvement on the timeline achieved under this year's programme and will be of significant benefit to providers working hard to deliver quality affordable child care in Ireland.

As in previous years, I anticipate great demand for capital grant funding in 2018. The programme will assist in achieving providers' goals in terms of the improvement, maintenance and expansion of child care services, with a particular focus on where this is most needed. Following the announcement of the specifications of the programme in the coming days, child care providers should be encouraged to make contact with their local CCC to obtain guidance on capital applications and any other issues relating to their service.

Deputy John Curran: The Minister indicated that next year's capital programme will be announced earlier in the year than was the case in 2017. The capital programme for this year was announced in July, at which point, the Minister indicated, there was an immediate draw-down of funds. This allocation covered hundreds of projects with the objective of creating 2,200 new child care places. Given that the funding was not announced until July, will the Minister indicate, as we approach year's end, whether all the funds have been drawn down and all the additional places created? How much earlier in the year can the 2018 programme be delivered?

Will the Minister indicate the global figure for capital projects in 2018? The allocation for 2017 was €8.4 million, which is virtually double the sum for the previous year. It is important

to ensure projects are identified and funding earmarked earlier in the year so that the full allocation can be drawn down in that year.

Deputy Katherine Zappone: The total capital budget allocation for 2016 and 2017 was increased during each programme's run, in response to the extraordinary levels of demand from providers. Those increases were achieved through moving funds that arose out of savings and underspends elsewhere in my Department. For 2017, the total allocation ended up being €12.4 million. While the current capital allocation for 2018 of €6.86 million is not as high as the final figure for this year, it represents a significant increase on 2017's original baseline allocation of €5 million.

On the question of when funding is announced, I have tried to learn from the past and am absolutely determined to ensure applications are received as soon as possible so that plans can be made, moneys spent and improvements achieved. On the amounts drawn down in 2017, I will get that information for the Deputy.

Deputy John Curran: The Minister pointed out that the capital funding for next year is less than the outcome for 2017. Is she anticipating further savings within the Department that would allow the 2018 outturn to be greater than the initial allocation?

Deputy Katherine Zappone: I will have my eye on that, which is all I can say for now.

Acting Chairman (Deputy Bernard J. Durkan): We will now return to the next question in order, which is No. 47, taken with No. 51, in the name of Deputy Thomas Broughan.

Homeless Persons Supports

47. **Deputy Thomas P. Broughan** asked the Minister for Children and Youth Affairs if her Department is conducting an examination into the physical and mental health impacts on children experiencing homelessness; if not, her plans to do so; and if she will make a statement on the matter. [49915/17]

51. **Deputy Thomas P. Broughan** asked the Minister for Children and Youth Affairs if she will report on the weekly actions she undertakes to mitigate the longer-term damaging impacts of homelessness on children; and if she will make a statement on the matter. [49916/17]

Deputy Thomas P. Broughan: As the Minister is aware, there are now more than 3,200 children living in hotel rooms, family hubs, bed and breakfast accommodation, domestic violence refuges and other unsuitable and cramped accommodation. The Minister and her Government committed to ending the use of hotel rooms and that type of accommodation for accommodating families who are homeless by 1 July 2017. That deadline was missed. Although some families were moved into hubs, I believe 690 families are still in hotel rooms. Has the Minister carried out any studies in respect of the physical and mental health impacts of this on children? Is there any follow-up when, hopefully and at long last, they receive permanent accommodation? What weekly actions will the Minister take in order to protect and care for the welfare of those children? For example, has the Minister visited any of the hotels or hubs in question?

Deputy Katherine Zappone: I propose to take Questions Nos. 47 and 51 together. I thank Deputy Broughan for the excellent questions. I believe the Deputy is aware that I am commit-

ted to helping children and families as part of the whole-of-Government response to the problem of homelessness. I believe that living in emergency accommodation such as hotels and bed and breakfast accommodation impacts negatively on the health of children and their families. Living in very confined spaces gives rise to a lot of stress. Children have no facilities to do their homework. Parents have spoken to me about the difficulty in toilet training toddlers. My Department has co-funded a study on food access and nutritional health among families living in hotel accommodation. It did not make for pleasant reading but it absolutely confirmed that this type of accommodation is not conducive to healthy children or healthy families.

We are trying to find a solution which, in the medium term, provides an environment where children and families can live in a less stressed, less cramped environment. This is why the Minister for Housing, Planning and Local Government has accelerated the provision of family hubs. I have visited some of these myself, both purpose built and an existing building. Importantly, they provide space for children to play. The hubs also provide a better setting for supports such as homework clubs, meeting with support workers and activities that are organised for both children and parents.

They are not a long-term solution but, in my opinion and from what families have told me, the hubs are a big improvement on hotels and bed and breakfast accommodation. There are currently 11 hubs in operation. Ten of these are in Dublin and one is in Limerick. Between them, they provide just over 300 units of family accommodation. Four new hubs will be delivered before the end of the year. These will provide more than 100 additional units of family accommodation in Dublin. Two further new hubs will be delivered in Limerick before the end of the year, providing 34 units of family accommodation. Early next year, there will be more than 55 further units of family accommodation in Dublin with the opening of two new hubs. In addition, there will be a 19 unit family hub opening in Cork early in the new year. There is a proposal in planning for a hub in Galway.

Through my Department, I have introduced free child care for the children of families experiencing homelessness. Some families are already eligible under existing schemes. I am happy to say that the families of an additional 154 children are availing of this measure, which also provides for a daily meal for the child. This was introduced as a direct response to a request from the homeless agencies to do this. It was a response to the needs of the child and also the needs of the parents. In addition, I asked Tusla to fund the provision of child support workers for one of the homeless agencies, which it has done. It has also appointed a homelessness liaison officer who works with all the other agencies and providers helping homeless families.

As we discussed earlier, Tusla also has responsibility for the school completion programme. This provides supports for children at risk of not reaching their potential in the educational system. It does this through initiatives such as after-school supports, homework clubs, mentoring programmes, therapeutic interventions, and breakfast clubs. In response to the homeless crisis, all school completion programmes now engage with schools on an ongoing basis, not just at the start of the year, so that children who become homeless during the course of the year are provided with support through the school completion programme.

Tusla and the Dublin Region Homeless Executive, at my request, are also supporting an initiative to support women who are pregnant and homeless or at risk of homelessness. Tusla is providing funding for the recruitment of support workers for this service. Our children and their families need permanent homes. That is the goal of the Government. In the meantime, I will continue to support measures to help these children and their families, both within my area

of responsibility and also with colleagues in other Departments.

Deputy Thomas P. Broughan: I thank the Minister for her reply. The Minister referred to a study on food access and nutrition. Will this report be published or will it be made available to Deputies? Earlier today, Members spoke about the accountability of Ministers and the accountability of this House. After the past three or four years of watching families who are homeless ending up in hotel rooms and in hubs, it seems to me that Ministers will be held accountable on this in future Dáileanna and maybe future tribunals. It is something to which the Minister needs to give daily attention. In my experience and from the reports I receive, families have warned us of longer-term physical and mental health impacts on children of living in accommodation without cooking facilities, without space for babies to crawl or learn to walk, with missed visits from public health nurses and so on. These heartbreaking stories bring home to us how inappropriate these locations are, especially the hotel room situation. Deputies get calls from desperate couples and mothers, who realise that their children are really suffering day in and day out because of these conditions.

With regard to family hubs, I am aware that the Minister has probably looked at the excellent study by Dr. Rory Hearne and Dr. Mary Murphy on the operation of family hubs for the housing of families who are homeless. The clear indication of the report is that three months is the very maximum period a family should be in a hub. It is a desperate situation for those families who are suffering.

Acting Chairman (Deputy Bernard J. Durkan): I thank the Deputy.

Deputy Thomas P. Broughan: I represent people who have been in this situation for two years plus. We need a very strong response from the Department of Children and Youth Affairs and from the Department of Housing, Planning and Local Government.

Deputy Katherine Zappone: The Deputy is absolutely correct that the Ministers should be, and are, held accountable. I appreciate the Deputy's questions. He has raised some of them with me previously.

On the question of researching and studying the mental health and well-being of the children, I agree with the issues identified by Deputy Broughan. It is not good for the mental health and well-being of young children to be in bed and breakfast accommodation and emergency accommodation. I have seen this myself also when I have gone around. My initial, and continued, response in the context of my Department was to find ways to mitigate the impact of the difficulties that children and young people experience in that regard. Early on, I identified some of those issues, having consulted with the agencies about what would help in that context. The Deputy is absolutely right that we did not meet the deadline that was originally set. As part of the process towards meeting the deadline, there was the establishment of family hubs. I have been in a couple of them and I have heard from the people who are there and say to me that the hubs are providing a very different way of ensuring supports for families ultimately to find secure accommodation and a housing solution for them. It is not just about the place. When I visited the Tallaght family hub, I was told that families no longer had the responsibility of the self-accommodation option as they were self-accommodating with supports to help them find their housing solutions.

Acting Chairman (Deputy Bernard J. Durkan): There will be a final contribution from Deputy Broughan. There are 58 seconds remaining and the clock is ticking.

Deputy Thomas P. Broughan: We are a few days in to the 16 day international campaign opposing violence against women and I note that two outstanding organisations in my constituency, Aoibhneas and Sonas, have both complained about aspects of the guidelines, particularly those from the Department of Housing, Planning and Local Government, in respect of families who are fleeing domestic violence. These organisations feel that some of the guidelines are actually erecting barriers for mothers fleeing to safety with their children. Some people find at the end of their time in a refuge that there is absolutely no accommodation option but to return to the abusive home setting. Tusla is part of the Minister's area of responsibility. What is the reason service providers are not linking into the homeless PASS management system, which is the interface between the Department of Children and Youth Affairs and the Department of Housing, Planning and Local Government in relation to this? Does the Minister's Department and Tusla have an input into the Department of Housing, Planning and Local Government's guidelines?

Deputy Katherine Zappone: Those are excellent questions and I will certainly investigate them. I do not know if I have specific answers, but my understanding, having asked, is that Tusla is working closely in particular with the Dublin Regional Homeless Executive with specific reference to women who are pregnant or those who are at risk of or experiencing domestic violence. We have identified some potential solutions, but I will certainly raise the issues the Deputy has raised with me on Tusla and working with the homeless executive.

A referred reply was forwarded to the Deputy under Standing Order 42A.

Written Answers are published on the Oireachtas website.

Business of Dáil

Minister of State at the Department of the Taoiseach (Deputy Joe McHugh): I propose, notwithstanding anything in Standing Orders, that immediately following the taking of Topical Issues today No. a30, a statement by the Minister for Justice and Equality re justice issues, shall be taken. The statement of the Minister shall not exceed ten minutes, following which each party or group in opposition shall have six minutes each and the six minutes shall consist of alternating questions and answers, each of which shall not exceed one minute. The Minister shall have five minutes for a statement on conclusion and the opening statement. The questions and answers and the concluding statement shall not exceed 57 minutes in total.

On Thursday, following the motion re European Defence Agency, No. a11, motion re proposed authorisation by Dáil Éireann for the Houses of the Oireachtas Commission to instruct legal representatives, shall be taken and shall conclude within 24 minutes. Speeches shall be confined to a single round of three minutes each by a Government representative and the main spokespersons for parties or groups. Any division demanded shall be taken immediately and all Members may share time. The weekly voting block shall take place on the conclusion of the motion.

Acting Chairman (Deputy Bernard J. Durkan): Is that agreed? Agreed.

28 November 2017

Topical Issue Debate

Sports Capital Programme Administration

Deputy Robert Troy: My purpose is to try to ascertain from the Minister of State with responsibility for sport exactly when the sports capital programme will be announced. Applications for the programme opened in January 2017 with a closing date of 24 February. That is over ten months ago. Many small, voluntary sporting clubs in my constituency of Longford-Westmeath and right across the country put a lot of time, effort and hard work into preparing their applications for the sports capital programme but to date there are some which do not know whether they will receive funding. I ask the Minister to give a clear undertaking as to when the official word will become known.

I am also concerned that a number of colleagues have approached me over the last 24 to 48 hours to indicate that certain members of Government parties were ringing around sporting clubs to advise them that they had been successful and to expect a phone call later this week. If that is happening, I am very worried. Funding allocations should be made known in an open and transparent manner to all Members of the Oireachtas. I am aware that there were a large number of applications this year. As such, I welcome the fact that additional funding is being made available for the scheme. It is important, however, that the Minister of State sets out when he will announce the grants and states how many applications were deemed ineligible. Have applicants whose applications were ineligible already been made aware of that fact? If not, why not? One imagines they should have been afforded the opportunity to submit whatever documentation was missing from their original applications.

Finally, can the Minister provide the House with the reason it has taken so long to go through the applications? The committees of local, voluntary organisations, which are made up of people working in a voluntary capacity, must put forward applications in the space of seven weeks while a fully fledged and funded Department has yet to respond ten months later. These clubs are fundraising to ensure they meet the criteria and they have worked hard to ensure they can make the necessary improvements to their sporting facilities. I would welcome a response from the Minister of State.

Minister of State at the Department of Transport, Tourism and Sport (Deputy Brendan Griffin): I thank Deputy Troy. I agree completely that the sports capital programme is a very positive addition to Irish society. Since 1998, €911 million has been spent on vital sporting facilities in large and small communities. The footprint is very visible in the communities where that €911 million has been spent. It has made a huge difference to sporting organisations, many of which would be otherwise unable to raise funding for necessary infrastructure. I was delighted when the scheme was reintroduced in 2012, having been scrapped in 2008 when the economic crisis hit. We were also able to introduce a scheme in 2014-15 and we have been able to do so again in 2017.

When I came into the Department on 20 June, applications had closed. At that stage, there was a budget of €30 million for both the local and regional schemes, with a breakdown of €26 million to €4 million, respectively. Unfortunately, the overall value of the 2,320 applications submitted for both the local and regional schemes was €155 million. Given those figures, it would have been very difficult to reward in a meaningful way all of the volunteers to whom

Deputy Troy referred had we attempted to spread the available funds across all of the applications. The first thing I did, therefore, was to consult with the Minister, Deputy Shane Ross. We dug in and worked very hard in the months before the budget to increase the funding for the programme. We had a very successful outcome in the budget and managed to raise the available funding for the 2017 programme from €30 million to €60 million, which was a considerable increase. It is to be hoped that level of funding will allow us to deliver a positive and progressive scheme on Thursday of this week. It will be very responsive to the needs of clubs around the country and help to clear a backlog which has built up.

As Deputy Troy knows, the breakdown in 2012 was that 48% of clubs made invalid applications. In 2014-15, approximately one third were invalid. Due to changes which have been made to the scheme and the website, we are looking at an invalid rate of approximately 20%, which is a step in the right direction, albeit still 20% too much. I would like to see a 0% rate of invalidation and to bring everyone through the process as a valid applicant. That would give every club the opportunity to have its application tested on its merits. For now, approximately 80% of applications are valid which means we are seeking to ensure that €56 million is disbursed among approximately 1,700 clubs. Grants will be based primarily on the amounts the valid applicants sought and the points they secured through the application process.

The application process is onerous and clubs provide huge amounts of information to the officials in the Department on socio-economic disadvantage, levels of own funding, previous funding received, levels of participation, social inclusion and many other useful metrics.

The Minister, Deputy Ross, and I were extremely determined to ensure that the true merits of applicants were reflected in allocations. We feel we have come up with a way of doing that which is transparent and entirely fair. We are proud of it because it is a step in the right direction for the sports capital programme, which will have a meaningful impact on many communities when funding is allocated. For the volunteers, there has been a delay because of the extra funding and an unprecedented number of applications - 2,320 is the highest ever - but it was worth waiting for because, ultimately, we will have a very good programme this year.

Deputy Robert Troy: It is welcome that €56 million will be spent by various sporting bodies throughout the country. The Minister said that 20% of applications for grants would be deemed ineligible. Will they only get confirmation of that when the announcement is made on Thursday next? There are clubs eagerly looking forward to getting money but on Thursday they will receive bad news and this needs to be addressed, given the time and effort clubs put into these applications, although I accept that the problem has been reduced.

I suggested that all of the 80% eligible applicants receive some funding on the basis of the points system that has been introduced and it is welcome that this is happening. I met a local group in Moate, County Westmeath, and advised it on how to proceed and what supporting documentation it needed to submit. I also advised the group to approach other politicians. One of the members of the Independent Alliance group, of which the Minister, Deputy Ross, is also a member, said that if people were seen talking to Deputies on this side of the House, it could go against their applications. I would not like that to be the case. I welcome the fact that 80% of applicants will get good news on Thursday and that it will be done on a points basis in order that clubs which worked hard to put together good applications, with all the necessary supporting documentation, will be rewarded.

There have been so many applications because we have moved away from operating this

scheme on an annual basis. I encourage the Minister of State to move it to an annual basis so that ineligible people do not have to wait too long to reapply.

Deputy Brendan Griffin: I have been involved in sports organisations all my life - running them and participating in them - and I understand from where the volunteers who run such organisations are coming. I am excited about being able to help them this week with grants, as is the Minister, Deputy Ross, and it is a really positive story. Funding is allocated per county and we have moved away from the bad old days when the money went where the politics determined, which was not the right way to go about it. It is based on a points system and on the amount of eligible funding sought.

Some clubs might have received notification of invalidation from the sports capital unit if there were questions regarding their applications, particularly where works being applied for had already been carried out. That would be a very small minority, however, and the majority will find out this week. In future rounds, I want to eliminate the issue of invalidation with something like an over-the-counter system, in which the application can be stamped and validated, or an early bird system whereby a person comes in a month before the deadline to ensure that everything has been validated. In the case of some misdemeanours or minor reasons for invalidation, such as a bank statement that might be two weeks out of date or a letter, figure or name which is missing, we should be able to give a second chance to people. Unfortunately, some invalidations are very cruel. I am not committing to this but I am exploring the possibility, even in the current round, of finding an administrative way of doing something, within the budget, which is not too burdensome on the officials in the Department. A very limited number of people are working on this in the office in Killarney, which is in my constituency. Ultimately, applicants are volunteers helping their communities and we want to help them.

Traffic Calming Measures

Deputy Tom Neville: Kilcornan is a small village located on the N69, a national secondary route, in rural County Limerick. The N69 is a coastal road which runs from Limerick to Tralee via Foynes. The issue concerns traffic-calming measures that are proposed for the route. Concerns relating to those measures were originally raised by the community on 8 September 2015. This road has been a danger point for many years and that fact has been brought to the attention of successive Ministers. I proposed that speed-limit measures be extended in 2004, which seems like a lifetime ago. However, my suggestion has been constantly refused, first by the National Roads Authority, the NRA, and then by Transport Infrastructure Ireland, TII.

Kilcornan stretches from the church to the community centre for about a mile and a half on the N69. The fact that it is located along this expanse of the road is the biggest challenge. The focal point of the proposal relates to the community hub, which comprises the school, the GAA pitch and the Ger McDonnell Park astroturf pitch. All of these are accessed by people from neighbouring villages and towns - such as Kildimo, Pallaskenry and Adare - with which Kilcornan has joined up to form an under-age soccer team. There is, as a result, a glut of traffic coming onto the road, particularly between 9 a.m. and 2 p.m. or 3 p.m. On the Askeaton side, there is a blind bend and people take their lives into their hands when they come out onto the road. There is no hard shoulder and no space for cars to move from one side to another. Neither is there any room to put traffic islands in place.

A meeting took place on 8 September 2015 and proposals have been submitted to TII. There

has been correspondence between the council and the TII on a proposal that has been shown to the community. Every time it goes back to TII, however, further design measures and updates are sought. The community is becoming frustrated as to what will be the outcome. I was a local councillor in September 2015 and we were unanimous in wanting to see traffic-calming measures put in place in Kilcornan. However, the communication back and forth between TII and Limerick City and County Council suggests that the can is being kicked down the road. Can the Minister give us a timeline for when this project will be completed, what funding is required and from where that funding might come?

Minister for Transport, Tourism and Sport (Deputy Shane Ross): As Minister for Transport, Tourism and Sport, I have responsibility for overall policy and funding of the national roads programme. The planning, design and implementation of individual road projects are a matter for TII in conjunction with the local authorities concerned. Ireland has just under 100,000 km of road in its network and the maintenance and improvement of national, regional and local roads places a substantial financial burden on local authorities and on the Exchequer. As a result of the national financial position, there were very large reductions in the Exchequer funding available for roads expenditure after the financial crisis. For this reason, the focus has had to be on maintenance and renewal rather than new improvement projects in recent years, and I envisage that the emphasis on maintaining assets together with safety measures will continue into the next capital plan period. Within its capital budget, the assessment and prioritisation of individual projects is, therefore, a matter for TII in accordance with section 19 of the Roads Act.

TII allocates funding specifically for safety works based on its analysis of the network and has allocated €17 million for such works this year. Each year, TII carries out a collision analysis of the entire national road network to identify locations that have a high concentration of collisions. Following completion of the analysis, local authorities are requested by TII to carry out reviews of safety at each of the identified locations and to submit feasibility reports, including details of proposed remedial measures to improve road safety at those locations.

The absence of a site from the network safety ranking locations identified as part of this collision analysis process does not preclude a road authority from submitting a feasibility study for safety improvement works elsewhere. In this context, it is open to local authorities to submit proposals for road safety measures at schools for consideration.

My understanding from TII is that following contact between Limerick City and County Council and the regional road safety engineer about traffic calming measures at Kilcornan, the council initiated preparation of a report on proposed measures for consideration by TII. I know the Deputy has raised this issue in parliamentary questions on a regular basis over the past year and I understand that TII has provided him with updates in response. In October, I understand TII indicated that the design of the proposed traffic calming measures at Kilcornan were expected to be finalised shortly. I have now been advised by TII that it is anticipated that funding will be provided in 2018 for traffic calming measures between the two junctions in Kilcornan, which will also involve a reduction in the speed limit. I am glad to be able to inform the Deputy of the progress being made.

Deputy Tom Neville: I very much welcome the Minister's reply and I thank him for it, particularly the funding that will be made available for the project in 2018. It is good news for the people of Kilcornan and the general area of the N69. I wish to highlight the contrast between Kilcornan and other nearby areas. Ballybrown national school had 12 lights at its location and

18 lights were allocated. Ferrybridge on the N69 had five, and Brick Lodge in Clarina, which is much smaller, has four. The Applegreen service station in Coolanoran on the N21 has ten lights. Kilcornan, as I have highlighted, has one in a particular location. Underlining all of this, I very much welcome the Minister's response and thank him for it. The people of Kilcornan will be pleased with the outcome from the Minister and the Department that funding will be made available for traffic calming measures between the two junctions in Kilcornan, namely, the Curraghchase junction and the Cowpark junction, and they will welcome the reduced speed limit. We have been looking for this for years. I went into the council in 2004 looking for this, so I am glad the Minister has given me the news today and I sincerely thank him for his response.

Deputy Shane Ross: It is an unusual pleasure to be able to respond so positively in the House to an issue of this sort. It should be said that a lot of it is due to the persistence of Deputy Neville in continually bringing this up and bringing it to the attention of TII, the local county council and everybody else not just as a Topical Issue, but also in parliamentary questions. I welcome the fact this is happening, and it is fair to recognise not just the persistence of Deputy Neville, which was extraordinarily welcome and successful, but also the fact that TII does respond to safety issues, particularly where there is an issue where life is in danger and where there has been a series of collisions. As the Deputy knows, TII will look at it as a top priority, and in this case it has been a successful crusade on behalf of Deputy Neville, for which we must all be very grateful.

Ambulance Service Provision

Deputy Seán Haughey: Dublin Fire Brigade provides emergency ambulance services in Dublin by arrangement between Dublin City Council, the National Ambulance Service and the HSE. In short, Dublin Fire Brigade provides a fire-based ambulance service. International best practice indicates that combining fire rescue and emergency services greatly improves the response to a crisis, particularly in this age of international terrorism. The chief executive of Dublin City Council, Owen Keegan, wants to see a transfer of all call taking and dispatching for ambulances to the national control centre in Tallaght. This would be a major mistake.

Problems were identified in the HIQA report published in December 2014, and there were concerns about the existence of two separate control and dispatch processes. We are now at an impasse on this issue. The 2015 report of the expert panel on pre-hospital emergency care services in Dublin provides the solution. Moving the call and dispatch service to Tallaght from Townsend Street is not acceptable to Dublin Fire Brigade. A technical solution to bring about the required co-ordination is possible. This would cost only approximately €10,000 to €20,000 and should be trialled. A transfer to Tallaght would end the fire-based emergency ambulance service and benefits of such a service. The practical solution is to provide terminals in both call centres. This would replace the existing telephone contact arrangements. It would show both emergency services the location and availability of ambulances and would ensure the nearest available ambulance is identified.

There is another issue. Dublin Fire Brigade has not been provided with the necessary ambulance capacity to respond to the 36,000 emergency calls it received in 2016. Dublin Fire Brigade has only 12 ambulances and this needs to be addressed.

Deputy Darragh O'Brien: My colleague has outlined the reason both of us and our party

firmly support Dublin Fire Brigade's provision of ambulance services for Dublin. It is because it works, and it works very well. There was a 99% satisfaction rating in the last survey.

The external review in the report carried out by HIQA is fundamentally flawed because one of the members of the external review team did not declare a conflict of interest in carrying out this report. The conflict of interest is that individual is also a board member of the Association of Ambulance Chief Executives, AACE, which is a UK firm contracted to the HSE and which provided advice to the National Ambulance Service. All of this leads in this direction.

I also want to specifically state to the Minister for State, on the day we are discussing parliamentary questions not being answered, that on 17 October I tabled three parliamentary questions to the Minister for Health asking him to outline the procurement process entered into by the HSE and the granting of this contract to AACE UK Limited. I also asked about the conflict of interest and what references it sought regarding the individuals and, in particular, one individual, Mr. Ken Wenman, who was a board member and a member of the external review team. I also asked the Minister for Health about payments made to an organisation each year in respect of its engagement by the HSE. This was put forward on 17 October. On that date, I received a reply from the Minister stating the issues raised are operational and he had referred them to the HSE for a response. I have had no response since. The external review is absolutely flawed because it was teed up to give Dublin City Council and the HSE the answers they wanted to undermine the work of Dublin Fire Brigade.

Minister of State at the Department of Health (Deputy Catherine Byrne): I thank the Deputies for giving me the opportunity, on behalf of the Minister for Health, Deputy Simon Harris, to address this issue and the concerns they have raised.

Dublin Fire Brigade provides emergency ambulance services in Dublin city and county by arrangement between Dublin City Council and the HSE. The National Ambulance Service provides non-emergency patient transfers in the greater Dublin area and also some emergency capacity in this area. I understand that in the last year, in response to increased service pressures, the National Ambulance Service has provided additional emergency capacity in Dublin.

In recent years three comprehensive reviews of ambulance services have been undertaken: the Health Information and Quality Authority, HIQA, review, the capacity review and the review of Dublin ambulance services which was jointly commissioned by the HSE and Dublin City Council. The capacity review which was published last year examined overall ambulance resource levels and distribution against demand and activity. It identified a requirement for additional emergency resources, primarily comprising rapid response vehicles in the eastern region, including Dublin. As I mentioned, the National Ambulance Service has put in place additional emergency resources in Dublin, including rapid response vehicles, to address this capacity deficit.

The 2014 HIQA report on ambulance services highlighted some operational inefficiencies between the National Ambulance Service and Dublin Fire Brigade and recommended a number of measures to improve operations. I am pleased to draw the attention of the House to a follow-up review by HIQA earlier this year which noted that communication, co-operation and co-ordination between the National Ambulance Service and Dublin Fire Brigade had improved significantly since 2014.

A review of Dublin ambulance services was commissioned by Dublin County Council and

the HSE some time ago and focused on identifying a service model for the most effective and efficient provision of emergency ambulance services and patient care in the Dublin region. Its primary objectives were to determine the optimal model of ambulance service provision which would ensure patients received the highest standard of emergency response and to determine the most cost effective service which would ensure optimal value for money for the public purse. However, the issue of Dublin ambulance service provision is the subject of a mediation process between Dublin City Council and staff associations. In these circumstances, I am not in a position, nor would it be appropriate, to make any comment on funding arrangements that are in place, or should be in place, between Dublin City Council and the HSE. I can, however, confirm that additional funding will be made available for the continued development of pre-hospital emergency care services in 2018. The allocation of the additional funding by the HSE for specific service developments throughout the country must await the finalisation of the national service plan. This process is under way.

I note that the National Ambulance Service recently won an ESAI sustainable energy award for the energy efficiency of its new vehicles. The vehicles include features such as solar panels and other energy saving mechanisms. I am advised that five of the new vehicles have been assigned to Dublin Fire Brigade.

Deputy Seán Haughey: The Government must provide a minimum of four additional ambulances and the consequent funding for Dublin Fire Brigade immediately in order that it can respond to the ever increasing number of emergencies and incidents in Dublin. Dublin Fire Brigade personnel are also trained paramedics. If the Minister goes along with the changes proposed by the chief executive officer of Dublin City Council, a skill set will be lost forever. A fire brigade can also be sent with an ambulance with trained paramedics on board. This is a safety issue and in the best interests of the public and patient safety generally. Sadly, terrorist attacks are now a major threat in EU member states. Other member states are moving towards the concept of a fire brigade based ambulance service. It would be a shame, therefore, if we were to break up something that is working well. Will the Minister of State ask the Minister to give the local authority the appropriate funding and resources in order that it can continue to provide this service? The issue has dragged on for long enough. It must be resolved once and for all.

Deputy Darragh O'Brien: I am disappointed that although this is the second time we have raised the issue, on neither occasion has the Minister for Health, Deputy Simon Harris, attended the House to discuss it. In our initial statements we outlined our full support for Dublin Fire Brigade and its ambulances. The work of the National Ambulance Service is also exceptional. However, the HIQA report mentioned by the Minister of State is absolutely flawed. The individuals who undertook the work to complete the report had a clear conflict of interest. As I mentioned, they are employed by the HSE to provide other services and that fact was not declared.

Why can I not get answers to the three parliamentary questions I tabled on 17 October about the public procurement process and the company AACE UK Limited? In six weeks I have not received answers to the three questions. I believe the company was appointed to give the HSE, the National Ambulance Service and Dublin City Council the answers they wanted, which is unacceptable. The Minister of State is a Dublin Deputy and aware of the work Dublin Fire Brigade and its ambulances do. This is an absolute divvy-up which should not be accepted. I ask the Minister of State to give a commitment that the Minister, Deputy Simon Harris, will come to the House to address the issue at least once. This is the second time we have raised it

in six months.

Deputy Catherine Byrne: I am fully aware of the service Dublin Fire Brigade provides in the city through the council. I have been a long-standing fan of Dublin Fire Brigade and the service it provides since my term as Lord Mayor. It provided a service for the Lord Mayor at the time also. I will bring the issues that have been raised by the Deputies to the Minister's attention. Unfortunately, he cannot be present, but it is not his fault as he had to leave for another engagement. I will raise the procurement issue with him and the three parliamentary questions tabled on 17 October and ask him to reply personally to both Deputies.

Television Licence Fee Collection

Deputy Bríd Smith: In the middle of all the palaver we witnessed today, given the resignation of the Tánaiste and Minister for Business, Enterprise and Innovation, the communications committee was told that it had to rush through a report on the future funding of public broadcasting. The way it was done was shameful. It was a draft report, on which a full discussion had yet to take place, but we rushed it through. The key and, for most people, the most significant mechanism contained in the report is giving the Revenue Commissioners the duty to collect the television licence fee.

I do not know what planet most Members of the Dáil are living on, but if they tell people who are hurting the most in trying to pay taxation, be it the property tax or stealth taxes such as bin charges, that the tax man is to take the television licence fee from their salary or social welfare payment, they will really punish them. I hope this will come back to bite them many times in the bum when the next election takes place.

With regard to the recommendation that the Revenue Commissioners collect the television licence fee, it was originally included in the document as a household charge, but the committee copped on and realised how sensitive that would be. The fee is €160 per home, regardless of what device is used to look at the broadcasting media, be it an iPhone, an iPad, a laptop, a computer or a television. The only exemptions are for old age pensioners who are granted the exemption when they are over 70 years of age and other social welfare recipients.

An Post lost €15.6 million in revenue last year and PricewaterhouseCoopers, PwC, forecasts that it will lose €61 million in 2017. It astounded me to hear rural Deputies passionately supporting this measure, knowing that taking the responsibility for collection of the television licence fee from the An Post network and moving it to the Revenue Commissioners would hurt more of the post office network throughout the country which has already been hit disgracefully, with post offices shutting down left, right and centre. Whether one's post office is located in Cleggan or Rialto, this is a big blow to the network. The only reason it is being done is that, according to the most recent records for the numbers of people sent to prison, more than 400 people, three quarters of whom were women, many of whom were lone parents, were sent to jail in 2014 for not paying their television licence fee and the ensuing fine. When people could not be forced to pay it in that manner, it was decided to use the big stick of the Revenue Commissioners. It is using a big stick to crack open a nut.

Consider what is being streamed into Ireland through Sky or Virgin Media. Their profits are going through the roof. Virgin Media's profits surged by 38% last year, while Sky's profits were up by 12% to €1.2 billion in the United Kingdom and Ireland. Why is somebody not

going after them for special taxation on the question of broadcasting? They have lobbied that committee so many times we are now seeking legal advice as to whether RTÉ should be given the right to negotiate re-transmission fees from these global corporations. It is outrageous and disgraceful. What is more outrageous is that within that context, this was being pushed through this morning when the whole country was engaged in what was happening with the Tánaiste without any decent recognition of the impact this will have on ordinary people and the taste that will be left in the mouth and without due regard to how the Government will force the collection through Revenue of €160 from people who can barely afford to cover the stuff the Government is already taking from them.

Minister of State at the Department of Communications, Climate Action and Environment (Deputy Seán Kyne): I thank the Deputy for putting down this Topical Issue, which I am taking on behalf of the Minister for Communications, Climate Action and Environment. I recognise the important part that public service broadcasters play in our democratic society. The provision of stable and adequate funding is essential to ensuring the continued delivery of their role in this regard. I am very much aware, however, of the challenges that face the existing TV licence system, including the current unacceptable levels of evasion. While the rate has fallen from 15.3% at the end of 2013 to the current rate of 14.6%, it is still very high.

In addition, the number of households required to have a licence under the current system is declining due to a departure from traditional viewing habits. Recent reports show that 9% of households no longer have a television set. While the current TV licence fee model has provided a measure of stability to date, the rapid changes in technology altering the traditional way in which television is watched together with economic pressures generally means that a serious question mark exists over the ability of the current funding model to provide continued stable funding for public service media in the long term.

In October 2016, the Minister for Communications, Climate Action and Environment requested that the Joint Oireachtas Committee on Communications, Climate Action and Environment examine the longer term issue of the future funding of public service media. As the Deputy will be aware, the committee considered this issue following a period of public consultation and stakeholder engagement. This has coincided with the committee's pre-legislative scrutiny of the Broadcasting (Amendment) Bill, which is due to be published in the coming weeks. The joint Oireachtas committee launched its report on the future funding of public service broadcasting earlier today. The Minister welcomes the publication of the report and is grateful to the committee for responding to his request to examine this important issue. As the Deputy will appreciate, this is a comprehensive report of over 300 pages which the Minister has not yet had time to consider. However, the Minister looks forward to examining the committee's recommendations, which will help inform future policy options for public service broadcasting. Once the contents of the report have been considered, it is the Minister's intention to bring proposals to Cabinet on funding options in the near future. In the meantime, there will be no change to the existing TV licence fee arrangements and An Post will continue to work as the issuing agent for television licences in accordance with section 145 of the Broadcasting Act 2009.

Deputy Bríd Smith: I thank the Minister of State for clarifying the bit about what will happen in the mean time but the plan as clearly stated in the report is to give the job of collecting the TV licence fee to Revenue. I further point out that the report is also ambivalent about whether it will give RTÉ the right to collect re-transmission fees from the likes of Sky and Virgin, whose profits I have just quoted, who also re-transmit a lot of our GAA games and indigenous programmes. Again, this is trying to put the blame, responsibility and financial onus back on

ordinary people who consume TV, be it through a laptop, iPhone or iPad and I think it is outrageous. Any argument that we need to up our game in terms of collecting revenue is not acceptable because when one looks at what the Government has done in the Finance Bill and taxation levels from the likes of Apple, REITs, vulture funds and the construction industry which get away with blue murder in not paying their fair share of tax, one can see that the Government cannot justify loading it on to ordinary people.

The most extraordinary thing in justifying this was listening to Deputies, particularly those from Fianna Fáil, who actually said at the committee that Facebook is a threat to democracy. Hello - what is that about? Facebook is a threat to democracy because ordinary people can access and interact with it, say what they feel and think and can learn more than they ever did from RTÉ. Facebook is a threat to democracy, yet so many people complain and often refuse to pay their TV licence, as my colleagues on this side of the House would have done, for many years because they were not allowed to be broadcast on RTÉ. What is this business about a threat to democracy and the need to do this broadcasting funding model on the basis of improving the openness of what we access in terms of media? It is nonsense. Tell every child out there or even people my age who increasingly use it that Facebook is a threat to democracy and see the answer you get. This is an outrageous model and I hope that between now and when the Bill is put out that many Deputies will get behind the arguments I am making here and stop it coming through.

Deputy Seán Kyne: I thank the Deputy for her response. I appreciate that she is a member of the committee and I am sure she took part fully in the debate and public hearings that were held on the discussions as part of the consideration of this. This is a cross-party report. I appreciate that it is not a unanimous report. It was published today. With regard to the timing of it, the Deputy can take it up with the committee at its next meeting. I cannot say whether it was rushed. I do not know. The Deputy can take that up with the Chairman of the committee and have a discussion at the next meeting of the committee.

There are a number of recommendations in the report. The Deputy highlighted the one relating to Revenue taking over responsibility for collecting the TV licence fee. Conscious of promoting fairness and equity, the committee recommends that the concessions that are currently available to social welfare recipients are retained in any future funding model and the broadening of the ability and applicability of the existing charging regime to capture every household consuming media regardless of the technology used. The committee says that such a new regime would incorporate all households, not just those in possession of a traditional TV. It also states that the introduction of a non-device dependent public service broadcasting charge is feasible, efficient and practical considering the increasing threats to the sustainability of the current licence fee revenue. There are many people who are not paying the TV licence fee for whatever reason. If everyone paid it, perhaps it could be reduced so it would be more equitable. Like a lot of charges, not everyone pays it and this was the purpose of the Minister asking the committee to examine these issues.

Regarding the Deputy's comments about Facebook and democracy, I certainly do not believe Facebook is a threat to democracy. It is a very important part of social media and widely used by all age groups across the country. I will certainly take the issues raised by the Deputy on board and relay them to the Minister. If it is eventually decided at Cabinet that Revenue should take over responsibility for collecting the TV licence fee, it must obviously come to the Dáil in terms of reform of the Broadcasting Act and there can be a full debate at that stage but at this stage it is only a recommendation of the committee that will be examined by the Minister

when he has time to do so.

Justice Issues: Statements

An Leas-Cheann Comhairle: Before I invite the Minister for Justice and Equality to make his statement, I wish to outline the position on *sub judice* matters for the information of Members. Standing Order 59 states, “a matter shall not be raised in such an overt manner so that it appears to be an attempt by the Dáil to encroach on the functions of the Courts or a Judicial tribunal”. Questions relating to matters of internal administration or communications with the Department of Justice and Equality are not *sub judice* as they do not fall within the terms of reference of the disclosures tribunal. However, I cannot allow any questions regarding communications involving the Commissioner as they are covered by the tribunal’s terms of reference and are *sub judice*.

The disclosures tribunal published a public notice on Friday last, 24 November, in which it stated that it will sit from Monday, 8 January 2018 to consider a range of matters commencing with the O’Higgins commission issue. It further stated that it intends to deal with certain relevant matters in a single hearing, with a view to completing the hearings of the tribunal with the utmost expedition. In the circumstances, it would be a clear encroachment on the tribunal’s functions for the House to debate such matters. We had a similar debate last week and everyone stayed within the guidelines. I have no doubt they will do so on this occasion as well.

We will have a ten-minute statement from the Minister, Deputy Flanagan, and there will then be six minutes for each of the groups. Similar to last time, there will be one minute allowed for a supplementary question and one minute for a reply. I should not have to advise members, but I will do so. I will be very strict in enforcing that one-minute rule.

Minister for Justice and Equality (Deputy Charles Flanagan): I thank the Leas-Cheann Comhairle and the House for allowing me, as I requested this morning, to make this statement. I want to address a number of issues that have arisen in recent days.

I apologise to Deputy Alan Kelly on two counts. First, for my intemperate comments in the House on November 15 when I stated that Deputy Kelly was engaged in a smear campaign against me. I had been told by people in my constituency and beyond that Deputy Kelly was making very negative comments about me in their presence. I have always considered Deputy Kelly to be a good colleague, both in this Parliament and Government. I confess I was taken aback and offended when these remarks were made to me. I fully accept that I reacted badly. I apologise to Deputy Kelly and to the House and withdraw my remarks in their entirety.

Second, I apologise in respect of the matter of replies to parliamentary questions on matters relating to the treatment of Sergeant Maurice McCabe. Deputy Kelly put down a series of detailed questions in recent weeks primarily regarding the activities of officials of my Department, particularly in the period prior to my appointment. I was consistently advised in my Department that to engage in issues that are under the remit of a sitting tribunal and accommodated within its terms of reference would breach the Standing Orders of the Dáil, improperly encroach upon the workings of a tribunal and amount to a parallel process, thereby undermining the tribunal. I accepted that advice at the time in good faith and I note the tribunal’s public notice last Friday, to which the Leas-Cheann Comhairle referred. It is only right to acknowledge that Deputy Kelly’s parliamentary questions should have been better dealt with by me. I am

respectfully asking that the Ceann Comhairle offer his assistance in the provision of guidelines in respect of how to respond to issues that fall within the terms of reference of sitting tribunals and how such issues can be dealt with by the House while tribunals are sitting. This is a matter which should be considered at the earliest opportunity. I look forward to receiving a report from the Ceann Comhairle in respect of it.

I wish to record my thanks to Deputy Kelly for his parliamentary questions which led to the unearthing of an email that had not been seen or sent to the tribunal. As the House is aware, the Taoiseach subsequently ordered a search and retrieval of documents which resulted in the retrieval of a further email chain that is now with the tribunal. I was shocked and, frankly, horrified that there were records in the Department of Justice and Equality that should have been provided to the disclosures tribunal. As Minister, I have repeatedly emphasised the vital importance of full co-operation by the Department with the tribunal. I have taken every opportunity to stress this within the Department. It is an understatement to say I am bitterly disappointed by the events of recent weeks. It has been a major challenge at every step to obtain information of a complete nature in a timely manner. On a few occasions recently, information has been provided to me, to the Taoiseach and then to the House which has subsequently proven to be inaccurate. That is completely unacceptable. I wish to formally apologise to the Taoiseach, the Ceann Comhairle and the House for this. In recent days, it has been clear that information in the possession of journalists and members of the Opposition has not been forthcoming to me, as Minister for Justice and Equality.

As Minister, I have received 12,000 emails since my appointment on 14 June and, as a Deputy representing my constituency, approximately 500 per week. There has been commentary on the emails to the Tánaiste to that effect, namely, that it is significant that they came from a person described as a senior official. The reality of Departments is that almost everything that comes to a Minister internally comes from a senior official. The proper practice for conveying important information to a Minister is through a submission. Since 14 June, I have dealt with 341 submissions from senior officials in my Department. Each of these is carefully considered upon receipt. I know the information must be significant because of the manner in which it is conveyed. A clear lesson from this episode is that officials should not use emails to convey information which should properly be transmitted to the office of the Minister in a formal submission document.

It has been said that I sat beside the Taoiseach last week and allowed him to misinform the Dáil. That is not correct. I wish to explain to the House the sequence of events of the past few days from my perspective. On Monday, 13 November, I was in my constituency office in Portlaoise as well as undertaking an official engagement at the Midlands Prison. In the course of the day, I received a phone call from the Secretary General of my Department. He informed me that having reached 40 years' service, he intended to retire and asked me to inform Cabinet the following morning. This was unexpected and I was taken aback. I became worried. I was still digesting the news when reference was made to an email pertaining to the O'Higgins commission and Sergeant McCabe that had been discovered in the Department. I responded automatically that anything potentially relevant to the tribunal should be immediately conveyed to Mr. Justice Charleton and the tribunal. I simply missed the significance of the email, which I viewed as just another addition to the more than 230 documents already discovered to the tribunal from the Department of Justice and Equality. I did not see the actual email until a week later on the night of Monday, 20 November. That is why I did not raise the matter with the Taoiseach.

Every Department has its own unique challenges but I am strongly of the view that the scale of certain Departments requires a fundamental rethink of the structure of ministerial offices. I was appointed Minister for Justice and Equality 23 weeks ago, which includes a two-month Dáil recess. Since June, I have dealt with: 12 items of Private Members' business; brought the heads of three Bills to Cabinet; steered four justice Bills through the Houses; and a further 26 Bills are in the course of being drafted. I acknowledge the invaluable and generous help of my colleague, Minister of State, Deputy Stanton, in all this work. Since 14 June, 1,829 parliamentary questions have been responded to and I have dealt with 341 formal submissions. I have brought 58 memorandums to Cabinet. I have received 435 invitations or requests to attend or speak at events. Last weekend, between Friday and Monday, 163 questions were put to the Department's press office by the media. A handful of people worked diligently throughout the weekend trying to ensure that these press queries were dealt with. I am advised that approximately 420 media queries were received during past three weeks, of which 235 related to matters directly pertaining to the Charleton tribunal. A further 185 other questions related to a wide range of other issues under the remit of what can only be described as a vast Department.

I am not objecting to my workload - far from it - but I believe that the scale of sensitive and important issues that land hourly on the desk of the Minister for Justice and Equality who, in terms of senior staff, has a single policy adviser points to a need for further external expertise in the Minister's office. It would be completely wrong to imply that the fault for the problems in the Department lies with every member of its 2,000 strong workforce, a workforce that exceeded 3,000 prior to the economic collapse of the State. Today, officials are thinly stretched. A legacy of dealing with terrorism and serious crime has had an effect. I refer, in particular, to the period when the State was under serious threat from the Provisional IRA and other terrorists. What in modern times might be seen as secretive or siloed was at the height of the Troubles, no doubt, a necessary state of affairs. It should be acknowledged that the Department continues to deal with very serious threats to the State. However, there is more to it than crime and security; its remit now encompasses everything from gender equality to policing and from counterterrorism to insolvency. In fact, it is three Departments in one.

This evening the Secretary General, Mr. Noel Waters, informed me that he had brought forward his retirement to today. I acknowledge his long service to the State over five decades. My experience of him is as a very capable Secretary General who has led his staff with dedication, a clear sense of civic duty, humility and kindness in extremely difficult times. He will be hugely missed by all in the Department, including me, as Minister, and my team.

Since my appointment as Minister, I have worked with some exceptionally diligent, civic-minded and honourable officials in the Department. We owe it to them, as well as to this House and the country at large, to ensure the Department is equipped to meet the many challenges it faces. In particular, it is important that the Toland report's recommendations be implemented in an effective way.

The problems in the Department are not new. There seems to be an inevitability about former justice Ministers appearing before tribunals. I read this morning that in 2003 the former Ministers Ray Burke, Pdraig Flynn, Máire Geoghegan-Quinn, Nora Owen and John O'Donoghue gave evidence to the Morris tribunal, for example. The fate of my two predecessors is well known to everybody. We need to reflect on all of these matters and ask why that is the case. Today we have seen the resignation of the former Tánaiste, to whom I pay tribute. I believe Deputy Frances Fitzgerald is fundamentally a good person of the highest integrity and compassion. Without question, she did her very best as Minister for Justice and Equality in

difficult circumstances. Her commitment at all times was to making a positive difference to the lives of the people of the country.

Fundamentally, when everything else is peeled away, the essence of this issue is that Sergeant Maurice McCabe and his family must have truth and justice.

An Leas-Cheann Comhairle: I know that the Minister needs a few more minutes. With the agreement of the House, it is important that we allow him to continue. Is that agreed? Agreed.

Deputy Charles Flanagan: In pursuit of that truth and justice the disclosures tribunal has a critical job to do. I believe Mr. Justice Charleton has acted in the public interest by bringing forward to 8 January the public hearings at which he will examine the allegations that there was a malicious campaign against Sergeant McCabe during the O'Higgins commission. I acknowledge the role played by many journalists who have written on this issue. I also acknowledge the role of this House, but we must all agree that a tribunal offers a special order of status, depth and rigour. I wish Mr. Justice Charleton well in his vital work that lies ahead.

Deputy Jim O'Callaghan: I thank the Minister for his statement. He mentioned that prior to the issue about the e-mails becoming apparent, some 230 documents were discovered by the Department to the disclosures tribunal. Were they discovered by way of an affidavit of discovery sworn on behalf of the Department? If they were, was there a claim of legal professional privilege made over the documents sent to the tribunal or is the case that the Department has waived its claim to privilege over documents that, for instance, were generated in 2014, 2015 and 2016?

Deputy Charles Flanagan: Each and every one of the documents preceded my tenure in the Department of Justice and Equality. When the tribunal of inquiry was set up, it was made quite clear that anyone with any information should forward same to the tribunal. I believe there was special significance on the matter of the Department and it was in that context that a discovery process got under way in the Department which provided a tranche of documents, in excess of 230, all of which were forwarded to the tribunal with due haste and speed, having regard to the legal requirement on the part of officials in the Department to co-operate fully with the tribunal and to the history of this matter and the role and function of the Department.

Deputy Jim O'Callaghan: After that I do not know whether a claim for privilege was made in respect of them, but we can deal with that matter at another time. The Minister has mentioned the process that was undertaken by the Department for the purpose of assessing the documents to be handed up to the tribunal. I ask him to describe that process. Does he know whether the e-mails of 15 May 2015 and 4 July 2015 were considered as part of the discovery process and was a decision then made not to hand them over, or is it the case that they were never spotted before and that they only recently come to light?

Deputy Charles Flanagan: My understanding is they were new documents that had only come to light and not been given consideration in any earlier process.

Deputy Jim O'Callaghan: The report, I think of the Secretary General, states the discovery search was limited to dates from 19 December 2014 to 11 May 2016. There was logic to that because they are the dates when the commission of investigation was announced in this House and on which it was published, 11 May 2016. However, it is the case that after 11 May 2016 there were questions in this House. For instance, I think on 17 May 2016, Deputy Micheál Martin referred to the article in the *Irish Examiner* and the challenge to Sergeant McCabe's

motivation. Will the Minister give consideration to extending the time period beyond 11 May 2016, as it may very well be the case that there are relevant documents after that date?

Deputy Charles Flanagan: If that has not already been included in the trawl instructed by the Taoiseach last week, I will be happy to have it done.

Deputy Donnchadh Ó Laoghaire: This sorry episode has seen the Secretary General, Mr. Noel Waters, resign from his position with immediate effect. He is the second Secretary General to resign in recent years, a fact which of itself raises alarm about the state of play in the Department. His resignation letter is quite remarkable. It states: “The Department has been subject to a barrage of unwarranted criticism in recent days and most particularly today.” He goes on to speak about things that were said in the Dáil. I know that there are many committed members of staff in the Department; that is not questioned, but the Department for which he is responsible failed to find several pieces of key documentation relevant to the Charleton tribunal, despite two processes which should have required a deep scouring of files. It caused the Taoiseach to mislead the Dáil three times in a week and to put the wrong facts on the record. How can the Minister stand over this? How can he explain it? Does he accept that such criticism, some of which came from the seat in which he is sitting, was entirely warranted?

Deputy Charles Flanagan: I acknowledge that there are problems in the Department of Justice and Equality. I think that was made clear in my earlier contribution. In that regard, I believe it is important to acknowledge the good work done in the Department. What we are dealing with is how we can move forward and ensure we can learn lessons from the past three weeks in such a way that we can ensure we will never have a recurrence.

Deputy Donnchadh Ó Laoghaire: I do not think that quite answered the question. I was looking for a fairly direct statement on whether the Minister believed the criticism was warranted. He can answer that question along with this one.

I will briefly outline a dateline for how the particular e-mail came to public attention. The Department located it on 9 November. On 13 November the Minister was notified by the Secretary General. On 14 November the Taoiseach told the Dáil that the then Tánaiste had no prior knowledge of the legal strategy detailed in the e-mail. On 16 November the then Tánaiste was informed of it - the Taoiseach was still not informed. On 20 November the media broke the story and the Taoiseach finally had sight of the e-mail. On 21 November he corrected the Dáil record. I understand it was on that evening that the documents were sent to the Charleton tribunal.

Whatever about their being missed during the processes, there are many questions. Why did it take seven or eight days from the time the Minister was informed for the Charleton tribunal to receive the documents, which was 11 days after the Department had found them? Why did it take four days from the time the e-mails were found for the Minister to be informed? Obviously, the withholding of information which the Minister has essentially acknowledged in all but word is a criminal issue; it is very serious. How can it be explained that they were kept from the Minister and the Taoiseach for so long?

Deputy Charles Flanagan: Lest there be any misunderstanding, I wish to state that much of the criticism that has been made of the Department of Justice and Equality today and earlier is warranted. I want to ensure that this will not be the case again.

As far as the timelines to which the Deputy referred are concerned, he is broadly correct. In

respect of the discovery of the document, there will be an investigation. It will be an independent investigation and it will be completed prior to Christmas. I am not in a position to explain fully to the House the reasons for the delay in discovering these documents. From the discovery of the document to its ultimate transmission to the tribunal there were certain legal issues to be checked, as stated earlier by Deputy O’Callaghan. The advice of the Attorney General was sought, but if there are still outstanding delays within that timeframe, I believe the investigation, which will start at the earliest opportunity, will deal with that in a comprehensive way.

Deputy Donnchadh Ó Laoghaire: I hope it will because there was a significant delay, even after their discovery within the Department, between them being brought to the Minister’s attention and sent to the Charleton tribunal.

I was interested in the Minister’s response to Deputy O’Callaghan, which relates to whether these documents were considered before or whether they were news. He stated that, essentially, they are new documents. The Department had gone through two substantial exercises in looking for documentation, namely, by means of the O’Neill scoping exercise and on foot of the discovery order for the Charleton tribunal. If the Minister is saying that these are new documents, that leads us to assume that in searching for such relevant documentation, the emails of the Secretary General of the Department were not considered and neither were those of other relevant officials or key political advisers within that Department. How is it possible that, in the context of a scoping exercise or a discovery order, emails of the key officials and political staff within the Department for the relevant dates were not considered? Is it the case that these people’s email accounts were not checked? How is it possible that they did not show up in searches given where it was located?

Deputy Charles Flanagan: It seems that, of the tens of thousands of emails that were received in the Department within that period, no reference was made to the email of 15 May. My understanding is that it was considered, in the context of what had been forwarded to the tribunal, as a new document. However, there is more work to be done in that regard and it will be done in the context of the forthcoming examination.

As regards the alleged delay in the matter from 9 November until 20 November-----

Deputy Mary Lou McDonald: It is hardly alleged.

Deputy Donnchadh Ó Laoghaire: -----it seems that, on inquiry, there were legal issues to be dealt with and that certain proofing that had to be factored in. Again, however, I am very anxious to ensure that if there was any element of wilful neglect, it will be dealt with in the context of forthcoming events.

Deputy Brendan Howlin: I want to stick with the timeline for the purposes of clarity. The Minister told us that he became aware of the existence of the email to the former Tánaiste and Minister for Justice and Equality on 13 November in his constituency office. It was found on 9 November. What is the explanation of why the Minister was not told for those four days? Why did he not ask to see it immediately? I know he was taken aback by being informed of the retirement but I think most people would connect the two, with, for example, a person saying, “I am retiring and by the way we found an important new email”. Did the Minister not ask to see it and why did he not do so? Why did he not tell the former Tánaiste of its existence? She was required to actually ring the Department to be informed. In fact, neither the Department nor the Minister ever told her directly. Why was it not sent to the tribunal for a full week, particularly

if the Minister instructed this to happen on 13 November last? Why is it that the writ of the Minister, a direct instruction, could go unresponded to for a full week in respect of a matter of this importance?

Deputy Charles Flanagan: On the matter of the first question raised by Deputy Howlin, I was told of the existence of an email. I was not provided with appropriate details to allow me to link the email to the issues that were under question in the Dáil on the following days. The existence of an email to me was along the same lines as the 230 documents, many of which were emails, that had been already forwarded to the disclosures tribunal. Of course, it has now transpired that this was an email of great significance. In hindsight, had I known the full content of the email and had it been sent to me, I think the events of the past couple of weeks would have been somewhat different. I did not ask to see the email, but what I did ask was for were assurances that the document would be forwarded to the disclosures tribunal in line with both the requirements and the demands of the tribunal, and in accordance with the law.

Deputy Brendan Howlin: But it was not sent.

Deputy Charles Flanagan: On inquiry, as to the reason it was not sent, my understanding, as I said to Deputy Ó Laoghaire, was that there were legal issues regarding the document and there was the matter of privilege, which was considered. The matter was referred to the Attorney General and that has been put forward as an explanation for the lapse of time until 22 November.

Deputy Brendan Howlin: I am interested in the Minister's view on that and whether he finds it acceptable. I know that he is aware of the legal obligations-----

Deputy Charles Flanagan: The Deputy-----

An Leas-Cheann Comhairle: Hold on, Deputy.

Deputy Brendan Howlin: The Minister can come back to me on that point. He is aware of the legal obligations that are in place to ensure co-operation with the tribunal. It is not a matter of choice; it is a matter of legal obligation. The legislation is clear and contains significant sanctions in order to ensure compliance. However, the Minister's Department did not comply. As a result, we understand that the Secretary General of the Department of the Taoiseach is going to oversee a so-called external inquiry before Christmas. One civil servant reviewing the work of other civil servants does not constitute an external examination. Will the Minister agree to appoint somebody outside the Civil Service to conduct this external inquiry?

Deputy Alan Kelly: Hear, hear.

Deputy Brendan Howlin: Has the Minister informed the Garda of a potential breach of the criminal law?

Deputy Charles Flanagan: I will be very happy to have consultations with any Member of the House or with the party leaders on the point raised by Deputy Howlin. If there is a view in the House that the appropriate examination which should take place should involve somebody external of Government, I would be very happy to consider that.

I have no knowledge of any specific complaint on this particular issue as having been made to the Garda Síochána at this stage. I am conscious, however, of the terms of reference of the tribunal and the consequences that arise from a wilful failure to disclose appropriate docu-

mentation or in respect of behaviour that is regarded as contrary to the tribunal of disclosures legislation.

Deputy Brendan Howlin: The announcement that the Secretary General of the Minister's Department is to retire early next year came as a surprise to the Minister. He said that it almost knocked him out of his standing. Coming at the same time as the notification to him of the first email to the Tánaiste, surely it warranted further examination. Now we discover that the Secretary General has brought his retirement forward to today, taking away the opportunity for him to be held to account. In his email to Departmental staff, which has already been quoted, he said, "The Department has been subject to a barrage of unwarranted criticism in recent days and most particularly today". It would appear that he is taking issue with what was said by the Taoiseach today in his description of the Minister's Department as "dysfunctional".

I wish to ask three brief questions. Who is charge of the Department administratively from today? What specific steps is the Minister putting in place to find a new Secretary General and will the process in this regard include a trawl outside the normal top level appointments committee, TLAC, process? Can the Minister explain why the Secretary General is leaving today rather than serving his full notice period, as we understood would happen?

Deputy Charles Flanagan: I cannot go beyond the statement of the Secretary General. I acknowledge his work in the Department and, on my part, as Minister, I also acknowledge the appropriate level of criticism that has been directed towards the Department of Justice and Equality. The Department, from an administrative point of view, is now headed up by the deputy Secretary General. My understanding is that the TLAC process is already under way, following a recommendation by me to Cabinet on the Tuesday before last to the effect that the appropriate mechanics be set in motion for the appointment of a full-time Secretary General to the Department of Justice and Equality at the earliest opportunity. Obviously, the timeframe has changed as a result of today's events. I am quite sure that will be considered by TLAC in the context of its engagement on this matter.

Deputy Brendan Howlin: As far as the Minister is aware, there is no particular reason Mr. Waters brought his retirement forward.

Deputy Charles Flanagan: As I said in my opening comments, the Secretary General of the Department of Justice and Equality, having reached 40 years' service, has decided to retire from his position.

Deputy Caoimhghín Ó Caoláin: It is very interesting that he has decided to bring his retirement forward given that he was due to come before the Joint Committee on Justice and Equality tomorrow week.

Deputy Charles Flanagan: I would like to complete my response to Deputy Howlin by saying I expect that everybody in the Department of Justice and Equality - including those who may not now be in the Department - will continue to be responsible for dealing with these issues.

Deputy Mick Barry: When the Minister was in his constituency on 13 November last - unlucky 13 - he received a phone call from the Secretary General of the Department of Justice and Equality. He must have been shocked when the Secretary General, having clocked up 40 years' service, dropped a bombshell - out of the blue - and said he was retiring. That was the first bit of news. The second bit of news was that an email relating to the Maurice McCabe

situation, which should have been sent to the tribunal but had not been sent to it, was being sent on. When the words “Maurice McCabe” are mentioned, I am sure it gives rise to a frisson and causes alarm bells to go off in the minds of Ministers, particularly the Minister for Justice and Equality. The Minister, Deputy Flanagan, did not ask the Secretary General what the email was about. I know there were another 230 emails. That day, the next day, the day after or the day after that-----

An Leas-Cheann Comhairle: The Deputy will have another opportunity.

Deputy Mick Barry: -----the Minister did not put together the fact that there must be some connection between the retirement of the Secretary General and the email.

An Leas-Cheann Comhairle: I cannot allow that.

Deputy Mick Barry: Does the Minister think that is credible?

Deputy Charles Flanagan: In the course of my conversation with the Secretary General, it was made quite clear to me that the timing of his retirement and the matter of the tribunal were entirely coincidental. The email mentioned by the Deputy referred to a document which pertained to the O’Higgins commission and Sergeant McCabe. As soon as I heard about the nature of the document, I immediately stated that it should be transmitted to the tribunal at the earliest opportunity.

Deputy Mick Barry: Anyone who has been listening to the former Minister, Deputy Fitzgerald, in recent days would get the impression that when she got sight of the fact that the Garda Commissioner was taking an adversarial approach to Maurice McCabe, she wanted to intervene to help the whistleblower but she was legally forbidden to do so. That is the impression anyone would have. I am really struck by the language used in the emails sent between the Garda Commissioner and the senior officials in the Department of Justice and Equality. One message that was sent to from “N” to “Ken” - “N” being Nóirín O’Sullivan - read, “Ken, exact text of what was received by pro and our response. N”. It is clear that at a time when the Garda was planning to attack Maurice McCabe, there was a cosy relationship between two friends, one in a senior position in the Garda and one in a senior position in the Department. I ask the Minister to comment on this cosy relationship.

Deputy Charles Flanagan: I am satisfied that the former Tánaiste had no hand, act or part in designing, guiding or devising any strategy against Sergeant McCabe at any juncture. These issues will now be the subject of considerable investigation and discourse at the tribunal. I look forward to the former Tánaiste being vindicated by the tribunal at the earliest opportunity.

Deputy Mick Barry: My final question relates to what is happening today. Tonight, the Government and the Minister are putting blame onto the shoulders of the Department. In addition to what has been said in here, there have been whispers around the House all day to that effect. It is clear from Mr. Waters’s resignation letter that the Department is putting a share of blame back into the Government’s court. Who is right and who is wrong? It seems to me that there is blame in both quarters. It has been shown in what has come out over the past two weeks that the former Garda Commissioner was attacking Maurice McCabe. The senior officials in the Department were well aware of that. The former Minister was briefed, but she did not intervene. Is the Government to blame or is the Department to blame? I think both of them are to blame. I ask the current Minister to comment on that.

Deputy Charles Flanagan: This is precisely why it was my belief all the time - it remains my belief - that all of these issues are best deliberated and decided on at the tribunal. We are now in a rarified and frenzied atmosphere - as the Deputy has conceded - of rumours, whispers, innuendo and allegations, many of which are completely untrue. All of this will be determined in early course by the tribunal. That is why, as I have said, I do not believe it is in good order for Dáil Éireann to conduct what might be described as a parallel process that does not serve anybody. These issues should be left - in their entirety - to the tribunal of inquiry.

Deputy Mick Wallace: Three and a half years ago, Garda Nick Keogh made a complaint about Garda involvement in the drug trade in the Minister's constituency. Shortly after that, he made another report about harassment and bullying. One report seems to be incomplete and the other seems to have been buried somewhere. Nick Keogh's solicitor has written directly to the Minister on a number of occasions since he assumed his position. Deputy Clare Daly and I wrote to the Taoiseach about the investigation into harassment and bullying. This was passed on to the Minister, but we have not heard anything back about it. The Minister has not responded to any of these communications. I wonder why that is the case. What does he intend to do about it? Does the Minister think he has full authority in the Department? If he is telling us that information in the possession of journalists and members of the Opposition has not been forthcoming to him, is that not subversion? What has he done about it?

Deputy Charles Flanagan: I am considering the further steps that I, as Minister for Justice and Equality, can and will take in order to ensure that the events of recent weeks do not take place again. There are important lessons to be learned. We should look at this in the context of the overall review of the Department of Justice and Equality, which has been under way for some time and which will now be accelerated. I do not think it is reasonable for us to enter into a debate now on the specific Garda case referred to by Deputy Wallace. I would be happy to communicate with the Deputy at a very early date. I am aware of the file and I am aware of actions being taken.

An Leas-Cheann Comhairle: We will concentrate on the issue before us.

Deputy Mick Wallace: The Minister might tell me why he has not dealt with the solicitor in this matter. Why has he not dealt with the people in the Department before now?

On 22 June last, I asked the Minister if he had "complete confidence" in the Garda Commissioner. This was over a year after we found out what had gone on at the O'Higgins commission of investigation and what Nóirín O'Sullivan had tried to do to Maurice McCabe in the context of the Mullingar meeting, whereby a story was fabricated in order to throw him under the bus. How was the Minister able to reply to me that day by saying he had "full confidence in the Garda Commissioner as she proceeds with the implementation of the most ambitious programme of reform ever embarked on by An Garda Síochána"? If the Minister thought earlier this year that Nóirín O'Sullivan was the right woman for the job, how in God's name can he be the right man to change how we do things around policing and in the Department of Justice and Equality? What is going to change? Is the Minister not part of the old school? I do not understand it. Can the Minister explain how he had 100% confidence in Nóirín O'Sullivan earlier this year?

Deputy Charles Flanagan: I do not think it is fair to speak about confidence in the former Commissioner, Nóirín O'Sullivan, at this stage. It is important now that we look forward to the various reports that have been completed and to the reform process that is under way. I refer particularly to the many recommendations of the Garda Inspectorate, some of which have

been implemented and many more of which will be implemented by the end of this year. I acknowledge the importance of the Policing Authority in driving the reform - along with myself, as Minister for Justice and Equality - and that of the Commission on the Future of Policing in Ireland, which was established by my predecessor before Deputy Varadkar became Taoiseach. The commission also plays a crucial role in the reform of An Garda Síochána.

Deputy Mick Wallace: So the Minister is telling us that nothing is going to change.

An Leas-Cheann Comhairle: I thank Deputy Wallace but he has made an arrangement. Deputy Catherine Connolly has the final question.

Deputy Catherine Connolly: The Minister looks forward to the results of reports. This is the famous report he refers to, the independent review which was carried out and was published on 11 July 2014. It referred to the commitment and dedication of the staff in the Department of Justice and Equality. However, it went on to highlight how they had been systematically run down and how the Department was suffering from a serious lack of corporate experience due to retirements and not taking on new staff. Most importantly, the report identified five key recommendations out of a total of eight. It commented that the Department of Justice and Equality's officials were far too deferential to An Garda Síochána. The report specifically gave timelines of three months, 12 months and two years. The review group made a very important offer. It said that it was prepared to meet twice yearly, if the Minister agreed, over the subsequent two years to monitor progress. Did the Minister read the report? Did he accept the offer of a review? Which of the recommendations contained in this independent review have been acted on?

Deputy Charles Flanagan: Many of the recommendations of the Toland review have already been examined and are in the course of being implemented in the Department of Justice and Equality. In fact, there is a specific dedicated committee within the Department to oversee the implementation of the Toland report. However, having regard to the events of the past three weeks, it is important that implementation be accelerated and that a level of expertise be introduced in order to ensure that we can go beyond the recommendations of the Toland report in light of the need to accelerate the process of reform within the Department of Justice and Equality. The Joint Committee on Justice and Equality has a role in this regard. I would be very happy to report to the Dáil on a quarterly basis on the implementation of the recommendations of the Toland report. We probably need more than that. That is something which I will be addressing in the Department over the course of the next few weeks.

Deputy Catherine Connolly: Did the Minister accept the offer of a quarterly review?

An Leas-Cheann Comhairle: We now move to the Rural Independent Group. The first question is from Deputy Harty.

Deputy Michael Harty: Is the Minister satisfied that there has been full disclosure to the Charleton tribunal in respect of other whistleblowers, particularly in respect of Keith Harrison, who is specifically mentioned in the terms of reference? Will the Minister confirm whether there has been full disclosure in respect of that garda?

Deputy Charles Flanagan: Having made inquiries, I assure the House that there has been full disclosure within the Department of Justice and Equality in the context of all issues in respect of which it is statutorily obliged to make disclosures. However, having regard to recent events, I would be very happy to have the Department undertake any further inquiries or further

scrutiny which may be required. I have no evidence of any outstanding issues. I would be happy to raise this with senior officials in my Department tomorrow.

Deputy Michael Harty: Senior members of An Garda Síochána have denied their involvement in any orchestrated campaign to discredit Sergeant McCabe and other whistleblowers. How will that denial, which was clearly false, be dealt with?

Deputy Charles Flanagan: I do not wish to engage in any speculation as to what might or might not be the subject matter of a report of the disclosures tribunal. As I have said repeatedly in reply to parliamentary questions, in public comments and in response to any questions that have arise, it is important that this House acknowledges the importance of the disclosures tribunal. Every party and group had an opportunity to discuss the terms of reference and to add to them in any manner which was thought appropriate. I am firmly committed to ensuring that each and every piece of documentation is presented and that each and every witness attends at the tribunal. I am pleased to note the statement by Mr. Justice Charleton last Friday that the module of the tribunal dealing with Maurice McCabe will commence earlier than anticipated. There is a certain urgency and importance there. I ask everybody in the House to allow the tribunal to get on with its work. The tribunal is undertaking a very serious piece of public service work. It is important that these issues are dealt with at the tribunal in order to secure truth and justice for Sergeant McCabe and his family.

Deputy Michael Harty: Will the scope of the external investigation announced today include an examination of the possibility of leaks from the Department of Justice and Equality to the media regarding evidence given in respect of many of the gardaí who are under investigation?

Deputy Charles Flanagan: I would be very happy if that could be undertaken. However, Members will accept that it is very difficult to determine responsibility for these matters. I want to see the external investigation of the events of the past few weeks get under way at the earliest opportunity.

An Leas-Cheann Comhairle: We will move on to the Social Democrats and the Green Party. There will be two questions from Deputy Shortall and one from Deputy Eamon Ryan.

Deputy Róisín Shortall: We learned from the Taoiseach today that the Minister received news of the email on 13 November but that he did not do anything or did not see it until 20 November. The Minister has said tonight that he was otherwise busy and missed the significance of it. However, he did find time on 13 November to issue a press statement. The press statement was very much in line with the kind of defence we have been hearing from the Department and from the Minister's predecessor. It spoke about there being no question of the Department interfering, about it being inappropriate for anybody else to seek to interfere and so forth. It was a very defensive press statement which seemed to come out of the blue. Why did the Minister issue that press statement on 13 November? He was busy and he says that he did not know about the email. Why did he issue that press statement? Who wrote it for him? Did he actually read it?

Deputy Charles Flanagan: A press statement issued from my Department on 13 November in respect of public commentary that had been made in both the newspapers and the broadcast media over the previous weekend. I instructed my press office to issue a reminder to everybody in order to ensure that the tribunal should not be in any interrupted or disrupted by commentary

in the media - or, indeed, in the Dáil - on matters which, quite rightly, pertained exclusively to the tribunal.

Deputy Róisín Shortall: Quite frankly, it is impossible to understand how the Minister could possibly have issued that press statement without having seen the email. How did the Minister have time to issue this statement when he denies all knowledge of the email?

How were the emails missed? A basic search for “McCabe” or “O’Higgins” would show them up. Can the Minister tell us whether there was a search of Deputy Fitzgerald’s emails? Was there a search of the emails of her ministerial advisers? Is it the case that the people mentioned in the circulation list for these emails will now have to be interviewed or reinterviewed by the Charleton tribunal?

Deputy Charles Flanagan: I want to make it quite clear, as I have said on a number of occasions, that my first sight of this email was on 20 November. While I was notified of the existence of an email, I had no opportunity to see that email, I had not had sight of it, I had not seen its content and nobody had read it to me. I had no knowledge of the detail until I saw it on 20 November.

Deputy Róisín Shortall: Did the Minister have knowledge of the press statement?

Deputy Charles Flanagan: I instructed my press office to issue a press statement regarding public commentary that had taken place over the previous number of days on the tribunal and on tribunal issues.

Deputy Róisín Shortall: Did anyone put two and two together?

Deputy Charles Flanagan: It was done in my office in Dublin. I have no knowledge of an examination of the email account of the former Minister, Deputy Fitzgerald, or of those of any of her advisers taking place.

I assure the House that, as far as the former Minister, her advisers or anybody in my office is concerned, we will co-operate fully with the tribunal in accordance with the law and the former-----

Deputy Róisín Shortall: That does not answer the question I asked.

An Leas-Cheann Comhairle: The Minister, without interruption. The Minister has exceeded his time.

Deputy Róisín Shortall: Will the Minister find out when Deputy Fitzgerald’s email was sent and provide that information to the House tomorrow?

An Leas-Cheann Comhairle: I call Deputy Eamon Ryan.

Deputy Eamon Ryan: If the Minister received the email on 13 November and first read it on 20 November, on what date did he find out that it had not been sent to the Charleton tribunal? Did he ask his departmental officials why it had not been sent and, if so, what answer did they give? As a result of the fact that - this was noted by the Taoiseach earlier - the Department of Justice and Equality is included in the terms of reference of the tribunal and if, as the Minister said, the Government cannot interfere with the tribunal and must leave these issues for it to decide, would the he not agree that the failure to provide these

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documents was in complete breach of the requirement to treat it with respect? When did the Minister find out about the failure to provide the documents, what reason did the officials give for this and what are the consequences, if any, for the Department?

Deputy Charles Flanagan: The consequences of the failure by anybody to comply with the terms of reference of the tribunal are clear: it is a breach of the law which will be investigated in early course. As regards the transmission of the email of 15 May from the office of the Secretary General to the tribunal, my understanding is that there were legal issues and issues relating to privilege. The advice of the Attorney General was sought. A number of days elapsed before it was ultimately forwarded to the tribunal, which, I understand, was done on 21 or 22 November, the Monday or Tuesday of the following week. It appears that there were certain legal issues involved and clarifications were sought and ultimately complied with.

An Leas-Cheann Comhairle: That concludes the question-and-answer session. The Minister has five minutes in which to make his concluding remarks.

Deputy Charles Flanagan: I thank the Leas-Cheann Comhairle for facilitating me. I thank Members for their contributions. I hope that colleagues on all sides will appreciate that in recent days my focus has been to ensure that the instructions of the Taoiseach regarding a search and retrieval process were followed in a comprehensive way. I do not believe that any criticism can be levelled at the Taoiseach for waiting until the search had been completed before the documents were published. I acknowledge that there has been some criticism of the delay in this regard. However, I want to advise the House that I am urgently considering what further reforms I can put in place and steps I can take in order to protect members of the Garda Síochána, such as those who have been mentioned in the House not only tonight but also on previous occasions. I am also examining what form of redress is available to them if they are subjected to bullying or harassment. All of this will complement the protections for whistleblowers introduced by my predecessor.

There are stark lessons to be learned as to the manner in which the Department of Justice and Equality is engaging in the process of reform. I assure the House that I will continue to apply my best endeavours to ensure the events of the past few weeks will not reoccur. The Department of Justice and Equality must be looked at in the context of its very wide remit over a range of issues. The first task will be to ensure the appointment of a new, permanent Secretary General. I acknowledge the important work that has been undertaken by the Department of Justice and Equality notwithstanding the criticism that has been heard in the House this evening and earlier today and I am satisfied there is an appetite at every level of the Department to continue to deploy its values, which involve serving the State and its people with distinction. I will ensure that will be the priority during of my tenure in the Department of Justice and Equality.

Social Welfare Bill 2017: Second Stage (Resumed)

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

Deputy Louise O'Reilly: I thank Deputy Brady for sharing time and for the opportunity to speak on the Bill. Sinn Féin regards social welfare payments as something of an equaliser in society and a mechanism by which the Government can redistribute payments, particularly to those most in need. There are those on the right of the political spectrum, including the Taoiseach and some in the media, who might seek to foster division in the masses and propound a

distinction between strivers and those who take responsibility for their own lives and a minority of outsiders who seek to live by different rules. As some of us know, that is very far from the truth. Ordinary people know it is not true and that is why there was widespread anger and a level of disgust at the “Welfare Cheats Cheat Us All” campaign.

The Taoiseach and other members of Government have attacked members of Sinn Féin when we seek to represent ordinary people. They say we seek to exploit the misfortune of ordinary people, a claim that is utterly without foundation. That statement has been made on several occasions and should probably be corrected. It is the Government that seeks to create greater social divisions and erode cohesive social institutions. Trying to erode those institutions is vintage Fine Gael. It is its past, its present and will, unfortunately, be its future. Fine Gael seeks to exploit society, to divide and to moralise about social welfare payments and those whose who are less fortunate. The Taoiseach in particular, and the Government in general, have sought to moralise that social inequalities are attributable to individual effort rather than, as is so very often the case, an accident of birth. Such behaviour facilitates a politics of division and makes more difficult the task of designing an approach to social welfare that actively seeks to confront and eradicate those divisions. On these benches we seek to defend society and those who are less fortunate against those attacks. We will not take lectures nor sit by while broadsides are aimed at us by the most socially and economically conservative party in the State, headed by an individual who is the product of absolute privilege.

As regards the Bill, glaringly obvious in particular is the absence of any provisions to address the more than 42,000 older people in receipt of reduced State pensions due to the 2012 changes to the pensions bands and rates. Fianna Fáil, of course, did its usual: it talked an awful lot about it but, in the end, did nothing. It did not push for this, even after its pension motion passed only a few weeks ago. It was all talk and no action, which is the hallmark of this cosy little arrangement known colloquially by Fianna Fáil as the confidence and supply agreement. My colleague, Deputy Brady, will table amendments to the Bill on Committee Stage to rectify some of these glaring issues, and we sincerely hope those amendments will be accepted.

Deputy Willie Penrose: I am glad to have the opportunity to contribute to the debate on the Bill. The Social Welfare Bill is very important proposed legislation as it gives effect to the wide array of social welfare changes and related matters that were the subject of announcements when the Minister for Finance introduced the budget on 10 October last. Therefore, the Bill incorporates the €5 increases in the maximum rates of weekly payments for pensioners, lone parents, jobseekers, carers, people with disabilities, widows and people on unemployment programmes. It would be churlish of me and my party not to welcome the fact that these increases and improvements arise across a number of areas. They are not large or significant by any objective standard, especially for people on fixed incomes with little or no capacity to achieve any other income to enable them to increase their standard of living, but I hope and I trust that these increases will improve people’s living standards in some small way and their quality of life over the next 12 months or so.

The regrettable aspect is the structure and implementation date for these increases to take effect, namely, 26 March 2018. Therefore, in effect, for 2018 the increase will be only €3.80, which is somewhat less than the increases given in 2014, and I must emphasise this. The 2014 increases drew some adverse comment. While the Minister will make a plausible argument about the available fiscal space to explain why these payments will be deferred for 12 weeks or so, the forecast budget for 2018 of slightly in excess of €20 billion is almost one third of the total expenditure being allocated to the Department of Employment Affairs and Social Protec-

tion. One of the objectives from here on is for these changes which give increased payments to become operative on 1 January following the budget announcements. After all, taxation changes and especially excise duties are implemented immediately. I note there is provision for a €2 increase for each qualified dependent child in respect of all weekly payments, and this is to be welcomed. I think the last time there was any such increase was as far back as 2010 or thereabouts.

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): Yes.

Deputy Willie Penrose: The dependent adult and people on reduced rate payments will receive the proportionate increases, while younger jobseekers aged 26 and under on their reduced rates will get the €5 increase, again from 26 March.

Recently in the Dáil, when speaking about the need to update, revamp and streamline the current complex eligibility system for old-age pension qualification, which is, as I said at that time, riddled with anomalies, clearly not fit for purpose and discriminatory at its roots, I also referred to what I termed a bugbear, or aspect of the pension system I find very irritating. It feeds into other social welfare entitlements and payments. I refer to the clearly outmoded, outdated and old-fashioned concept of the qualified adult dependant, who is usually the wife or partner because the system at its inception was clearly based on the male breadwinner model. One big innovation or positive change the Minister could introduce would be to change this dependency concept. I know she is very open to innovation and I applaud, accept and acknowledge that. She could leave a significant mark in the Department by doing this.

I recall when the value of the adult dependant pension was about 65% or 70%, so a wife - we will use that example - who was entitled to a pension of €200 got €140 or thereabouts. I think it has now increased to 90% of the value of the recipient's pension, and this is welcome. However, equality is an important objective in practice, not just in theory, and it is generally wives or women partners who are being treated as appendages to their husbands or partners instead of the couple being treated equally as a unit.

If the husband, based on his contributions - or not, if in receipt of a non-contributory old age pension - receives €220, the wife or partner should be likewise treated and get the same amount. As I have said before in this House, it is only in very recent times that the wife or partner, as a qualified adult dependant, has been paid the reduced rate of pension in her own name. Previously, it was part and parcel of the husband's pension payment, and sometimes - let us be clear - the qualifying adult dependant never saw a red cent of that money, which was due to her. Let us see some real equality here and eliminate this concept of being classified as dependent. That would be very important, from my perspective.

While on this theme of equality, reduced payments to under 26s are a remnant of the dark recess of the undoubtedly vicious economic recession which we encountered from 2008 onwards. The current system is no longer sustainable in the longer term. As the economy recovers, people in similar circumstances - in other words, those who are unemployed and actively seeking work - should not receive a lower payment just because they are under the age of 26. All people should receive the same payment of €198 which will be payable in 2018. This is another anomaly introduced for economic and budgetary reasons which should now be redressed and reversed as quickly as possible.

It will be no surprise to anyone who has served with me in this House, particularly on social

welfare committees, one of which I was glad to chair for five years, to know that my special interest group in the welfare system has always been the carers of Ireland. I wrote a report on them with 15 recommendations, eight of which were implemented. We did not have any consultants working on that report. That is part of the failure here: people want consultants for everything.

Carers deserve our deepest and sincerest level of gratitude for their unstinting and devoted work and Herculean efforts 24 hours each day, seven days a week, 52 weeks of the year. These are the real unsung heroes of Ireland. If a proper honours list is ever introduced in this country or inaugurated by the Government in conjunction with the President, each carer should be honoured every year. We should forget about the tax exiles and the flash Harrys, who might turn their noses up if we had such an honours list. Carers are the real people. More than 300,000 of them are scattered across Ireland, saving the country in excess of €6 billion each year. If they downed tools today, the health system, the accident and emergency departments, the acute hospital beds and everything else associated with health would grind to a halt and collapse. Their work is invaluable and their contribution absolutely incalculable.

I intend to draft an updated carers' needs assessment Bill in order to try to put their requirements and the necessary assessments on a statutory footing. If we have more money or resources to distribute, they should always be first in line. I have spent 25 years advocating for their cause and will continue to do so for as long as I am in this House because they deserve not just our attention, not just lip service, but real payments to acknowledge their contribution.

The one-parent family payment is likewise extremely important as it is a means-tested payment made to a man or woman who is caring for a child or children without the support of a partner. The payment contains an earnings disregard. I welcome the positive changes to the scheme that the Minister announced in the budget. In July 2015 the age limit of children in respect of eligibility for the one-parent family payment was reduced to seven years of age for most claimants. When the recipient of a one-parent family payment no longer qualified for the payment due to the youngest child being aged seven, the Department established the job-seeker's transitional payment. This was paid to people not cohabiting whose youngest child was aged between seven and 13, I think. It aims to support those parenting alone to enter the workforce while acknowledging that they care for young children.

While all this was bright and rosy and dandy, as they say down in Westmeath, in theory it was not so bright and rosy, in particular due to the huge deficit in geographically dispersed child care facilities and local jobs or employment opportunities. These are vital in the absence of a transport network which, again, was in huge deficit across rural Ireland.

I read the Indecon report published in early October by the Minister's Department. It found that the reforms to the one-parent family payment were successful in increasing employment and reducing welfare dependency. Nevertheless, it indicated, despite this finding, and while accepting it was too early to examine the overall long-term impacts, a potential serious concern that many of those who lost one-parent family payment remained unemployed or in low-paid or part-time employments, echoing my own and many of my colleagues' fears when the reforms were first introduced. It is noted in the Indecon report:

The objective of the policy changes which were designed to increase employment and reduce long-term social welfare dependency was a valid rationale for the policy changes. The findings in the report support the rationale and continued relevance of the policy chang-

es [...] However, unless accompanied by further increases in employment the objective of reducing poverty will not be met for many individuals. Lone parents remain among the most vulnerable groups and demonstrate a high level of risk of poverty and social deprivation.

That finding needs to be taken on board, as do similar findings in the UNESCO report, *Lone Parents and Activation, What Works and Why*. The latter report notes that following changes in one-parent family policy, lone parents in part-time employment prior to the changes had experienced a reduction in income as a result. This change encouraged welfare dependency as lone parents found taking up work could actually reduce their income. It is clear that a lone parent's capacity for work cannot be equated with that of a parent in a two-parent family. A package of support for lone parents should include pre-employment supports, employment supports, financial supports and child care supports. As we all know, child care costs in Ireland are among the highest in the OECD. In this context, I welcome the increase in the earnings disregard from €110 to €130 per week from 29 March 2008.

Family income supplement, FIS, is being renamed. I was a little confused in this regard because there seems to be something of a subsuming taking place rather than the introduction of new schemes. The working family payment that was promised by the Taoiseach when he was Minister for Social Protection proposed a payment to families whose weekly income was less than a set amount and which would vary depending on family size. The payment would be calculated at 60% of the shortfall between the net weekly family payment and the applicable FIS threshold. I note that the threshold in question is to be increased by €10 for a family of one, two and three children. Of course, one of the major issues with FIS over the years has been the lower than expected take-up, in line with most means-tested social welfare schemes. As far as I can work out, the take-up is only 35%, or 60,000 families. An additional problem is that the scheme can be used by exploitative employers to allow them to pay less than they should because the State is taking up the slack. We will have to keep an eye on that.

I welcome the provision to continue the back to work family dividend scheme beyond 31 March 2018, with no closing date given. This is an important political instrument to encourage families to move from social welfare into work by offering financial support to people with qualified adult children who take up employment or self-employment and, as a result, cease claiming a jobseeker's payment or one-parent family payment. That support lasts for up to two years if the recipient remains in employment. It is not taxable and is based on the standard increase for a qualified child, which is now rising to €31.80, up to a maximum of four children. Will the Minister indicate how many applicants have taken up this scheme? Under the current payment of €29.80, a family of four would be eligible for an annual payment of €9,298.

The Bill proposes to make changes in the weekly rate for maternity, adoptive and paternity benefit and also provides for extended periods of entitlement to maternity leave and maternity benefit in the event of a premature birth. It also provides for an extension of the period after the death of a mother having given birth for the transfer of maternity benefit to the father. These are all welcome and progressive changes. The Maternity Protection Act 1994, as amended by the Maternity Protection (Amendment) Act 2004, made provision for 26 weeks of paid leave and 16 weeks of unpaid leave for mothers. The legislation also affords a father entitlement to the remainder of the maternity leave where the mother dies giving birth or while on maternity leave.

The Paternity Leave and Benefit Act 2016 introduced paternity benefit and statutory paternity leave of two weeks. It is payable to employed and self-employed fathers who are covered

by PRSI and in respect of every child born or adopted after 1 September 2016. Recipients are allowed to commence paternity leave at any time within the first six months following the birth of the child or adoption placement. It is good that we have made progress in this area. I understand Austria, for example, still does not offer any paternity leave or benefit to fathers. The Bill increases the weekly rate of paternity benefit from €235 to €240 in line with the corresponding increase in maternity and adoptive benefit. Is there any estimate of how many applicants will benefit from this increase in paternity benefit provision? I appreciate it may be difficult to arrive at an accurate figure given the six-month leeway for fathers taking leave.

Subsection 14(1)(a) of the Bill provides for a number of fundamental and serious amendments to section 47 of the principal Act. One of the effects will be to entitle the father of a child to receipt of that maternity benefit in the event of the mother's death following the birth of the child or following the due date and before expiry of the maternity benefit due to the mother had she not died. It also amends the requirements of section 48 of the principal Act, on contributions and receipt of maternity benefit, and section 50(b), which deals with failure to attend medical examinations, to specify that they are not applicable to fathers.

Section 15(1) of the principal Act is amended by section 14(2) of this Bill such that, from 1 October 2017, the entitlement to extended maternity benefit in the case of premature birth will be applicable where confinement occurs up to two weeks before the end of the expected week of confinement. The section amends various provisions of the Maternity Act 1994, in parallel with the amendments made in section 14.

An issue we have discussed extensively in this House is the increase in the qualifying age for the State pension. At this time, a person who started work at 18 years of age and is now 62 and whose employment contract ends at age 65 will not be eligible for a State pension until he or she is 67. That lack of provision is forcing people out of employment into poverty. The increase in eligibility age from 66 to 67 will come into effect in January 2021 but there is no provision for the people affected in the social protection system. Fortunately, we are now in a better economic state than we were when these changes were introduced in 2011, with the continued reduction in unemployment bringing in additional moneys for the Exchequer. In that context, any further increases in the State pension age must be stalled until we are in a position to deal with this anomaly in the system. Deputy Brady has introduced a Bill to deal with this issue and I urge the Minister to make any necessary amendments and advance those proposals. In the meantime, we should not race ahead of ourselves and other members of the EU by further increasing the age of qualification for the State pension. Above all, we must put in place measures to compensate workers who retire before reaching the qualifying age.

The Minister, being well aware of the needs of the self-employed, is committed to the introduction of a universal second-tier pension. The quicker the automatic enrolment scheme is put in place the better. Many business organisations were against bringing forward these changes in the past. They might have had a point during the recession but there is no reason to delay them now.

There has been extensive discussion in this House regarding the 2012 changes in the PRSI qualification bands and the implications of those changes for female workers in particular. We should not forget, however, that thousands of men have also been impacted. In fact, 38% of the affected parties are male. The changes are significant in terms of the prospects of the PRSI contributors concerned, both male and female, and there is an urgent need to address this issue. I understand the Minister is in discussions with her officials with a view to putting in place a

system for ensuring those pensioners have their adverse situation rectified as quickly as possible. I hope that can be done. At the same time, I appreciate that she must be careful not to create further anomalies in the system. It is important, however, to show good faith in this regard and to act to remedy it. It has to be done as a stand-alone issue. If it goes with something else it becomes integrated and that is where problems can arise. People are seeking commitments to make sure it is done.

I also welcome the improvements in the various benefits available to self-employed people. The guts of 400,000 people across the State are self-employed. During the recession they sometimes acted as the Lone Ranger, standing in the bearna or in the gap. They kept things going. Very often they were the last people who got paid as they tried to keep workers going. Many of them went to the wall and the social welfare system was highly antagonistic towards them and not nice at all, asking them where was the money they had earned the previous year. This is like asking where is the snow that was here 12 months ago. Thankfully, that changed and the whole attitude has changed towards self-employed people. We must recognise the role they have played in ensuring the economy's revival. They were the backbone in ensuring there was not a total collapse. I recognise the work, the entrepreneurship and the innovation of those people. I am glad they will begin to get something back for their contributions in respect of sick benefits and other benefits. The Labour Party will support the Bill going forward to Committee Stage as quickly as possible. We may put forward amendments to address some of the issues I have raised. Overall, however, it is important to get this Bill implemented. I am glad that despite the febrile atmosphere earlier, the Dáil has not collapsed and we can pass this Bill as quickly as possible to ensure people will get their due entitlements and increases in social welfare benefits as quickly as possible - notwithstanding the fact that they are small amounts.

Acting Chairman (Deputy Bernard J. Durkan): Is Deputy Bríd Smith sharing time? No. She has it all to herself.

Deputy Bríd Smith: Have I?

Acting Chairman (Deputy Bernard J. Durkan): It looks like it.

Deputy Bríd Smith: I intend to ask the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, a lot of questions and while I do not wish to be insulting, I must leave the Chamber after asking them. I will listen back to the Minister's answers tomorrow.

There are some small but good measures in the Bill, as mentioned by the previous speaker, such as the extension of social welfare benefits to women who have premature births, maternal death protection and adoptive leave. The inclusion of self-employed persons in the invalidity pension is very important as is the announcement of the reinstatement of the Christmas bonus to long-term recipients of social protection. I do not wish to be a killjoy but I will bring cases to the Minister tomorrow in which the bonus payment is being refused. The definition of "long-term recipient" needs to be looked at because I have some very sad and poor mothers looking at me and asking what they are they going to do as they are not getting the bonus. I would like to speak with the Minister on this matter over the next few days.

Before I address my main concern, I wish to raise one other biting issue. In her original speech on the Bill, the Minister said she wanted to continue to build "a fairer and more inclusive society". Will the Minister clarify how this measures up when it comes to young people? A measure was introduced during the economic crisis, which was justified by that crisis by all the

major parties in the House. It was another outrageous display of discrimination but was aimed at young people. The jobseeker's allowance is at a rate of €193 and although the rate granted to young job seekers has been partly reinstated, the rate is €147 for those under the age of 26. The insult, however, is for those under the age of 24 for whom the rate is €102 per week. Does the Minister know whether those who are under the ages of 26 and 24 pay cheaper bus fares, get cheaper groceries or pay less rent? How can we tell young people we value them if we treat them as being less valuable and continue to blatantly discriminate against them? There clearly is no need for that measure. We are out of the woods and in recovery and listen to boasts in this regard from the Government all the time. How do we justify this measure in the fundamental area of welfare to young people? The real purpose of this measure is as a message from the State to young people that they are disregarded. It tells them to emigrate, get out of the State or get a low-paid precarious job as that will do them. Insecure work is all they would be able to get. I believe we must seriously look at reinstating the rate. An injustice is being done to young people. If the Bill is about fairness and inclusion, then this measure is one of the worst aspects of it.

The most shocking aspect of the Bill is that it will become known, anecdotally and probably affectionately, as the bonkers Bill. It will be known as the bonkers Bill for an obvious reason. On the day following the budget, on national radio the Minister for Finance, Deputy Donohoe, was caught rapid by the husband of a woman who was being blatantly discriminated against regarding her pension. When asked about the discrimination the Minister said that he thought it was bonkers. The Bill will be known as the bonkers Bill because it has put a spotlight on an issue my group repeatedly raised during the last year and which has been raised by a plethora of Deputies in the House who will continue to raise it. I refer to the ongoing discrimination against pensioners in the way the contributory and the non-contributory social welfare pensions are calculated. I have spoken to the Minister, Deputy Doherty, about this privately. We had a set-to in the Dáil many times with the Taoiseach, Deputy Varadkar, when he was Minister for Social Protection. When we raised the issue last year with the then Minister, Deputy Varadkar, we pointed out that it was a double discrimination against women who raised their families prior to 1994 because there was discrimination in the way the bands were calculated. It was highly punitive of those who were entitled to an old age pension.

There are a number of issues here. Governments are consistently extending the working life of workers and are simultaneously extending the time at which people can qualify for an old age pension. I do not know what it will be when I retire but I reckon it will be around the age of 68 or 69. I keep forgetting that I am not in a normal job but were I in a normal job with a contract until the age of 65, I would be one of those pensioners who would have to find the money or save it up to be able to live between the retirement age of 65 and the pension age of 68. The key point is that this discrimination has so far affected some 42,000 pensioners. When we argued the issue here last year with the then Minister, Deputy Varadkar, it was about 35,000. Each year, incrementally, more people join this queue of discrimination. Two thirds of these people are women and some are losing up to €35 per week. This is as a result of the changes to calculating the State contributory pension, which was brought in - as we all know - by a previous Minister for Social Protection, Deputy Burton.

Last year, Solidarity-People Before Profit and others tabled amendments to the Bill, which we lost, to try to address that. One thing we did not lose, however, and on which we had to haggle with then Minister, Deputy Varadkar, was that he would produce a report on the matter. We wanted the report within three months but he said he would have it within six months. One

year later, there is no sign of the report. It was supposed to look at implementing a newer and fairer method of calculating the pension.

We had thought this debate would be happening tomorrow but it does not matter that it is happening tonight rather than tomorrow. There will be a protest tomorrow outside the Dáil. It will be pensioners, mainly women, who want the Minister, Deputy Doherty, to listen to them and to act on this. I accept the Minister's bona fides on this issue and that she would love to do something about it. The Minister gave an interview to the *Irish Examiner* where she spoke of producing a memorandum to be brought to Cabinet by 14 November. That is the date I worked out through the interview. The Minister said this was an actuarial overview of what is possible. The Minister does not want to be sitting here next year with another 7,500 people being disadvantaged by the way this pension is calculated. The article goes on to discuss how much funding would be needed to cover this anomaly, that is, €70 million immediately and €290 million in total to resolve the issue. When the Minister and I spoke about this in conversation she did not believe she could bring it back to retrospective payments for those persons who had lost out but that she could ensure they would get some 98% of their pension reinstated. The acknowledgement that the Minister might be able to do this means that pensioners may feel if they can get 98%, why should they not get 100%. Indeed, why should they not get retrospective payments? Some of those women will be here tomorrow. One of them, Ms Lillian McCarthy, has been mobilising her friends and going to meetings in different areas to make people understand what we are facing. The contributory pension involves a complex method of calculation and many people do not even realise what is happening until they turn 66 and try to sign up for it. It is not like the medical card which Fianna Fáil tried to remove almost a decade ago. When that happened, the grey brigade, as we are fondly called, were hit and responded in an amazing revolution saying, "In your face; we are not having this". In this case, however, people are being picked off almost like slices of salami year by year. They do not even realise it is happening. The good thing about the interview with the Minister for Finance, Deputy Paschal Donohoe, was that when he said, "This is bonkers", it went viral. People began to listen and to understand what was happening to their pensions and their futures.

Lillian McCarthy is a strong example of what has happened. She started to work when she was 16 in 1965 and she retired at 66 in 2015. In the 1970s, she left the workforce to raise her family and she was out of work for approximately 15 years. In 1984, she returned to full-time paid employment until she retired 32 or 33 years later. She got up early every morning, as she wrote on her placard outside Leinster House when Deputy Varadkar was made Taoiseach. She had to get up at 5.30 a.m. to get from Rialto to Coolock to beat the traffic and keep her job.

As she started working so early in life and raised her family in the 1970s, Lillian is losing out through a calculation that brings her pension right back to the age of 16 and an averaging that brings down the bands. She is losing out even more because she raised her family for 15 to 20 years. That sort of penalty on women for raising the next generation of workers is unacceptable. There are other women I have met who not only raised the next generation of workers when they stayed out of the workforce, they are also minding the current generation. Not only that, they have looked after their parents' generation and kept them out of institutions and hospital beds by caring for them at home. They have done the State a huge service by saving so much money by looking after their children and then looking after the elderly, sick and disabled. They continue to do so, as do a certain number of men.

This is a really strong form of discrimination. I am baffled by it. We have anti-discrimination laws which I used to teach about when I was giving trade union courses. There are 11

grounds on which one cannot discriminate, including gender, age, religion, sexual orientation and so on. This method of calculating pensions ticks all of the boxes for discrimination by the State against its own citizens on the grounds of the first two, namely, gender and age. I do not know what it would take to get a case to Europe on this issue, but I am sure we would win it outright. The problem is that it would be slow, cumbersome and expensive.

As the years rattle on, the likes of Lillian are losing €33 a week. That is a lot of money over the course of a year. It represents a holiday or two, new windows for one's home, keeping a car on the road and all of the other things people have to do. There are many Lillians out there. I do not know how we can stand over this discrimination as a Dáil and a State and justify it on the basis that to get rid of it immediately would cost an extra €70 million and a further €200 million another year. In the name of God, people are watching us and they can clearly see that a State which has a problem collecting the Apple tax of €13 billion and which will pay money to lawyers across Europe to avoid having to take it, discriminates against people who have worked all their lives, got up early, reared children and looked after elderly and sick parents. It is outrageous, shocking and discriminatory.

When pensioners come to the Dáil at 6 p.m. tomorrow, I hope the Minister, Deputy Doherty, will meet them, talk to them and explain this. I hope all Deputies will make it their business to come out and reassure them that we are going to fight to change this outrageously discriminatory practice, get rid of the homemaker's scheme and narrow the bands to bring them back in line with a decent and dignified pension. If we keep going down this road, we will have a further cohort of old people on top of those we already have who must choose between turning on the heating or cooking a hot meal. That is a factual situation. Fuel poverty is rampant among the aged in this country. Age Action Ireland and the National Women's Council have done extensive reports on this which I am sure the Minister has seen. It is all evidenced, researched and proved. How we can sit here and deny it is beyond me. The fact that the Minister for Finance, Deputy Donohoe, said it was bonkers but continues to implement it because of the relatively small amount of money involved indicates that, in fact, he is also bonkers. We will start to think the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, is bonkers too unless she begins to fight clearly for this. I ask everybody listening to be outside the Dáil tomorrow at 6 p.m. because whether one is a pensioner or not, this is going to affect one as a worker when one comes to face retirement. People will be hit hard unless we force the State to change its mind. I hope to see lots of people there and I certainly hope to see the Minister.

Acting Chairman (Deputy Bernard J. Durkan): I understand that Deputies Joan Collins and Thomas Broughan are sharing time. Is that agreed? Agreed.

Deputy Joan Collins: We are taking ten minutes each. Before I turn to the Bill, I wish to set out a few background points. In budget 2009, medical cards were means tested and the automatic entitlement to a medical card for over-70s was abolished. In the emergency budget of 2009, the social welfare Christmas bonus was abolished, jobseeker's allowance for those under 20 was reduced to €100 per week, children's allowance was subject to means tests and taxed, rent supplement was halved and overall education cuts, which affected many lone parents among others, totalled €134 million.

In 2010, jobseeker's allowance for those under 21 was cut to €100, the minimum wage was cut by €1 per hour, there was a 4% cut in social welfare payments, excluding the old-age pension, and child benefit was cut by €16 each month. This is a list of all the budget cuts since 2008. In budget 2011, there was a €20 cut in child benefit for a third child and a €10 cut to child

benefit for the first and second child, an €8 cut in the jobseeker's payment, pension contributions were made subject to PRSI and USC and carer's allowance for those under 66 was cut by €8 to €186 per week. In 2012, child benefit for a third or subsequent child was again cut, disability allowance for new claimants aged 18 to 21 was cut from €188 to €100, JobBridge was introduced, and the winter fuel allowance was cut by six weeks and €120 per year. The list goes on for 2013 and 2014.

Everyone who is getting a €5 increase has suffered eight years of austerity and they are still trying to recover from it. While it is welcome that there is a €5 increase rather than a €5 decrease, it is an underwhelmingly small amount. The Government is also adopting the pattern of last year by bringing in the changes in March 2018, which is a third of the way through the year. The change will be impacted by the rise in electricity, gas and other fuel costs in February and March next year when the big companies introduce their increases. Tenants who get a €5 increase in their pensions will have so much taken out through increases in their local authority rents. It is not an effective budget. I was speaking to some lone parents who told me that while they welcome the income disregard increasing from €110 to €130, the partial restoration of the income disregard still leaves it €16.70 per week lower than when it was introduced in 1997. It is clearly an important point. Compared to 1997, these women face inflation in the costs of getting children to school and so on. As such, the budget fails to deal with the real crux of eight years of austerity and does very little to reverse it.

I do not think the Minister is taking the issue of maintenance recovery very seriously. Deputy Brady is putting forward a proposal in the AV room next week but I have received an email from SPARK. A lone parent contacted us last week. She is a mother of a young baby who was contacted by the maintenance recovery unit of the Department of Employment Affairs and Social Protection, who told her that under the conditions of the one-parent family allowance she was obliged to seek maintenance payments and a failure to comply would mean her payment would be ceased. She was assaulted during her pregnancy and she had a safety order against the father of the child. She advised the Intreo office of this when she initially applied for the one-parent family payment and also provided them with a copy of her safety order. She does not want to apply to the courts for maintenance as to do so she would have to reveal her address on the court summons and she does not want to see her ex-partner again.

This letter caused the mother huge stress at a very vulnerable time in her life. This woman is not only struggling to rebuild her life as an abuse survivor but is also raising a young baby alone. Fortunately, the mother contacted the maintenance recovery unit who were very understanding and told her they had not been notified of the safety order from the local office. There is a breakdown between the Intreo office and the maintenance recovery office and information has to be passed on more effectively. Maintenance recovery has to be looked at again because when a child turns seven the Department will not be able to get maintenance from the liable relative as the mother will lose one-parent family payment. Lone parents were badly affected during the recession and the Indecon report stated that the State saved €261 million on changes to the one-parent family payment between 2013 and 2016 while lone parents and their children at the consistent poverty rate increased by 50% from 2012 and 2015, according to the EU SILC report.

I debated the introduction of the anomalous pensions legislation in 2012, which was one of the most despicable acts by any Minister, especially given that it was a Labour Party Minister. I have consistently raised it in the Dáil with Deputy Burton, the Taoiseach and the Minister. It has to be dealt with and it cannot go on. I am pleased the Minister is attempting to deal with it.

I have an amendment calling for a report on the 2012 anomaly and for it to be reinstated at the next budget at the latest, with a report to be laid before the House in three months' time.

This was supposed to be the social welfare and pensions Bill but we are told the pensions Bill will come in separately at a later date.

Deputy Regina Doherty: There are two separate Bills.

Deputy Joan Collins: Deputy Daly has tabled amendments to delete the reference to Social Welfare Act 2017 and substitute "Social Welfare and Pensions Act 2017". She has tabled a number of amendments to the Pensions Act 1990 to the effect that solvent firms should not be allowed to close a defined pension benefit scheme except when the scheme has reached a minimum standard of six consecutive weeks.

Another amendment reads as follows:

The Pensions Act 1990 is amended in section 50 by the insertion of the following new subsections after subsection 1d:

2) Before making a direction under section 1, 1a or 1b the Pensions Authority shall require from the sponsoring employer a statement of account regarding its financial capacity to meet the underfunding in the scheme from its own resources or those of its parent without precipitating wage cuts or redundancies,

3) The Pensions Authority shall not direct the trustees of a pension scheme to reduce the benefits paid in respect of persons receiving benefits under the scheme or persons who have reached normal pensionable age, members in relevant employment who have not reached normal pensionable age and members whose service in relevant employment has ceased and have not reached normal pensionable age with an entitlement to benefits the payment of which has not commenced, where a sponsoring employer or its parent has the financial capacity to meet the underfunding in the scheme without precipitating wage cuts or redundancies.

Another amendment is to the Pensions Act 1990. It states:

47a) No action which would have the effect of amending or winding up a scheme may be taken by an employee, a trustee or a board under section 48, 49, 50, 50a or 50b prior to a negotiation process with scheme members the nature and scope of which negotiating process shall be laid out by the Minister in regulations,

2) Upon the conclusion of a negotiation process neither the board the relevant employer or trustees may issue direction to wind up the scheme without first obtaining the consent of the majority of members to do so.

I wanted to read the amendments into the record because they have been ruled out of order. I presume that is because they are not part of the Bill, but we will be seeking to have the inserted into the pensions Bill. It is a very important aspect of the Bill because many people are angry and annoyed that while they were included the first proposal in May this year, they were removed in June and inserted into a separate Bill.

Deputy Regina Doherty: I will clarify something for the Deputy. We have two different Bills. We had the Social Welfare and Pensions Bill and this is the Social Welfare Bill. The other

Bill is still under consideration. Committee Stage will be taken in the next couple of weeks and that is where the amendments should be considered.

Deputy Thomas P. Broughan: I am grateful for the opportunity to speak briefly on the Social Welfare Bill 2017 before us today. There are some welcome measures in the Bill which will give legislative effect to the changes announced in budget 2018 and in order to effect those changes the Social Welfare Acts, the Maternity Protection Act 1994 and the National Training Fund Act 2000 will be amended and extended. The Government decided to continue with its partial restoration of social protection payments for next year with €5 increases across most payments. Disappointingly, and in keeping with last year, these partial restorations will not come into effect until the end of March 2018.

In my pre-budget submission to the Minister, Deputy Donohoe, I called for a social protection package with an increase of approximately €500 million in Department allocations which would have included €7 per week increases. In the event, the Government chose to increase the social protection budget by less than €300 million, or under 1.5%, and most of this increase is funded by savings from the fall in unemployment.

I welcome section 12 as it partially restores the weekly earning disregard for those in receipt of the one-parent family payment from €110 per week to €130 per week. In my own submission, I had called for full restoration back to €146.50 per week at an estimated cost of €11.1 million. In some of the Government's cruellest austerity years cuts, lone parents were targeted and the weekly income disregard dropped to a low of €75 per week in 2015 and €60 per week in 2016. Surveys and CSO statistics have been showing for years that lone parent families experience higher consistent poverty rates than any other cohort of Irish society. In the most recent survey on income and living conditions, SILC 2015, this rate was 26.2% for consistent poverty, while 57.9% experience deprivation compared to 25.5% of the rest of the population. Despite this, the Social Welfare and Pensions Act 2012 further discriminated against lone parent families by ceasing payment of the one-parent family payment once the youngest child reached seven years of age. At that point, lone parents were switched to jobseeker's transitional payment and while studies show that these draconian reforms did move some parents into employment, the majority of which is low paid, part-time and precarious employment, they also led to over 30% of recipients of the new payment losing over 10% of their weekly income. Losing 10% of one's weekly income when one is already in poverty is soul destroying and the previous Government should have done everything in its power to reverse changes that meant this cohort of families are being pushed further into poverty and consistent poverty. The Indecon report on those changes was published by the Department at the beginning of October 2017, so what action will the Minister take on foot on that?

At the Dáil Committee on Budgetary Oversight last week we had a lengthy briefing and discussion on gender inequality and gender proofing of budgets into the future. The committee, under the chairmanship of the Minister's colleague, Deputy Josepha Madigan, is determined to take this issue in the context of budgets 2018 and 2019. A key issue I raised again, and has just been raised by Deputy Joan Collins, was changes made in budget 2012 to the PRSI contribution bands for the pension, which also disproportionately impacted on women. On 19 October, the Dáil voted on the motion on correcting pension inequities and on 21 of February this year I raised the topic during Leaders' Questions with the then Taoiseach, Deputy Kenny, when I called for a reversal of the budget 2012 changes and for those affected to be reimbursed.

9 o'clock

Age Action Ireland's excellent report, *Towards a Fair State Pension for Women Pensioners*, researched and written by Ms Maureen Bassett, set out in detail the number of people impacted by the change from four bands to six and highlighted that almost two thirds of those affected pensioners were, and continue to be, women. Many people reaching pension age are not even aware of these changes and are often shocked, upset and angry when they realise what was done. I am sure the Acting Chairman has found this in his information clinics in Kildare. They are even more so when they learn the Government of the day had been warned that such changes would disproportionately affect women who had little or no child care supports while rearing their families and so had no choice but to stop working in many cases.

While the €5 increase in weekly pension rates this year and last year are, of course, welcome, there are many who would think the underhanded austerity years changes should be reversed and that pension inequalities should be corrected. We have heard the Minister's comments on this and she clearly thinks it was a crazy decision, although she voted for it. Now she is in ministerial office in the Department and has the opportunity to reverse it and ensure we bring justice to these women, whom I meet week in and week out, who have lost €30 or €40 due to those changes for the rest of their lives. This would be a good ambition for the rest of the Minister's term in office.

Another important point on equality is the continued discrimination against those citizens under 26 in their lower rates of jobseekers' payments. While this year they are receiving the full €5 weekly increase, they still receive far less than other jobseekers. Young citizens aged between 18 and 24 years will receive jobseeker's allowance of only €107.70 a week even after this Bill is passed. In my submission I called for an increase of €30 per week for all those aged under 26, at a cost of €24 million. The Government narrative that young people all live at home with their mummies and daddies, who pay their rent and buy them food, is completely disrespectful to those who do not have this safety net and who are trying to afford city rents while looking for jobs. This year, we saw a huge increase in homelessness in the 18 to 24 year old age group.

Section 3 amends the definition of "share-based remuneration" because of the introduction of the key employee engagement programme announced in the budget. However, reports suggest this share option, while initially welcomed, will now have a minimal positive impact for employees of many innovative business sectors.

I welcome sections 4, 5 and 6, which increase the rates of maternity, paternity and adoptive benefit to €240. Section 8 renames "family income supplement" as "working family payment", and this renaming comes into effect from 1 January 2018. However, the new income thresholds of €521, €622 and €723 do not come into operation until the end of March. Once again, I note how, as with the changed name and function of the Department of Employment Affairs and Social Protection, which reminds me of the Department for Work and Pensions, that we always seem to follow British models with regard to necessary social protection supports. We have renamed virtually all of our social protection supports after what the British were doing, but we would be bitterly opposed to the austerity approach of successive Tory Governments.

I note the number of FIS recipients has now risen to almost 56,000 families, from 22,000 a decade ago. It is also good to see the back to work family dividend extended beyond March 31.

Section 14 is a welcome provision and should have been introduced long ago. It provides for the payment of maternity benefit in cases of premature birth.

Section 16 in Part 3 amends section 4 of the National Training Fund Act 2000 to provide for the increase to 0.8%, and this will come into effect on 1 January 2018. This levy is set to increase annually to 2020, to 0.9% in 2019 and to 1% in 2020. I had called for it to be increased to 1% from 2018, which would yield a much needed €200 million for third level funding. The Minister might remember that the Taoiseach, Deputy Varadkar, refused to indicate to me during Leaders' Questions not too long ago whether he has made a decision on student loans. This is a major feature of funding third level education.

The Minister's Department is our largest in terms of expenditure, with 32.8% of our total expenditure. However, as the Minister knows, more than half of this is funded through social insurance. I understand the level of transactions under way at the Department is staggering. The Minister has told us that figures from the 2015 annual report show that 1.6 million people received a payment from the Department, 1.7 million applications were processed and 8.3 million telephone calls were answered. This is very impressive, but I want to raise a few issues about the way in which the Department of Employment Affairs and Social Protection works. The length of time for processing applications and appeals remains far too long for many payments. As a volunteer director of community projects and organisations, I have first-hand experience of the requirements involved in employing community employment participants and I have noted the frustrations of our staff and management in navigating what seems to be an ever more complicated system. Are there plans to move the Department more towards a user-friendly system? Does it have the personnel resources? Earlier, we heard the Minister, Deputy Flanagan, state the Department of Justice and Equality seems to be down by one third of its staff. What is the situation in the Department of Employment Affairs and Social Protection?

I want to raise the issue of the interpretation of exceptional needs. I have been contacted by an outstanding lawyer in my constituency, who highlighted that Department of Employment Affairs and Social Protection staff recently stated that in order to approve an exceptional needs payment the need must also be unforeseen. In a reply to a parliamentary question on 7 November, the Minister stated:

Under the supplementary welfare allowance (SWA) scheme, the Department may make a single exceptional needs payment (ENP) to help meet essential, once-off and unforeseen expenditure which a person could not reasonably be expected to meet out of their weekly income. The Government has provided €31.5 million for exceptional and urgent needs payments in 2017.

However, as the barrister who raised the issue with me said, if a person's mother is ill and dying for a number of months, the funeral costs may indeed be exceptional but not unforeseen, and issues such as this are arising in departmental offices, definitely around Dublin but probably in other areas of the country also. I would like the Minister to look at exceptional needs.

In my submission I included a request for a pilot basic income programme to be proceeded with to see how feasible it would be to introduce basic income on a larger scale. Finland and perhaps one or two other countries have been experimenting with this.

As always, I want to mention very briefly the Social Insurance Fund, which last year stood at just under €11 billion. I understand the fund is now back in surplus and in her reply perhaps the Minister will tell us what is the current standing of the fund this year. Does the Minister have any plan to expand the range of benefits available, especially to workers and their families?

In general, I welcome some of the partial restorations provided for in the Bill, but I believe the Government has the resources to do much more, especially in the area of gender and disability equality proofing.

Deputy Danny Healy-Rae: I may deviate a bit from what is in the Bill, but my points apply to whether people receive social welfare, and I need to highlight something which is ridiculous. We all encourage people to start working when they are young, because if they develop a work ethic when they are young they tend to continue with it. However, the way the Student Universal Support Ireland, SUSI, grant is set up at present, if a youngster earns more than €4,500 it puts him or her over the threshold for receiving the grant. This encourages them to stay at home and draw social welfare. This should be remedied, and youngsters should be allowed to earn as much as possible during holiday time and at other times when they can source work.

Many people on back to education courses are required to attend Turas Nua offices every week. Even though they have proof they are on courses, such as people who want to be carers and who must do courses, they are still required to travel distances. I know one person who travels 27 miles every Monday to be asked whether he has any proof he is looking for work. Surely the fact he is on course to become a carer and is trying to improve himself should be proof enough. Here we are, paying someone in Turas Nua to meet this man every week. It is absolutely ridiculous.

With regard to self-employed people, some of the work they get is seasonal. They encounter an absolute stone wall when they try to get payments to tide them over for a short time. They are put through hoops and it is weeks before they get anything. People in these situations have come to me and told me they are hungry. That is a fact. They end up going to the Society of St. Vincent de Paul. That is the truth, and it is not right. These people pay taxes when they are working. Their contributions pay for us here and for services in the country. However, if they find themselves without work, as can happen and it is still happening in Kerry even though the country is supposed to have been turned around, they are unable to tax their vans or pay their insurance. If they could get something to tide them over for a short time, they are very confident of getting work again. I know several people who have had to go to the Society of St. Vincent de Paul in recent months to get food to feed themselves. That is not right.

The back to education allowance is for people who wish to return to education. There are silly and stupid obstacles preventing people getting the back to education payment. If a person wishes to take a second level course, he or she must be getting a social welfare payment and it must be in payment before that person starts the education programme or prior to getting the back to education allowance. If somebody becomes unemployed and wishes to go on an education course and get the back to education allowance for a second level course, he or she must be on the social welfare payment for three months. If the person only becomes unemployed in July and the course is starting in September, the person will not be on the payment for three months, so the person will not qualify for the course. The person will have to stay on jobseeker's payment for another 12 months until the following year. That is ridiculous. For third level courses a person must be on the social welfare payment for nine months. If the person has not been on the social welfare payment for the nine months preceding September the person will not qualify for the course and must stay on jobseeker's payment for the rest of the year. That is costing the country money. Time spent in prison in the State can count towards a qualifying period, provided the person has established an entitlement to a qualifying social welfare payment. It appears that a blackguard who finished up in prison is being better looked after than the person who was working up to near the date of seeking the back to education allowance.

Deputy Michael Collins: I am happy to have the opportunity to speak on this Bill. The Bill is important as it provides for the social welfare measures announced in the budget for the coming year. Many of these measures, such as the increase in maternity and adoptive benefits, are more than welcome. However, the measures only come into effect at the end of March 2018. As I asked the Minister during my statement on the budget, why is there a delay in implementing these increases? Why do mothers, fathers, adoptive parents and one-parent families have to wait almost seven months for their increases? Why did these measures not come into effect immediately, like the introduction of the sugar tax and other taxation measures in the budget? This is simply not good enough.

Any increase in a social welfare payment, however small, is welcome. However, many people who are relying on social welfare are struggling. Old age pensioners are struggling for pennies after working all their lives. They feel they have been forgotten and rejected by this and previous Governments. That is very sad. During the debate on the budget I raised the important issue of pensions for women who left the workforce to raise their families and who are now being discriminated against for doing so. This anomaly should have been addressed in the Bill.

Schoolchildren over 18 years of age and their parents receive no assistance from the State. It is scandalous that children who are in education and costing parents huge amounts of money are not even entitled to child benefit. That is wrong. It is hurtful for many parents as it is a huge financial burden for many families. Second level education is very expensive and the back to school allowance does not extend far enough to cover the year-long costs that face older students, especially as many might need additional classes or grinds in the leaving certificate cycle.

It is good to see the amendment of the Maternity Protection Act addressed in this Bill. I commend my colleagues in the Green Party on introducing this vital measure which extends maternity leave for the parents of premature babies.

Another matter that comes under the Minister's brief and which should be discussed is the death benefit. It is a huge issue for many families at a very difficult time. I and other Deputies get a huge number of calls when somebody has lost a loved one in the family asking whether there is some form of benefit to pay off the funeral bill. It was a savage and brutal cut for many families and it must be addressed.

We also must examine the schemes that are in place. Many are like vultures. As soon as somebody leaves work or a scheme, he or she gets a letter straight away from Turas Nua to call the person in. I do not know who is making money here. Is Turas Nua making some type of profit or is it on some type of percentage? It is definitely like a vulture. It is making innocent people thumb on the side of the road, getting soaked, to get to the nearest town. Some people do not have transport. The person could be going from Castletownbere to Bantry. This must be examined because it is totally unfair.

The treatment of people on social welfare in this country is becoming appalling. There is a belief here. Somebody rang me the other day after going to see a community welfare officer in west Cork. The person came out of the meeting crying. They are no longer community welfare officers but community "get rid of you" officers. The Minister must stand by the people. She must stand up to these people and accept that some people are in difficult circumstances and that in some rural areas there is not as much employment as there is in the bigger cities. There is an assumption that people must get off welfare, but that is not good enough. I ask the Minister to look into this. She is a Minister one can liaise with and speak to and, in fairness, she does

her best. I grant her that and I am not criticising her personally. However, there is a perception that because there is employment in Dublin, there is employment throughout Ireland. In rural Ireland there is little or no employment. Companies such as Turas Nua, which are profiting from getting people back to work, are acting like vultures. They are forcing people into situations which the people do not feel they are able for. We must find out if such companies are on a percentage. If they are, it is obvious what they are doing.

With regard to community employment, Tús and rural social schemes, which are in the Minister's brief, I would appreciate an opportunity to discuss them at some stage. One shoe does not fit all. The CE scheme is great in many ways but some people are going back on welfare when they would appreciate spending another year on the scheme, and the community groups would appreciate having them for another year. The same applies to Tús and the rural social scheme. In fairness, the Minister secured extra people and that is commendable. Many issues must be addressed in the future and I look forward to working with the Minister on them.

Deputy Mattie McGrath: I am delighted the Minister is here for this debate. This Bill is designed to give legislative effect to a range of social welfare measures announced in the expenditure report of 10 October 2017, including increases in weekly rates of pensions, benefits and allowances and proportionate increases for qualified adult dependants as well as an increase in the qualified child payment. I welcome those but, like my colleagues, I am annoyed that people must wait until next March or April to get them. The Government could fall in the mean time - it nearly fell today - and they would get nothing until the Government came back, which, again, could be next March or April.

Provisions are also included that provide for the extension of entitlement to maternity benefit and maternity leave in cases of premature births. Indeed, as I understand it, the extended period of benefit will be equivalent to the duration between the actual date of birth of the premature baby and the date when the maternity leave was expected to commence, that is, ordinarily two weeks before the expected date of birth. This new measure will increase the duration of maternity leave and the associated maternity benefit to be paid in cases where a baby is born prematurely. This is an issue that is close to my heart given my own experience as a grandfather of a child, Amy-Berry, who was born very prematurely and who I hope is at home watching me tonight and who is doing fine, thank God. We needed to be sensitive around those areas.

I also think it is important to speak on this Bill in light of the recent analysis performed by *publicpolicy.ie* on the levels of severe deprivation within the EU. Indeed as *publicpolicy.ie* has noted, EUROSTAT recently published data to the effect that 7.5% of the population both in Ireland and the EU suffers from severe deprivation. This is a large number of people. The number ranges from 0.8% in Sweden to 31.9% in Bulgaria, which is a staggering difference. Ireland is in the middle rank of countries with rates of deprivation of between 5% and 10% of the population alongside the UK, Slovenia, Belgium, Spain, Poland, Slovakia and Portugal. If we look at the definition of severe deprivation that is employed, we can see that the situation really is quite shocking. Severely materially deprived persons have living conditions constrained by a lack of resources and experience at least four out of nine deprivation items the individual cannot afford. They include an inability to pay rent, a mortgage or utility bills on time and to keep a home adequately warm. Heat is very important for all of us. Although there is too much heat in here at times, it is different when we are in a cold house. They also include an inability to face unexpected expenses, and some of my colleagues have referred to death grants, an inability to afford to eat meat, fish or a protein equivalent every second day, which is not too much to ask for, and an inability to afford a one-week holiday away from home. Another such item is a car

because if people living in the countryside do not have a car, they might as well be confined to their house because there is no public transport and they cannot afford taxis, even if they could get them. Other indications of material deprivation include an inability to afford a washing machine, which one would not think of as being luxury item, a colour TV or a telephone, including a mobile phone. I note the telephone allowance was cut some years ago, which was an awful blow to people. It should have been replaced because a lot of pendant alarms went with them.

Will this Bill assist our people to move out of the kind of severe poverty I have just mentioned? We must wait and see. The actions of the Government to date would largely suggest that it will not get people in any of those categories out of those situations. While some of the measures of this Bill are indeed welcome, as I have noted about the prematurity payment, much of it does not go far enough. Mar a deirtear sa seanfhocal, tús maith, leath na h-oibre, and I wish the Minister well in her post. I have dwelt with her as Chief Whip and in other positions. As she always has been engaging and helpful, I look forward to working positively with her.

I invite the Minister to come down and visit the social welfare offices in Cahir. We might pay a visit to what I call Turas uafásach but what the lads call Turas Nua. Turas uafásach means a terrible journey. It is a scandal. It was brought in here from across the water and anything good never came in from there. We see it with Brexit. That is what I mean. I am not being racist. A private company got this job. I know the farm relief service has it. To answer my two colleagues present - if the Minister does not answer them, I will - they are correct in that each candidate it gets in the door is taken off a valuable community employment scheme and the company gets money for them. It just want to get them in. Some people have received awful abuse at the hands of some officials in the Turas Nua office because the people behind the counters knew an awful lot less about the schemes than the people who go into them. Deputy Danny Healy-Rae and others are right. Regarding transport, it is just hauling candidates into town 20 miles away once a week. They could be doing valuable work on community employment schemes at home, which many of them did, but they are denied that. I have been calling for an evaluation of the community employment schemes for at least ten or 12 years to demonstrate the value of those schemes. We are losing people all over the country. When they reach a certain age, they are put off. Where are they going to get work at the age of 57, 58 or 59? As we need some sensitivity, the Minister needs to come and see what is happening on the ground. I am sure she is well aware of it.

I also refer to widows who did not get anything in this budget and to women who were forced out of the workforce when the marriage bar was in place. The Minister must make a start here. There was no start. She said she could not afford to start it. A total of €5 million would have gone a long way towards starting to help those people who are being nakedly discriminated against every week when they get their cheques in the post in comparison with those of their husbands or partners or anybody else for doing a noble duty, that is, for having, rearing and educating children and making sure they made their way in life.

The Minister could start doing something with the €5 million that the Taoiseach, St. Leo, got for his communications unit. It was fairly banjaxed during the past couple of days. They could not communicate with one other, never mind communicate with the country and backbenchers. I bear the former Tánaiste no ill will. I wish her well. I think she was hard done by in many ways but all communications and no substance is no good. Regarding these gurus who have been hired, some of that money should be put towards looking after the widows, children and the deprived and the Minister should try to see what Turas Nua, or Turas uafásach, is doing. It should not be called Turas Nua. The Minister said she could not give it all in one year because

of how much it would cost and I accept that but *tús maith, leath na h-oibre*. She should start it and make some kind of balance, as the Government did with maternity leave so it would be in some way sensitive. I know it is not in the nature of Fine Gael ever to be really sensitive to the ordinary people but it should at least show it has a heart.

On putting €5 million into spin for the Taoiseach, St. Leo, he could spin so much he will not be able to get out of it and he will fall out on his ear. The whole lot will collapse around us, there will be no Government, there will be nothing else and as I said at the beginning, we will not get the pensions. The widows will have to wait for the pensions until 1 April, April Fool's Day. They will be made a fool of because there will be no Government to pay them and Fine Gael will be out then knocking on doors and there will be another three months of negotiations to try to keep his sainthood in government but the gurus in the communications unit will be off in some other job like Carr Communications or some other big job. They do not care about the ordinary people. All they are paid for is spin involving the Taoiseach with a hard hat turning a sod and everything else. We do not see him standing in front of social welfare offices with *#leoforthepeople*. We do not see him standing in front of Turas Nua offices, *#leofortaoiseach*. It is *#tohellortoconnacht* for the ordinary people and it is not acceptable.

Deputy Róisín Shortall: With the permission of the House, I wish to share my time with Deputy Healy.

An Leas-Cheann Comhairle: Is that agreed? Agreed.

Deputy Róisín Shortall: The contents of this Bill are to be broadly welcomed in so far as they offer a small increase in payments for those in receipt of social welfare benefits. It is about time we started to begin the catch-up that is required regarding the incomes of those in receipt of social welfare benefits. They certainly went with very little or no increases for a long period, at a time when the cost of living was increasing for a great many people in terms of the additional charges and taxes that were introduced by the Government over the austerity years with which people are still saddled. It was people on fixed incomes, pensioners in particular, who were most negatively affected by those cuts. They had a fixed income and yet all of these additional charges and taxes came in without any consideration for people's ability to pay.

I also think this legislation lacks ambition in so far as the proposals are about maintaining the *status quo* with a small increase and do very little to address some of the systemic problems in the welfare system. I will start by talking about the national training fund. We are always hearing about the need to train, retrain and upskill the Irish workforce to reduce the very high rates of long-term unemployment. There is no doubt that this is very much needed. This is the reason why the national training fund levy increase was introduced but it is quite a small increase of 0.1% from 0.7% to 0.8% in respect of reckonable earnings. This is the first time this levy has been increased since the fund was established 17 years ago, which is just incredible given the level of demand for upskilling within our economy. It also speaks volumes in light of the lack of action, for example on the new national internship programme.

We were promised when JobBridge was abolished that there would be something coming in to replace it. There is a need for a much greater level of investment in a training programme. We heard too much fanfare about the youth guarantee that was introduced on a pilot basis in Ballymun. It was reasonably successful but unfortunately it was not properly funded and was only a pilot scheme. That kind of approach is very much needed for young people who, for one reason or another, have fallen out of the education system at an early stage. Many have been

failed by the education system because it has not been responsive to their needs. We have a significant cohort of young people who are trying to cope with a whole range of social problems affecting them or family members. In circumstances such as that, where people come from very disadvantaged families and communities, often the obstacles facing them in terms of staying in school, achieving in school and going on to further education or training are too great. There is a need for specific, targeted programmes to tackle that kind of deep-rooted, cultural problem of long-term unemployment. That was the thinking behind the youth guarantee but unfortunately it did not come to anything.

There is a need for a much more targeted approach in that regard. To a large extent, there are an awful lot of young people coming from disadvantaged families who are simply not in a position to avail of opportunities that are out there. It is fine to say there are equal opportunities for people but people do not start from the same position. The objective should be to achieve equal outcomes. That means recognising that some people are starting from a much lower or much more difficult position and very often are not able to avail of the opportunities that are there. Clearly there is a need for tailored interventions in that regard. Too often we fail young people, in particular young men, from difficult backgrounds because we are not providing the supports they need to participate fully and to be able to avail of education and work opportunities. It is an area that urgently needs attention.

The area of pensions is a very significant one and there are many different aspects to it. The €5 increase to the State pension is welcome but an awful lot of pensioners have been hit with very significant increases in the cost of living as a result of policies implemented by the previous Government. That €5 does not go very far in terms of coping with that. In a general sense, right across Government, there should be a much greater emphasis on cutting the cost of living whether for welfare recipients or people who are working. If we can cut the cost of living, the value of what people get in their welfare payments or wages would be greater. It makes much more sense to take a universal approach. If we had universal health care, universal free education, which we do not even have at primary level, and a universal programme of child care, wage and welfare payment demands would be much lower. It is a much more sustainable approach to our economy.

Another pensions issue is the very thorny issue of the people affected by the 2012 changes. There are people who are now approaching retirement age and who feel very hard done by and sore that they took time out of the workforce to look after children or do other caring duties. In many cases they were forced out of the workforce because of the marriage bar. They find themselves at 63 or 64, coming up to retirement age, being penalised for having done that. It is deeply unfair. At the time, in 2012, it was done as a way of saving money when the coffers were very bare. It was a very unfair measure. It discriminates and militates against women in particular because the vast majority of people affected are women. When this was highlighted in the media, the Minister said she would deal with it. It was reported she would bring a memo on the issue to Cabinet within a matter of days yet she seemed to back off it completely. The line from the Government completely changed. We had the Taoiseach repeating the mantra that the approach would change, it would be a total contributions approach, we would have the report on it and the changes will be introduced in 2020. Those kind of changes will not benefit people who are finding themselves facing their retirement years with significantly reduced pension entitlements. As the Minister recognised a number of months ago when she was new in the job, it is an issue that needs to be tackled. There is a growing movement among women in their 60s who are determined to see this injustice put right. The Minister gave them a commitment

that she would tackle it. She needs to do that now at an early stage and not with some measure in 2020. It is people facing into retirement this year and next year who need to be given that kind of fair treatment.

The other point on pensions is the area of private pensions and defined benefit pensions. We had the Social Welfare and Pensions Bill earlier in the year. The expectation was it would provide for new legislation to prevent solvent companies walking away from defined benefit pension liabilities when the pension fund was in difficulty, which can happen even though the company is doing extremely well. There have been a number of examples of where it was allowed to happen and workers were left high and dry. It is not allowed to happen in the UK. It is not on for employers to treat their workforce like this. It should not be allowed here either. There was an undertaking in the Social Welfare and Pensions Bill that it would be dealt with. The issue had come to prominence at the end of last year before that Bill was published, with the then Minister, Deputy Varadkar, highlighting it. It was made very clear in the scandalous behaviour of INM towards its employees and pensioners. We were promised this loophole in the legislation would be addressed yet when the Minister, Deputy Doherty, produced the Social Welfare and Pensions Bill it was not provided for in it. We were told before the summer that the Minister would table amendments on Committee Stage. What is holding it up? There seems to be a very long delay with it. When will we see it? When will we see the Minister's amendments? As we speak, there are employers winding up their pension schemes and pensioners are losing out. We should not be wasting any more time on this. There is the other issue of giving people notice of the intention to do this, which is an invitation to some employers to get in fast before the law changes. There is a real urgency about that.

The other issue is that the pension age has gone up to 66. The intention has been set out very clearly to increase it incrementally over the years. The problem is it has not been co-ordinated with the retirement age. I have been asking questions about this for the past two years. When will the retirement age be brought into line with the pension age? It is an extraordinary indignity to people who have perhaps worked since they were 15 years of age and find themselves having to retire at 65 because they have reached retirement age according to their contract. Such people have to retire but do not have an entitlement straight away to a contributory pension even though they may have paid into it for 50 years. It is a disgrace that we have that situation. There is an urgent need for that working group involving the Department of Business, Enterprise and Innovation and the Department of Employment Affairs and Social Protection, which I understand has been meeting for some time, to come up with a solution to that. It is no way to treat pensioners.

I note the change of name to the working family payment and there has been a small increase, which is to be welcomed. However, as many of us often repeat, the scheme needs to be advertised much more widely because the uptake is not as good as it should be. Social Justice Ireland has criticised the complexity of the application process. Its operation is complex in itself, but the application process has been criticised and the National Adult Literacy Agency, NALA, may have a role in simplifying it, especially as many of the people applying may have literacy difficulties.

Maternity leave and paternity leave are very important. While the Bill provides for small increases, it is important to point out that we are starting from an exceptionally low base. In most other European countries there is a full replacement rate for a person's salary. Our equivalent in full salary replacement terms only comes to 8.9 equivalent weeks. We are way behind our European neighbours and need to start to make significant progress in that area. On paternity

leave, we are only at 0.6 weeks full-rate equivalent in European terms, which is a huge gap to be filled.

Of course, we need to extend the right to flexible work options and even unpaid career breaks. There is a very big demand for that and we should at least do that at an early stage.

I do not really have time to talk about the delays in processing payments. I have counted at least nine payments with a waiting time in excess of six months, which is not acceptable.

Deputy Seamus Healy: I welcome the opportunity to speak on the Social Welfare Bill 2017. Women, in particular, are being discriminated against and being treated unfairly and unequally by our social welfare system, specifically in the rules and regulations governing the State pension entitlement. The averaging of bands and minimum contribution changes made by the former Minister, Deputy Burton, in 2012 mean that women are being seriously disadvantaged and discriminated against. Of course, the Government is continuing that discrimination and inequity in this Social Welfare Bill. Everybody is aware of this situation, which has been raised by Members across the House.

The Minister recently gave the impression that she would deal with the problem or at least make a start at treating women fairly in State pension entitlement. We understood that a memorandum was to go to Cabinet on 14 November to make a start on the various changes. However, that has not happened. The changes were not made and are not included in the Bill. I raised this issue in the budget debate on 10 October. I particularly raised the changes made by Deputy Burton in 2012. These changes affected approximately 25,000 women. Many of their pensions were reduced and some pensions were wiped out altogether. Some women were made dependent on their spouses or partners.

It has been suggested that it would cost about €70 million to reverse the 2012 changes with somewhat higher figures for retrospective backdating of the changes made. There is no doubt that that money is readily available. This is a very wealthy country and choices were made by this Government and the previous Government that could have been different and could have tackled this issue. The Government could still tackle the issue. In recent budgets approximately €100 million a year was given back to the top 5% of earners, people whose average income would have been €180,000 per annum. We could have used the tax forgone in the next 21 years as a result of not taxing the banks. Of course, we could use the moneys available that we will discuss tomorrow when we debate the Public Service Pay and Pensions Bill 2017, where the Government proposes to give a €15,000 pension increase to former taoisigh, such as Bertie Ahern and Brian Cowen. There are choices the Government could have made and should make to give proper treatment to women who have been disadvantaged and discriminated against in regard to the State pension.

Many other aspects, particularly relating to children, need to be addressed. Some 3,500 children are homeless and 132,000 children, representing 11.5% of the total child population, are living in consistent poverty. These children need to be treated properly and we need to eliminate that poverty trap. Related to that, one in four one-parent families live in consistent poverty. These families were subject to cuts introduced by the former Minister, Deputy Burton, of the Labour Party. Those cuts need to be reversed urgently.

Many other areas need to be dealt with, including the question of the payment of jobseeker's allowance to young persons at the reduced rate, which needs to be increased. Other areas are

the pension age and family income supplement, which has only been increased by €10 for the first three children with no increase whatsoever for each subsequent child.

The Minister should make a start to end the discrimination against women regarding the State pension and it should be done sooner rather than later.

Deputy Peter Fitzpatrick: The Social Welfare Bill 2017 is concerned with putting into law the measures announced in budget 2018 on 10 October, which are due to come into effect on or after 1 January 2018. These include measures to provide for increases in the maximum payment rate for weekly social welfare payments and with proportional increases for claims of reduced rates and qualified adults with effect from the week commencing on 26 March 2018.

The Bill also provides for increases in the weekly rate for maternity benefit, adoptive benefit and paternity benefit, and also for extension of entitlement to maternity leave and maternity benefit in cases of premature births beyond the 26 weeks already provided for. It will also expand the circumstances in which paternity benefit will be paid to the father of a child whose mother has died. These measures will take effect in respect of babies born on or after 1 October 2017.

The Bill proposes to change the name of the family income supplement to the working family payment, WFP. The working family payment is a weekly payment for people in low-paid employment who have at least one child. The working family payment is payable to a family where the weekly income is less than a set amount, which varies depending on the family size. This income was designed to incentivise employees to take up or remain in employment when they might have been only marginally better off had they been claiming social welfare benefits. The payment is based on 60% of the shortfall between the net weekly family income and the applicable weekly family income supplement threshold.

The combined income of a couple, married, in a civil partnership or cohabiting, is taken into account. To qualify for the working family payment, a person must be in paid employment which is expected to last for at least three months, work at least 38 hours a fortnight, have at least one child who normally lives with and is supported by him or her, and have an average weekly income below the designated income threshold for the family size.

It was announced in budget 2018 that, from 29 March 2018, the working family payment income thresholds will increase by €10 for families with one, two or three children. This means that in the case of a family which includes only one child, the weekly payment will increase to €521, in the case of a family which includes two children, it will increase to €622, and in the case of a family which includes three children, it will increase to €723.

Maternity benefit will increase by €5 per week to €240, as will adoptive benefit and paternity benefit. The proposed changes in social insurance payments include an increase of €5 per week in the following: the maximum weekly contributory State pension, widow's-widower's-surviving civil partner's contributory pension, deserted wife's benefit, carer's benefit-constant attendance allowance, disablement benefit, jobseeker's benefit, illness or health and safety injury benefit, maternity-adoptive-paternity benefit, and death benefit. There are also proposed changes to the social assistance payment with an increase of €5 per week in the non-contributory State pension, disability allowance, blind pension, widow's-widower's-surviving civil partner non-contributory pension, pre-retirement-deserted wife's allowance, supplementary welfare allowance and farm assist.

There will be changes to the one-parent family payment. This is a weekly payment to men and women aged under 66 who are bringing up children without the support of a partner. To receive this payment, claimants must meet certain conditions and satisfy a means test. The one-family payment is a taxable source of income. To qualify for it, a claimant must satisfy the following conditions: be under 66 years of age, because on reaching 66, a person becomes eligible for a State pension; be a parent, step-parent, adoptive parent or legal guardian of a relevant child, this meaning the child must be under the relevant age limit; and be the main carer of at least one relevant child who must live with the person. The payment is not payable if the parents have joint equal custody of a child or children and have gross earnings from insurable employment or self-employment of €425 or more per week. Furthermore, to qualify for the payment one must not be living with a spouse, civil partner or cohabiting. This payment will increase by €20 to €130 per week from 29 March 2018. Census 2016 shows that 25.4% of all families with children were families headed by one parent. This accounted for 218,817 family units with children of any age and headed by one parent. The census also shows that 356,203 children live in one-parent families, accounting for more than one fifth of children in family units.

In terms of labour market participation, 53.5% of lone parents are not in employment; 23.9% work part-time and 22% are in full-time employment. This is an area that requires more assistance because lone parents generally have lower levels of education when compared with the general population. The level of education attained by parents tends to influence the level of education of their children which, in turn, has an impact on economic outcomes and mental and physical health. In Dundalk, we have the Dundalk Institute of Technology, DkIT. A good feature of it is that 80% of the children who attend the DkIT are from local families. Most of their parents would not have attained third level education. Institutes such as the DkIT are doing a fantastic job.

Child care costs, which is a major issue in Ireland, are among the highest in OECD countries. Lone parents as the sole carers of children are more likely to be affected by child care costs. What is more, the cost of caring for teenagers is higher than that associated with younger children. The one-family payment and related payments end when a child reaches a particular age or finishes education. Low levels of maintenance are also paid to lone parents by their former partners.

The rate of unemployment has fallen from a high of 15% to 6%, which is good news. I come from Dundalk in County Louth. We were very lucky this week as a company has located in Dundalk and created 300 high-spec jobs, which is fantastic. It has enabled people with skills and who were unemployed to remain in the area. Two weeks prior to that, we were very lucky when another high-spec company located in Drogheda in County Louth, and it created another 200 jobs. That is fantastic. We are lucky in that we have highly educated people in County Louth. With all the foreign direct investment in recent years, one in every ten jobs generated by foreign direct investment has come to Dundalk.

The economy is improving. The Minister has done a good job in this her first year as a Minister. She deserves many compliments. I note she gives an answer to any question she is asked, and what I like about her is that she gives an honest answer.

I am glad we will not have a general election before Christmas. Fine Gael and Fianna Fáil should be praised for what they have done to avoid that. I wish the former Minister, Deputy Fitzgerald, the very best. She has done a very honourable thing. It is not very often that one

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sees a person like her, who has done a fantastic job in recent years, put the country first. Anyone who would make a snide remark against her would be wrong to do so. The last thing this country needs at present is a general election.

Deputy Tony McLoughlin: I thank the Leas-Cheann Comhairle for this opportunity to speak to this Bill which, among other things, will ensure that one-parent families in this country are better supported financially into the future. It will ensure that mothers who have given birth to their newborns prematurely are allocated extensions to their entitlements for maternity leave. It will ensure that all social welfare recipients will receive an increase in their weekly payments from March of next year.

The fact that we are here today introducing yet another positive Social Welfare Bill, which will ensure that increased funding on social security is made available to some of the most vulnerable people in our society, must be welcomed, especially when one considers the difficult years of cuts and austerity, from which we have only recently emerged. It was very difficult in those dark economic days, which must never be forgotten by us as legislators when introducing this type of social welfare legislation, which, as I am sure we would all agree, will introduce positive changes for many people across the country. I say that as many of those on the Opposition benches, and I heard some of their contributions, would believe that blank cheques should have been written by the Government to introduce increased spending levels at the Department of Employment Affairs and Social Protection that would simply be unsustainable to afford and that would not be in keeping with the policy of ensuring that the books are balanced and that we have control on our spending into the future.

As the Minister and other Members will be acutely aware, we have experienced a lost decade in this country due to an irresponsible and negligent fiscal approach, which led to the former Department of Social Protection ultimately becoming heavily restrained in its efforts to provide the assistance needed for many years. I am glad we as party are not repeating the said approach while in government or in this Bill before us.

There are many particular positive elements contained in this Bill which I want to welcome briefly. Before I deal with those sections, I welcome the fact that we are back in this House dealing with this legislation, considering that for many hours during the past weekend we were all thinking that this debate would not be resumed and that we would not be able to progress its provisions.

Debate adjourned.

The Dáil adjourned at 10 p.m. until 10.30 a.m. on Wednesday, 29 November 2017.