



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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(OFFICIAL REPORT—*Unrevised*)

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DÁIL ÉIREANN

Dé Máirt, 9 Iúil 2019

Tuesday, 9 July 2019

Chuaigh an Leas-Cheann Comhairle i gceannas ar 2 p.m.

Paidir.

Prayer.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Micheál Martin: The conclusions of the report of Mr. Justice Iarfhlaith O'Neill into the Government's *ex gratia* redress scheme that was introduced in 2015 and maintained since then represent a damning indictment of the Government's approach to the decision of the European Court of Human Rights in the Louise O'Keeffe case. I pay tribute to people like John Allen, a victim of child sexual abuse who has been denied any redress from the State to date. I also pay tribute to John Boland, Thomas Hogan, Christopher Rainbow and their colleagues from Limerick, who worked with Deputy O'Dea. For more than four years they have fought the Government's obstinate position of the invocation of a prior complaint mechanism to deny them any access to the redress scheme. The decision of Mr. Justice Iarfhlaith O'Neill also vindicates the vital and professional work of Dr. Conor O'Mahony and the Child Law Clinic in University College Cork who has advocated on behalf of the victims for so long and exposed the illogicality and cruelty of the Government's position in the past four years. Much of the argument put forward by Dr. O'Mahony has essentially been upheld by the judge in his assessment. The prior complaint was, in my opinion, a device to ensure no one would receive compensation under the scheme and so it proved. As the judge said, having any such mechanism would have involved, as a starting point, the making of a complaint by or on behalf of an abused child. It was obvious from day one that this was illogical. The judge has said that for the State to insist on such a precondition to eligibility involved an "inherent inversion of logic and a fundamental unfairness to applicants."

The Government was warned about all of this. I raised the matter with the former Taoiseach, Deputy Enda Kenny, during Leaders' Questions and the Taoiseach. I met the former Minister for Education and Skills, Deputy Bruton, and his officials, who stonewalled on every occasion. We tabled a Private Members' motion last year which was passed by the House. As Dr. O'Mahony said, the Government set up a compensation scheme, but it did not want to pay any compensation. It has dragged on for four years and the people involved have suffered enormous trauma and abuse in their lives. I have met them. It has been appalling. The deliberate distortion of the O'Keeffe judgment has exacerbated that hurt and abuse for the victims who

have been denied access to the redress scheme. It was morally wrong of the Government and its predecessor to pursue this line, particularly when it was pointed out so cogently to them by Dr. O'Mahony, the Irish Human Rights and Equality Commission, IHREC, and the Ombudsman for Children. Why was the Government so deaf to the obvious and the logical? Why was the O'Keeffe judgment so blatantly distorted? Why did the Government go along with it, compounding the hurt already endured by the victims? Will it apologise to them for its actions? Does it accept in full the independent assessor's conclusions? Will the Taoiseach indicate to the Dáil what the Government intends to do in respect of pending and discontinued cases and whether they will be accommodated as they should be under the redress scheme?

The Taoiseach: I believe sexual abuse is the most heinous of all crimes, especially when the victims are children. It stays with them forever; trust is betrayed; lives are destroyed forever and families broken. On behalf of the State, I apologise to the people who were sexually abused when they were children in day schools before 1992 and for the State's delay thereafter in acknowledging that it had a responsibility to protect them. As Mr. Justice Iarfhlaith O'Neill has reported, had a system to report abuse "been in place in the years before 1992 when all of the historic child sexual abuse occurred in national schools ... the prevailing culture of impunity which permitted these crimes to occur, could not have existed or survived." I thank Mr. Justice O'Neill for the two years of work he has done since his appointment by the former Minister for Education and Skills, Deputy Bruton.

Procedures should have been in place before 1992 to record and act on allegations of sexual abuse by teachers and staff. They were not and Governments prior to 1992 failed in their responsibility to do so. Successive Governments since, including this one, have not put right this historical wrong and so have perpetuated it. We will seek to right that wrong now. The intentions may have been honourable, to provide for abuse survivors, while protecting taxpayers who, ultimately, have to pay the bill for things for which they were not responsible. It was wrong to make the terms of the *ex gratia* scheme so restrictive. The State will now make payments without undue delay to the 13 people whose appeals have been successful. It is clear that there are other cases in which survivors did not appeal or did not apply in the first place and they will have to be re-examined. It may involve reopening the scheme. I have asked the Minister for Education and Skills, Deputy McHugh, to prepare options for the Government in consultation with the Attorney General. I join the Minister in calling on patron bodies to make available any information and documents they have. The same applies to the Department of Education and Skills.

I recognise the campaigning and advocacy role of Louise O'Keeffe, on her own behalf and that of others. Even today, many victims of sexual abuse do not report it, but the fact that people such as Louise do gives them hope, courage and some comfort. Without meaningful action, apologies on their own do not count for very much. The best apology we can make to Louise O'Keeffe and all other survivors is to say further action will be taken. The State failed them at the time and failed them again when it did not own up to its responsibility. We will not fail them a third time. The Minister will make a further statement on the matter tomorrow afternoon.

Deputy Micheál Martin: I acknowledge the Taoiseach's statement and acceptance that what the Government did was wrong. However, he used a phrase, on which I need clarity. He stated it "may" involve a reopening of the scheme. To me, it will have to involve a reopening of the scheme because it was founded on the wrong premise. In an assessment of the judgment Dr. Conor O'Mahony stated that to limit the implications to the 13 cases was a wilful distortion of the assessor's decision. He went on to state that if the condition of prior compliant was

inherently incompatible with the O’Keeffe judgment, as a matter of human rights law, it must be dropped for all applicants. Cases are pending, while others have been discontinued because of the extraordinary pressure put on many of the litigants and victims. It is accepted that many victims of child sexual abuse go through extraordinary trauma throughout their lives. When the power of the State is devoted to continuously denying them justice, that trauma is exacerbated beyond belief. The Taoiseach stated the Government would not fail the victims again. We need clarity on the cases we know are pending or have been discontinued. Will he indicate that it is the Government’s intention to open these cases to the *ex gratia* scheme?

The Taoiseach: I can indicate that that is the Government’s intention. When I say we “may” need to reopen the scheme, I expect that we will do so. We will have to remove the prior complaint condition, which will mean amending the scheme, as well as reopening it, but we are also conscious that while some people appealed, others did not. There are also people who might not have applied in the first place because they believed they had no possibility of receiving a payment. We need to look at the matter in the round. There will be meetings today involving officials from the Department of Education and Skills and the Office of the Attorney General to chart the right way forward. We need a little time to get it right and study in detail what Mr. Justice Iarfhlaith O’Neill said. As the Deputy knows, the issue goes back a long time. Louise O’Keeffe has spoken about battling the State for 15 years prior to 2014. In 2008 a Supreme Court case was fought by the Government at the time and a scheme was drawn up in 2015. We all need to take responsibility for the long 15 or 19 years of battling Louise O’Keeffe had to endure and to work together to try to put the matter right.

Visit of Bavarian Delegation

An Leas-Cheann Comhairle: Before proceeding, on my own behalf and that of Members of the House, I offer a céad míle fáilte, a most sincere welcome, to a delegation from the Bavarian conservative group of the German Bundestag. The delegation is headed by the chairperson of the Christian Social Union at the Bundestag, Alexander Dobrindt, and includes the federal Minister for transport and digital infrastructure, Andreas Scheuer, and the Minister of State for digitalisation, Dorothee Bär. I thank Deputy Heydon, convenor of the Irish side, for his work in preparation for the visit. The delegates are most welcome to Leinster House and I hope their visit will prove to be to our mutual benefit. Tá fáilte rompu.

Ceisteanna ó Cheannairí (Atógáil) - Leaders’ Questions (Resumed)

Deputy Mary Lou McDonald: In recent days there has been considerable controversy surrounding the recent decision of the Naval Service to dock two vessels because of the continuing recruitment and retention crisis in the Defence Forces. As the Taoiseach knows, the officer in command of the Naval Service, Commodore Michael Malone, wrote in a Defence Forces newsletter on 27 June that 540 personnel had left the service in the past five years and that because of an inadequate number of personnel, he had taken the decision to place two ships in an operational reserve capacity.

In response to that information making its way into the public domain last weekend, the

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Minister of State with responsibility for defence, Deputy Paul Kehoe, dismissed it, as he has consistently dismissed concerns about the recruitment and retention crisis in the Defence Forces when these matters have been raised. On Saturday evening he claimed the two ships were being docked because of what he called “planned maintenance” and crews were being redeployed to other vessels. He directly contradicted the concerns of Commodore Malone. The Taoiseach yesterday accepted that the Naval Service faces significant staffing challenges and said it was “cutting its cloth to measure”. He agreed with Commodore Malone and contradicted the Minister of State.

Does the Taoiseach think it appropriate for the Minister of State to withdraw his remarks given that he was wrong and his assertion was inaccurate? I believe that should happen today. The docking of two naval vessels will have consequences and a number of military sources in the press this morning spelt out precisely what will be those challenges. A source indicated that because of Ireland’s massive sea area, having nine vessels is like having two Garda cars patrolling the island of Ireland, so with the vessels docked, it is like having one and a half such patrol cars. Another source said that this is like having a “neon sign for drug smugglers” because the deterrent factor is gone, with the end result being more drugs on the streets in Dublin, Portarlinton, Ballina and so on.

That is the potential outworking of this issue. Fewer naval patrols in Irish waters because two vessels are docked means there will be fewer drug seizures and less of a deterrent. That cannot continue, so it is time for serious action to tackle what is a serious recruitment and retention crisis facing the Naval Service and the Defence Forces more generally. It is clear the recent recommendations of the Public Service Pay Commission are wholly inadequate. The Naval Service is operating at 88% of capacity and personnel numbers across the board have dropped below 8,500, despite a commitment to maintain numbers at 9,500. Morale is on the floor; 1,000 people left last year and 92 left in the past month alone. This is a very real crisis so what will the Taoiseach as Minister for Defence do about all of this? When will he ask the Minister of State to withdraw his inaccurate comments from the public record?

The Taoiseach: The Government, including the Minister of State, has acknowledged for quite some time that the Naval Service is short-staffed. It has a complement of 1,094 personnel but it currently has just 934 personnel. The numbers often do not tell the full story as it is particularly short-staffed when it comes to certain specialists and technical staff. There has been no denial at all from the Government in that respect and instead we have taken action. Pay is being restored through the public sector pay agreement and pay for all staff in the public service earning €70,000 or less will be fully restored by the end of next year. In addition, we signed off on a €10 million package for the Defence Forces last week that will provide additional allowances and other improvements. The process will not stop there, as there will be a review of technician pay, which is particularly relevant because people with particular technical skills, including engineers, artificers and others are especially sought after in the private sector now and they can command very good salaries. We need to review that pay as well. Those are the kinds of actions very much under way by the Government. I am happy to clear up any confusion about the fleet. The Naval Service currently has nine vessels. There used to be eight but, because we have invested in the fleet and have a more modern fleet than ever before, there are five new vessels while only four have been decommissioned. We have more vessels than ever before but we have fewer sailors and that has obviously created a problem.

Of the nine vessels, *LÉ Róisín* is going through a mid-life refit and will not be available for service until the end of the year. *LÉ Eithne* and *LÉ Orla* are going through planned maintenance.

nance, as the Minister of State, Deputy Kehoe, said and that was confirmed by the press office of the Defence Forces last night. What is different is that their crews are now being redeployed to the other vessels to ensure they are fully crewed and staffed. That is important from a retention point of view because we want to retain our able seamen and Naval Service staff, rather than having them spread too thinly and short-staffed on a large number of ships. It is better to have a small number of ships fully staffed and I support the decision of the flag officer in that regard.

Those vessels will be out of service until the end of September and mid-October but, with current staffing levels, it is unlikely they can be brought back into service. That means that three ships will be held in operational reserve or in maintenance, with the remaining six vessels fully operational. It means some operations will be restricted. For example, the Naval Service will not be able to return to the Mediterranean because we must instead focus on our own seas, fishery protection and drug interdiction.

Deputy Mary Lou McDonald: Why then did the Minister of State, Deputy Kehoe, contradict Commodore Michael Malone? There have been expressions from very senior levels within the Defence Forces describing the relationship between them and the Department of Defence as toxic, broken and dysfunctional. That is not a sustainable situation. The Minister of State then came out and openly contradicted the commodore and attempted to place inaccurate and misleading information on the record. Does the Taoiseach not agree that the Minister of State should clarify or withdraw those remarks?

It was reported in March this year that the rate of turnover in the Defence Forces was 8.1%. That figure now stands at 9%. For the purposes of comparison, the Ministry of Defence in Britain declared a retention crisis at a turnover rate of just 5%. We are clearly dealing with a real problem of scale while the Taoiseach sits on his hands. His pay increase proposals for very low-paid workers in the Defence Forces will simply not cut it. I suggest that he is making a bad situation a whole lot worse.

Will the Taoiseach ask his Minister of State to withdraw his contradictions and inaccurate claims from the public domain?

The Taoiseach: I will not be doing that. The Minister of State, Deputy Kehoe, got his information from a Naval Service briefing on Friday at Naval Service headquarters in Haulbowline. The flag officer was also present at that briefing and the Defence Forces press office confirmed only last night that two vessels - *LÉ Eithne* and *LÉ Orla* - are going into planned maintenance.

Maintenance is not the sole issue, however. There is also an issue about staffing levels and the Naval Service is understaffed and, for that reason, there is going to be a change of practice. Where boats are put into maintenance or into reserve, the crews will then be redeployed to vessels that are in service. It is never the case that all nine vessels are at sea. It is often the case that vessels are in maintenance or in refit or in dock. Rather than having a situation which has been the case for the past couple of months where crews have been thinly spread across a larger number of vessels - and I have been on these vessels - there will be a smaller number of vessels which are now fully staffed. That also makes sense from a retention point of view because, where staff are stretched across a large number of vessels, it becomes much harder for them to do their jobs. This practice will help with retention.

In the meantime, we will continue to recruit and make efforts to retain the staff in the Naval

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Service, with a view to putting a seventh vessel back in service later in the year, if possible.

Deputy Bríd Smith: Today is a great day for the fossil fuel industry in this country. In particular, it is a great day for Providence Resources which has just had transferred into its bank account \$10 million from APEC Energy Enterprise Limited, its Chinese backer. So much for fuel security as this country is doing deals with the Chinese. We always have a problem with Putin and the Arabs but we never mention the Chinese. Now \$10 million, with another \$10 million to come, has gone into the bank account of Providence Resources to allow it to do research on the Barryroe prospect off the Cork coast. Today is not a good day for climate, biodiversity, the melting ice caps or, according to *Nature* magazine, the future of this planet. Not only do we have to leave 80% of known fossil fuels in the ground, but *Nature* tells us we will now have to decommission much of the existing infrastructure for the oil and gas industry to save the planet and life on it.

We have also found out that the Taoiseach's office was lobbied by the industry. It was heavily lobbied by them last year - lobbying increased seven times - and it was lobbied by the industry this year, but the Taoiseach's office kept no record of that. The lobbyists thought it was lobbying but the Taoiseach did not think that it was sufficient to be described as lobbying. I have a serious question. When did the meeting between Mr. Feargal Purcell and Mr. John Carroll of the Taoiseach's office take place and what was discussed? The timing of that meeting is important to me, the people of Ireland, and the 15,000 students to whom he has lied. I am accusing the Taoiseach of lying and will repeatedly say so because the letter-----

(Interruptions).

An Leas-Cheann Comhairle: Deputy Smith.

Deputy Bríd Smith: I am going to prove it. I would not say so if I could not.

An Leas-Cheann Comhairle: I am on my feet. Deputy Smith knows full well that there are enough accusations around this House. I have heard this one. I ask the Deputy to withdraw her statement that the Taoiseach lied, otherwise the House will not continue its business.

Deputy Bríd Smith: Okay, I will withdraw it and say that the Taoiseach told untruths in writing.

An Leas-Cheann Comhairle: The Deputy must withdraw it deliberately. She has to withdraw it, otherwise we cannot continue. I will not preside over this House if accusations are made. We will deal other ones-----

Deputy Bríd Smith: I wish to finish my point. Will the Leas-Cheann Comhairle allow me to finish my point?

An Leas-Cheann Comhairle: I am asking the Deputy to withdraw deliberate lies.

Deputy Bríd Smith: The Taoiseach told deliberate mistruths to the Ceann Comhairle.

An Leas-Cheann Comhairle: Not untruths. The Deputy can say anything but not "deliberate". I ask her to please withdraw. She is holding up the House.

Deputy Bríd Smith: The Taoiseach told untruths. We are getting into semantics now. The truth is, however-----

An Leas-Cheann Comhairle: No, has the Deputy withdrawn “deliberate”? She has withdrawn “deliberate”.

Deputy Bríd Smith: -----that the Taoiseach’s Department told the Ceann Comhairle that a money message was necessary for this Bill because this country would lose economic benefits. Let us look at what was reported in last weekend’s newspapers. In the lifetime of the Corrib pipeline, from 1992 until it dies in 2030, the State will not receive a penny in tax or royalties. The Taoiseach spoke of the need to pay back the application fees to companies if my Bill was passed. On the same day I received the reasoned response from the Taoiseach’s Department I also received a reply to a parliamentary question, which stated it is the Government’s policy never to repay licence fees or applications. That is two lies at least.

(Interruptions).

An Leas-Cheann Comhairle: Deputy Smith.

Deputy Bríd Smith: Those were two mistruths. The third was that the Government was threatened with legal action, which is why I repeat my question. It is important that the people know when that lobbying took place. Did it take place after this House, for the second time, in a democratic fashion by an overwhelming majority, acknowledged that the Bill should proceed to Third Stage? That was the second time we did so-----

An Leas-Cheann Comhairle: Time is up.

Deputy Bríd Smith: -----but we find once again that the Bill has been blocked by the Government. When did that lobbying take place? It is a very straight question.

An Leas-Cheann Comhairle: Before the Taoiseach comes in, I wish to make it clear that if one makes accusations about deliberate lies, withdraws that and then compounds it, it is even worse.

Deputy Mattie McGrath: Hear, hear.

An Leas-Cheann Comhairle: I will not accept that. I think I speak for the vast majority of Members that it is not acceptable terminology in the House. Some of us are here a long, long time. I take it for the record that Deputy Smith has withdrawn it.

The Taoiseach has three minutes.

The Taoiseach: I know I am perhaps not always the most civil person in this House myself but I hope we get to the point at some stage where it is possible for people to disagree with each other without accusing each other of being dishonest or lying. To answer some of the Deputy’s questions-----

Deputy Aengus Ó Snodaigh: Or being on the altar.

Deputy Mattie McGrath: What about the parish priest?

An Leas-Cheann Comhairle: Deputies, we are dealing with this question now.

Deputy Michael Healy-Rae: Did the Taoiseach apologise?

An Leas-Cheann Comhairle: Deputy Michael Healy-Rae, we are dealing with Deputy

Bríd Smith's question.

The Taoiseach: To answer the Deputy's questions, the decision on whether a money message is required is one for the Ceann Comhairle, who can listen to the case made by the sponsor and by the Government. I respect the Ceann Comhairle's ability to listen to both sides of the argument and to make a decision.

Deputy Richard Boyd Barrett: Except the things the Taoiseach told him were not true.

Deputy Bríd Smith: Untruths.

The Taoiseach: The Ceann Comhairle has made that decision.

Deputy Bríd Smith: Untruths; not lies.

An Leas-Cheann Comhairle: The Taoiseach, without interruption.

The Taoiseach: In relation to the financial transaction to which the Deputy referred, I am not familiar with it. The Government is not party to it. I really cannot comment on it. What the Government wants is sensible climate action that actually reduces greenhouse gas emissions and gives us cleaner air, warmer homes and creates the businesses and jobs of the future. What we do not want is climate action that is counter-productive and that makes us poorer, less secure or that costs people their jobs. The difficulty I have with the Bill proposed by the Deputy is that it does not reduce greenhouse gas emissions and that natural gas is a transitional fuel we will continue to need to use for the decades ahead.

Deputy Richard Boyd Barrett: All the scientists are wrong.

The Taoiseach: Therefore, it makes sense to use our own natural gas if we have it. This is why a ban on exploration is not part of the Paris Agreement and why it is not recommended by our climate action council. Perhaps there is a third way and this is something to which I am giving some thought.

With regard to the question on lobbying, it is important to put on the record of the House that lobbying is not a nefarious activity. It is part of democracy. We are all lobbied all of the time, whether it is by-----

Deputy Bríd Smith: Why did the Taoiseach not report it then?

An Leas-Cheann Comhairle: Deputy, please.

The Taoiseach: -----trade unions, the IFA, IBEC or business organisations.

Deputy Paul Murphy: We have to report it though.

The Taoiseach: The reason we have a lobbying Act is so they are registered. I checked on this today. There is no record of the meeting because there was no meeting in the Department of the Taoiseach between the two people mentioned by the Deputy. What happened-----

Deputy Bríd Smith: So Feargal Purcell is now telling untruths.

An Leas-Cheann Comhairle: The Taoiseach without interruption. The Deputy may have another opportunity.

The Taoiseach: What happened is that the lobbyist in question asked my adviser to meet him for coffee. He did not tell him the reason for the meeting. Over coffee he raised this issue and he declared it in the lobbying register.

Deputy Mick Barry: One more cup of coffee before I go.

Deputy Richard Boyd Barrett: That is lobbying.

The Taoiseach: That is the answer to the Deputy's question.

Deputy Bríd Smith: I do not know what language to use but Feargal Purcell has certainly told an untruth, if that is the parliamentary language-----

Deputy Timmy Dooley: He is not in the House.

Deputy Bríd Smith: -----because he stated on the lobbying register that he sought the meeting with Mr. Carroll in the Minister's office-----

Deputy Timmy Dooley: We are not to name private people in here.

An Leas-Cheann Comhairle: The Deputy cannot make allegations.

Deputy Bríd Smith: If what the Taoiseach saying is true then what Feargal Purcell says has to be wrong or, at the very least, untrue. He says he sought the meeting to provide information on energy security, the transition to renewable energy and the value to the industry in this economy in the context of the climate emergency measures Bill. That is not a cup of coffee. He registered it on the lobbying register because he saw it as lobbying. Why did the Taoiseach's office not see it as lobbying? Even if it was over a cup of coffee, tell us how long that cup of coffee took and when it took place-----

Deputy Mattie McGrath: Was there is sugar in it?

Deputy Bríd Smith: -----because clearly somebody is saying something that is not correct because it is on the lobbying register as lobbying. The point about all this is there was a deliberate thwarting and blocking of the Bill to do the bidding of the fossil fuel industry. The evidence is in the \$10 million in the bank this morning. There is the evidence. There is \$10 million in the bank this morning and God knows when the next millions will go in. In the meantime, despite the fact the Taoiseach tried to deny it, there is no security on a planet where the temperatures will rise between 2° and 4°; no security whatsoever, despite the Taoiseach's passion and determination to state we need energy security in this country. There is no security on the planet and no security for the schoolchildren standing outside screaming at the Taoiseach to keep it in the ground. That is what people want. They want it kept in the ground.

An Leas-Cheann Comhairle: The Taoiseach to respond.

Deputy Bríd Smith: Tonight they will be outside the Dáil protesting and on 20 September, there will be strike action against the Taoiseach's policies.

An Leas-Cheann Comhairle: The Taoiseach to respond.

The Taoiseach: The date was 2 May 2019. I do not know how long it happened, how much the coffee cost or, quite frankly who paid for it.

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Deputy Mick Barry: Was there sugar in the coffee?

Deputy John Brady: Did he get a sweetener?

The Taoiseach: However, if the Deputy wishes to read the lobbying Act, she will know it states the obligation to declare whether lobbying occurred is on the lobbyist.

Deputy Bríd Smith: That is interesting.

The Taoiseach: All of us meet people all of the time from all sorts of organisations and businesses. I bet none of us ever filled in a lobbying return-----

Deputy Bríd Smith: That date of 2 May is before the Taoiseach's party wanted the Ceann Comhairle to-----

The Taoiseach: -----because the obligation-----

Deputy Bríd Smith: That was just before the-----

An Leas-Cheann Comhairle: Deputy Bríd Smith has had her opportunity-----

Deputy Bríd Smith: -----money message.

An Leas-Cheann Comhairle: We are going to move on.

The Taoiseach: An Leas-Cheann Comhairle-----

An Leas-Cheann Comhairle: Deputy Smith, please-----

The Taoiseach: One always knows when somebody does not have a case. It is when there is an attempt to try to shout down people because the Deputies concerned do not want the answers to their questions. That is because they know that-----

Deputy Regina Doherty: Hear, hear.

The Taoiseach: -----what they are saying is-----

Deputy Bríd Smith: I will hear the Taoiseach's answers.

(Interruptions).

An Leas-Cheann Comhairle: Please, Deputy Smith-----

Deputy Bríd Smith: They do not stand up-----

The Taoiseach: -----untrue.

An Leas-Cheann Comhairle: Deputy Smith is being argumentative. I ask that the Taoiseach be heard without interruption.

Deputy Paul Murphy: The voice of big oil.

The Taoiseach: Where lobbying occurs, the obligation is always on the lobbyist-----

Deputy Paul Murphy: Come off it.

The Taoiseach: -----and not the person being lobbied to declare that. If that is not the case, then every Deputy must have a case to answer. No person in this House has ever made a lobbying declaration but I bet-----

Deputy Bríd Smith: The Ceann Comhairle received a letter from the Taoiseach's Department-----

The Taoiseach: -----that every person in this House has been lobbied at some time.

Deputy Bríd Smith: -----after 2 May after which the money message-----

An Leas-Cheann Comhairle: Please allow the Taoiseach to speak. Deputy Smith is being totally disorderly. She knows the rules of this House.

Deputy Bríd Smith: Of course I am. I am totally angry.

(Interruptions).

An Leas-Cheann Comhairle: The Deputy can be angry but she cannot be disorderly.

Deputy Bríd Smith: Why not? They go together.

An Leas-Cheann Comhairle: They do not go together.

(Interruptions).

Deputy Timmy Dooley: This is the business of Parliament, not a pub.

An Leas-Cheann Comhairle: We will move on. I call the representative from the Independents 4 Change group. Deputy Joan Collins has three minutes.

Deputy Joan Collins: It recently came to light at a meeting of the Joint Committee on Health that private facilities, with separate entrances, would be provided at the new maternity and children's hospitals. These hospitals are being built with State funding at a high cost. A key element of the Sláintecare reforms of the health service is the removal of private practice from the public health system. It seems that the provision of private facilities in these two new public hospitals flies in the face of this key element of Sláintecare, namely, the separation of private medicine from the public system.

Under the Sláintecare action plan announced late last year, a report was commissioned on the issue of separation of public and private care. The report was to be produced by a group headed by Dr. Donal de Buitléir. I understand that such a report has been with the Minister for Health and his officials for some weeks now. Will the Minister make the de Buitléir report, and any recommendations it contains, public and available for discussion in the Dáil where the Sláintecare proposals received widespread cross-party support? Will the Taoiseach give a commitment that no private medical facilities will be planned or provided at the new maternity and children's hospitals? At the very least, will he give a commitment that this House will have an opportunity to debate the issues in the report before any such facilities are provided?

The Taoiseach: As I understand it, it is not the case that there will be separate entrances. There will, however, be a private clinic as there are at present at Crumlin children's hospital and the national maternity hospital at Holles Street, not too far from here. That clinic comprises a number of rooms in the building where private patients can be seen by consultants. Even across

the water, for example, the National Health Service, NHS, in Britain also has private clinics. The Great Ormond Street Hospital, the centrepiece NHS hospital, has a private clinic. That is a recognition that some patients have private health insurance and are willing to pay for a second opinion.

Deputy Ruth Coppinger: Taxpayers should not have to pay.

The Taoiseach: Those private clinics bring in additional revenue for hospitals. Approximately €700 million is brought into our public health service every year in fees paid to hospitals, and not to consultants, for private patients. The de Buitléir report will be published as soon as the Minister is ready to do so. The report refers to the implementation of the recommendation in Sláintecare to disentangle public and private medicine in our hospitals. The term “disentangle” is a very good one. This is not something that can be done quickly or overnight. It involves a fundamental change to the consultants’ contracts, for a start. That will have to be negotiated and will take time. A very long period may be involved where we phase out all contracts and replace them with new ones and that will also take some time to achieve. It will also be necessary to find €700 million or €800 million to compensate our public hospitals for the loss of private income. We should never forget that. Private patients do not just pay private income to consultants; they also pay private income to public hospitals. That loss of €700 million would have to be replaced or public services would have to be cut back as a result. I do not think that anybody wants that

Deputy Joan Collins: I asked the Taoiseach a simple question and I expected a simple answer. I only spent one and a half minutes asking my question so that the Taoiseach could not go off on a tangent. I asked a simple question. Will the Taoiseach make the de Buitléir report available to this House as soon as possible? I am referring to this week. The report has been in the hands of the Minister and the Department for the past number of weeks. Will the Taoiseach confirm that no private facilities will be initiated or planned at the new maternity and national children’s hospitals until the report is issued? We have to scrutinise it. We are talking about a national maternity hospital - a public hospital - and a national children’s hospital into the future. The Government is going to allow a separate department with a waiting room, a reception area and access to facilities within the hospitals, including a public laboratory and diagnostic services. While we have not seen the review, the Sláintecare report explicitly states we want to remove private facilities from public facilities in that regard.

I ask the Leas-Cheann Comhairle to allow me to make one last point. When the review group was set up last October, the Minister for Health, Deputy Harris, told the Oireachtas Joint Committee on Health on 3 October that the current mixed model was not the norm and was an outlier. He said: “Let me be clear, because sometimes I hear myself described by my opponents wrongly in this regard, I am in favour of the removal of private practice from public hospitals.” Yet, at this very minute, Crumlin children’s hospital is stating it is going to give consultants access to private rooms, private reception areas and access to public laboratories and diagnostics. It is absolutely wrong. There should be a public outcry about it.

The Taoiseach: To respond to the Deputy’s question about the de Buitléir report, it cannot be published this week. The Minister for Health has the report which he has to bring to the Cabinet. Once it has considered it, it can be published thereafter. I cannot give a date today, but I have read it and there are no secrets in it.

Deputy Joan Collins: We have not read it.

The Taoiseach: We will try to have it published as soon as we possibly can.

On the matter of private clinics in public hospitals, Crumlin children's hospital already has a private clinic-----

Deputy Joan Collins: We are talking about Sláintecare.

The Taoiseach: -----as do the national maternity hospital, very many public hospitals-----

Deputy Ruth Coppinger: We are referring to a new hospital.

The Taoiseach: -----and NHS hospitals such as Great Ormond Street Hospital. They are private clinics that enable consultants to see private patients. It brings in extra revenue for the hospitals which they can then use to cross-subsidise public healthcare services.

Deputy Joan Collins: It is all costing the taxpayer.

The Taoiseach: The de Buitléir report sets out how we might disentangle public and private practice in public hospitals as recommended by Sláintecare. The report points out very clearly that it is not something that can be done overnight. It would involve new contracts, changing contracts and new funding models. It would take quite some time to make it happen.

Deputy Joan Collins: That is a pathetic response.

An tOrd Gnó - Order of Business

Deputy Tony McLoughlin: The business for the week shall be as set out in the report of the Business Committee for 9 to 11 July. Today's business shall be No. 14, motion re ministerial rota for parliamentary questions; No. 15, motion re the Citizens' Assembly on Gender Equality; No. 16, motion re proposed approval by Dáil Éireann of the terms of the host country agreement between the Government of Ireland and the Permanent Court of Arbitration; No. 17, motion re proposed approval by Dáil Éireann of the Double Taxation Relief (Taxes on Income and on Capital) (Swiss Federation) order 2019 - back from committee; No. 18, motion re proposed approval by Dáil Éireann of the Double Taxation Relief (Taxes on Income and Capital Gains) (Kingdom of The Netherlands) Order 2019 - back from committee; No. 19, motion re proposed approval by Dáil Éireann of the Animal Health Levies (Pigs) Regulations 2019 - back from committee; No. 20, motion re Twenty-fourth Report of the Committee of Selection which is to be taken without debate. Any division demanded on No. 15, motion re Citizens' Assembly on Gender Equality shall be taken immediately.

It is proposed that the Order of the Dáil of 13 June, referring No. 43a, Qualifications and Quality Assurance (Education and Training) (Amendment) Bill 2018 [*Seanad*], to the select committee be discharged and that Committee Stage of the Bill be taken in Committee of the whole Dáil on 10 July.

The proceedings on Second Stage of No. 2, Redress for Women Resident in Certain Institutions (Amendment) Bill 2019 [*Seanad*], shall, if not previously concluded, be brought to a conclusion after 90 minutes and any division demanded at the conclusion of Second Stage shall be taken immediately. Speeches shall be confined to a single round for a Minister or a Minister

of State and the main spokespersons of parties or groups, or a Member nominated in their stead, and shall not exceed ten minutes each. A Minister or Minister of State shall have a ten-minute response and all Members may share time. Proceedings on Committee and Remaining Stages shall, if not previously concluded, be brought to a conclusion after 30 minutes by one question, which shall, in relation to amendments, include only those set down or accepted by the Minister for Justice and Equality. No. 40, statements on EU Mercosur trade agreement, resuming on questions and answers, shall commence not later than 7 p.m. and shall conclude within two hours. Should a division be in progress at 7 p.m., the questions and answers shall be taken for two hours once the division has concluded. Each party and group in opposition will have 15 minutes each for questions and answers, with a 15-minute response from a Minister or Minister of State, and all Members may share time. The Dáil shall sit later than 10 p.m. and shall adjourn on the conclusion of Private Members' business, which shall be taken for two hours on the conclusion of the statements on EU Mercosur trade agreement, resuming on questions and answers.

In relation to Wednesday's business, it is proposed that the Dáil shall sit at 9.30 a.m., questions to the Minister for Children and Youth Affairs shall be taken at 9.30 a.m., and the Dáil shall sit later than 10.15 p.m. and adjourn not later than 11 p.m. No. 40*a*, statements on Government response to the decisions of the independent assessor, Mr. Justice Iarfhlaith O'Neill, in relation to the State's *ex gratia* scheme shall conclude within 45 minutes. Statements shall be confined to a single round for a Minister or Minister of State and the main spokespersons for parties and groups, or a Member nominated in their stead, and shall not exceed five minutes each with a five minute response from a Minister or Minister of State and all Members may share time. No. 21, motion re proposed approval by Dáil Éireann of the Social Welfare Consolidation Act 2005 (Specified Bodies) Regulations 2019, back from committee, shall be taken without debate. The proceedings on Second Stage of No. 10, Criminal Justice (International Co-operation) Bill 2019, shall, if not previously concluded, be brought to a conclusion after one hour and 30 minutes and any division demanded on the conclusion of Second Stage shall be taken immediately. Speeches shall be confined to a single round for a Minister or Minister of State and the main spokespersons for parties or groups, or a Member nominated in their stead, and shall not exceed ten minutes each. A Minister or Minister of State shall have a ten-minute response and all Members may share time. Proceedings on Committee and Remaining Stages shall, if not previously concluded, be brought to a conclusion after one hour and 30 minutes by one question, which shall, in relation to amendments, include only those set down or accepted by the Minister for Justice and Equality. No. 42, statements on the report of the Public Service Pay Commission on recruitment and retention in the Permanent Defence Forces, shall conclude within 85 minutes. Statements shall be confined to a single round for a Minister or Minister of State and the main spokespersons for parties and groups, or a Member nominated in their stead, and shall not exceed ten minutes each, with a five-minute response from a Minister or Minister of State and all Members may share time.

In relation to Thursday's business, it is proposed that the Dáil shall sit at 9 a.m. and questions to the Minister for Rural and Community Development shall be taken at 9 a.m., and the Dáil shall sit later than 8.03 p.m. and shall adjourn on the conclusion of Topical Issues, which shall be taken on the conclusion of Government business or at 9 p.m., whichever is the earlier. No. 43, statements on Government update to Brexit Contingency Action Plan shall conclude within 90 minutes. Statements shall be confined to a single round for a Minister or Minister of State and the main spokespersons for parties and groups, or a Member nominated in their stead, and shall not exceed ten minutes each with a ten-minute response from a Minister or Minister of State, and all Members may share time. No. 21*a*, motion re Twenty-fifth Report of the Com-

mittee of Selection shall be taken without debate. The proceedings on Second Stage of No. 3, Citizens' Assemblies Bill 2019 [*Seanad*] shall, if not previously concluded, be brought to a conclusion after one hour and 30 minutes and any division demanded on the conclusion of Second Stage shall be taken immediately. The speech of a Minister or Minister of State and the main spokespersons for parties or groups, or a Member nominated in their stead, shall not exceed ten minutes each. A Minister or Minister of State shall have a ten-minute response and all Members may share time. The proceedings on Committee and Remaining Stages shall, if not previously concluded, be brought to a conclusion after 30 minutes by one question which shall, in relation to amendments, include only those set down or accepted by the Minister for Housing, Planning and Local Government. No Private Members' Bill shall be taken under Standing Order 140A and no committee report shall be taken under Standing Order 91(2). The Dáil, on its rising, shall adjourn until 2 p.m. on Tuesday, 17 September.

An Leas-Cheann Comhairle: We have heard the announcement of the business for the week. There are three proposals to be put to the House. Are the proposals for dealing with Tuesday's business agreed to?

Deputy Paul Murphy: They are not agreed to. We cannot agree to an Order of Business for the final sitting week before the summer recess that does not allow the Dáil to address the scandalous abuse of money messages by the Government. The Government has been acting in a manner that is completely undemocratic and arguably unconstitutional by using the denial of money messages to ensure Bills that have the support of a majority in this House are prevented from progressing. I have a list of over 50 Bills in alphabetical order.

An Leas-Cheann Comhairle: Okay.

Deputy Paul Murphy: The first is the Anti-Evictions Bill 2018.

An Leas-Cheann Comhairle: The Deputy does not have to go through them. I will not let him do so.

Deputy Paul Murphy: The third is the Banded Hours Contract Bill 2016.

An Leas-Cheann Comhairle: We get the Deputy's point.

Deputy Paul Murphy: The last in alphabetical order is the waste management Bill.

An Leas-Cheann Comhairle: The Deputy does not agree with the Order of Business.

Deputy Paul Murphy: We know that the Bills on the list will be be joined by others-----

Deputy Regina Doherty: The Deputy is not saving the planet with all that paper.

Deputy Paul Murphy: -----including the No Consent, No Sale Bill 2019 and the Control of Economic Activity (Occupied Territories) Bill 2018.

An Leas-Cheann Comhairle: Will the Deputy, please, listen?

Deputy Ruth Coppinger: This is relevant to the Order of Business.

An Leas-Cheann Comhairle: I know the point the Deputy is making.

Deputy Regina Doherty: The irony is completely lost on him.

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An Leas-Cheann Comhairle: He does not agree with the proposal.

Deputy Paul Murphy: The reasoned response to the Petroleum and Other Minerals Development (Amendment) (Climate Emergency Measures) Bill 2018 which is extremely important gives the game away.

An Leas-Cheann Comhairle: We will deal with it.

Deputy Paul Murphy: The content of the reasoned response is not about money.

An Leas-Cheann Comhairle: There is no need for an explanation.

Deputy Paul Murphy: The Government thinks it has an executive veto which it does not have.

An Leas-Cheann Comhairle: There is no need for an explanation.

Deputy Paul Murphy: It is using that executive veto.

An Leas-Cheann Comhairle: Will the Deputy, please, resume his seat?

Deputy Paul Murphy: Time needs to be provided this week to amend Standing Orders.

An Leas-Cheann Comhairle: There are other Members who want to use the Order of Business also.

Deputy Paul Murphy: No problem.

An Leas-Cheann Comhairle: There is a problem.

Deputy Paul Murphy: We have proposed a motion to amend Standing Orders in a way that would resolve this issue.

Deputy Charles Flanagan: This is a stunt.

Deputy Paul Murphy: There are other proposals-----

An Leas-Cheann Comhairle: I will hear from your-----

Deputy Paul Murphy: -----for which time needs to be allocated.

An Leas-Cheann Comhairle: I will be putting it to the House.

Deputy Paul Murphy: We need to have that discussion this week.

An Leas-Cheann Comhairle: The House will decide.

Deputy Paul Murphy: We need to stop this veto.

An Leas-Cheann Comhairle: The Business Committee makes recommendations and the House decides.

Deputy Ruth Coppinger: A Leas-Cheann Comhairle-----

An Leas-Cheann Comhairle: No, the Deputy has been represented. I ask Deputy Mattie McGrath to be very short.

Deputy Mattie McGrath: The Rural Independent Group is not happy with the proposal to consider the establishment of a citizens' assembly today without debate.

Deputy Ruth Coppinger: A Leas-Cheann Comhairle-----

An Leas-Cheann Comhairle: No, one for each group.

Deputy Eamon Ryan: I support Deputy Paul Murphy. The Government has treated the Order of Business in this House in a way that is completely undemocratic. The Deputy has cited the example of the Petroleum and Other Minerals Development (Amendment) (Climate Emergency Measures) Bill 2018 which is critical. The Government has used money messages at the end of a lengthy process which involved this House voting to proceed to Committee Stage.

An Leas-Cheann Comhairle: Okay. The Deputy does not have to expand.

Deputy Eamon Ryan: The Government's approach to the climate emergency Bill is the worst and most egregious example.

Deputy Ruth Coppinger: Hear, hear.

An Leas-Cheann Comhairle: Deputy Eamon Ryan does not have to expand.

Deputy Eamon Ryan: It is absolutely appropriate to stand up for the rights of this House.

Deputy Ruth Coppinger: Members are allowed to put their case.

Deputy Eamon Ryan: The Government has interfered in the ordering of legislation in an unconstitutional way.

An Leas-Cheann Comhairle: The Deputy has had his chance.

Deputy Eamon Ryan: It is fully appropriate that this be a key issue for consideration before we adjourn for the summer.

An Leas-Cheann Comhairle: Are the proposals with which we are dealing-----

Deputy Bríd Smith: I am sorry, a Leas-Cheann Comhairle-----

An Leas-Cheann Comhairle: No. The Deputy was represented. I took one Deputy from each group. Are the proposals for dealing with Tuesday's business agreed to?

Deputy Paul Murphy: Can we get an answer from the Government?

An Leas-Cheann Comhairle: Does the Chief Whip wish to speak?

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): We are in the last week. The amount of business we are trying to get through makes it one of the busiest weeks of the year. We have tried to comply with all of the requests that have come in in recent days. We are facilitating a question and answer session on the Mercosur deal. We are setting aside time for a debate on Mr. Justice O'Neill's report. The Ceann Comhairle submitted the request that came to the Business Committee with regard to money messages to the Committee on Procedure. He expects to receive a report on the matter in the autumn.

Deputy Bríd Smith: You cannot end the business of the parliamentary year on such an

anti-democratic note.

An Leas-Cheann Comhairle: I am putting the question.

Deputy Bríd Smith: We should be able to put the motion before the House without debate.

An Leas-Cheann Comhairle: All of this can be discussed at the Business Committee.

Deputy Regina Doherty: This is a stunt.

Deputy Paul Murphy: A Cheann Comhairle, the answer we have heard from the Government is not acceptable.

An Leas-Cheann Comhairle: No. The Deputy got his response.

Deputy Paul Murphy: It is not acceptable.

An Leas-Cheann Comhairle: Are the proposals for-----

Deputy Paul Murphy: The Government is riding roughshod over the democratic rights of the Dáil.

An Leas-Cheann Comhairle: Are the proposals for dealing-----

Deputy Paul Murphy: It is using a procedure in Standing Orders that was clearly not meant for the purposes for which it is being used.

An Leas-Cheann Comhairle: Please, Deputy. Are the proposals for dealing with Tuesday's business agreed to?

Deputy Paul Murphy: The Government is refusing to deal with its unconstitutional actions.

An Leas-Cheann Comhairle: Iad siúd atá ina bhfabhar, abraidís "Tá".

Deputies: Tá.

Deputy Paul Murphy: They are not agreed to.

An Leas-Cheann Comhairle: Iad siúd atá ina gcoinne, abraidís "Níl".

Deputy Ruth Coppinger: A Leas-Cheann Comhairle-----

An Leas-Cheann Comhairle: Sílim go bhfuil an ceist rite.

Deputy Paul Murphy: They are not agreed to.

Deputy Ruth Coppinger: You are not allowing us to make the case.

An Leas-Cheann Comhairle: Is the business agreed to?

Deputy Mattie McGrath: Yes.

Deputy Paul Murphy: Not agreed.

Deputy Ruth Coppinger: Not agreed.

An Leas-Cheann Comhairle: I deem the-----

Deputy Ruth Coppinger: A Leas-Cheann Comhairle, why are you not allowing people to make the case?

An Leas-Cheann Comhairle: I ask both Deputies to resume their seats.

Deputy Ruth Coppinger: We want to answer what the Minister of State said.

Deputy Richard Boyd Barrett: Everyone is showing contempt for democracy.

An Leas-Cheann Comhairle: I put the question. I cannot be responsible for the Chief Whip.

Deputy Richard Boyd Barrett: It is sabotaging democracy-----

An Leas-Cheann Comhairle: When the Chair is standing, Deputy Paul Murphy knows it is a long-standing rule. I will put the question. Is the proposal for dealing with Tuesday's business agreed to?

Deputy Ruth Coppinger: Sorry, a Leas-Cheann Comhairle-----

3 o'clock

Deputy Richard Boyd Barrett: Not agreed.

Question put: "That the proposal for dealing with Tuesday's sitting be agreed to."

<i>The Dáil divided: Tá, 80; Níl, 37; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Aylward, Bobby.</i>	<i>Adams, Gerry.</i>	
<i>Barrett, Seán.</i>	<i>Barry, Mick.</i>	
<i>Brassil, John.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Brophy, Colm.</i>	<i>Brady, John.</i>	
<i>Browne, James.</i>	<i>Broughan, Thomas P.</i>	
<i>Bruton, Richard.</i>	<i>Buckley, Pat.</i>	
<i>Burke, Peter.</i>	<i>Burton, Joan.</i>	
<i>Butler, Mary.</i>	<i>Connolly, Catherine.</i>	
<i>Byrne, Catherine.</i>	<i>Coppinger, Ruth.</i>	
<i>Calleary, Dara.</i>	<i>Crowe, Seán.</i>	
<i>Cannon, Ciarán.</i>	<i>Cullinane, David.</i>	
<i>Carey, Joe.</i>	<i>Ellis, Dessie.</i>	
<i>Casey, Pat.</i>	<i>Funchion, Kathleen.</i>	
<i>Cassells, Shane.</i>	<i>Healy, Seamus.</i>	
<i>Chambers, Lisa.</i>	<i>Howlin, Brendan.</i>	
<i>Collins, Michael.</i>	<i>Kelly, Alan.</i>	
<i>Collins, Niall.</i>	<i>Kenny, Gino.</i>	

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<i>Corcoran Kennedy, Marcella.</i>	<i>Kenny, Martin.</i>	
<i>Coveney, Simon.</i>	<i>Martin, Catherine.</i>	
<i>Creed, Michael.</i>	<i>McDonald, Mary Lou.</i>	
<i>Curran, John.</i>	<i>Mitchell, Denise.</i>	
<i>D'Arcy, Michael.</i>	<i>Munster, Imelda.</i>	
<i>Deering, Pat.</i>	<i>Murphy, Catherine.</i>	
<i>Doherty, Regina.</i>	<i>Murphy, Paul.</i>	
<i>Donnelly, Stephen.</i>	<i>O'Brien, Jonathan.</i>	
<i>Dooley, Timmy.</i>	<i>O'Sullivan, Jan.</i>	
<i>Doyle, Andrew.</i>	<i>Ó Caoláin, Caoimhghín.</i>	
<i>Durkan, Bernard J.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>Fitzmaurice, Michael.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Pringle, Thomas.</i>	
<i>Flanagan, Charles.</i>	<i>Quinlivan, Maurice.</i>	
<i>Fleming, Sean.</i>	<i>Ryan, Brendan.</i>	
<i>Griffin, Brendan.</i>	<i>Ryan, Eamon.</i>	
<i>Halligan, John.</i>	<i>Shortall, Róisín.</i>	
<i>Haughey, Seán.</i>	<i>Smith, Bríd.</i>	
<i>Healy-Rae, Danny.</i>	<i>Stanley, Brian.</i>	
<i>Healy-Rae, Michael.</i>	<i>Tóibín, Peadar.</i>	
<i>Heydon, Martin.</i>		
<i>Humphreys, Heather.</i>		
<i>Kehoe, Paul.</i>		
<i>Kyne, Seán.</i>		
<i>Lahart, John.</i>		
<i>Madigan, Josepha.</i>		
<i>Martin, Micheál.</i>		
<i>McConalogue, Charlie.</i>		
<i>McEntee, Helen.</i>		
<i>McGrath, Finian.</i>		
<i>McGrath, Mattie.</i>		
<i>McHugh, Joe.</i>		
<i>McLoughlin, Tony.</i>		
<i>Mitchell O'Connor, Mary.</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>O'Brien, Darragh.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Dea, Willie.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Keeffe, Kevin.</i>		
<i>O'Loughlin, Fiona.</i>		
<i>O'Rourke, Frank.</i>		
<i>Ó Cuív, Éamon.</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>Smith, Brendan.</i>		
<i>Smyth, Niamh.</i>		
<i>Stanton, David.</i>		
<i>Troy, Robert.</i>		
<i>Varadkar, Leo.</i>		

Tellers: Tá, Deputies Seán Kyne and Tony McLoughlin; Níl, Deputies Paul Murphy and Ruth Coppinger.

Question declared carried.

An Leas-Cheann Comhairle: Are the proposals for dealing with Wednesday's business agreed to?

Deputy Paul Murphy: Not agreed.

An Leas-Cheann Comhairle: With what aspect does the Deputy not agree?

Deputy Paul Murphy: We cannot finish the business of the Dáil for the summer without dealing with the issue of the over 50 Bills which have been supported by a majority in the House and which the Government is undemocratically blocking. We cannot proceed in that way. It is unacceptable. The response of the Government is unacceptable, as is the fact that Fianna Fáil which is having its own Bills blocked is continuing to back up the Government.

An Leas-Cheann Comhairle: The Deputy has made his point.

Deputy Paul Murphy: It is completely anti-democratic of the Government-----

An Leas-Cheann Comhairle: The Deputy has made his point. The question is-----

Deputy Paul Murphy: -----to be blocking a series of progressive Bills-----

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An Leas-Cheann Comhairle: I am now putting the question. Deputy Paul Murphy has made his case.

Deputy Paul Murphy: -----which have majority support-----

An Leas-Cheann Comhairle: I have no control over-----

Deputy Paul Murphy: -----and seeking to block-----

An Leas-Cheann Comhairle: I am putting the question. Is the proposal for dealing with Thursday's business agreed to?

Deputies: Agreed.

An Leas-Cheann Comhairle: The business is agreed.

Deputy Paul Murphy: We cannot proceed with business.

An Leas-Cheann Comhairle: I ask Deputy Paul Murphy to resume his seat.

Deputy Paul Murphy: The Government is acting as if it had an executive veto or a royal prerogative.

An Leas-Cheann Comhairle: Deputy Murphy will resume his seat.

Deputy Paul Murphy: I am sorry a Leas-Cheann Comhairle, I will not be.

(Interruptions).

Sitting suspended at 3.11 p.m. and resumed at 3.17 p.m.

An Leas-Cheann Comhairle: On No. 3, is the proposal for dealing with Thursday's business agreed to?

Deputies: Agreed.

An Leas-Cheann Comhairle: It is agreed.

Deputy Richard Boyd Barrett: We have not agreed Wednesday's business yet.

An Leas-Cheann Comhairle: If the Deputy had listened to me and not shouted me down he would have heard it was agreed.

Deputy Richard Boyd Barrett: It is not agreed.

An Leas-Cheann Comhairle: It is agreed. I am moving on to Thursday's-----

Deputy Richard Boyd Barrett: It is not agreed.

An Leas-Cheann Comhairle: Deputy Boyd Barrett-----

Deputy Richard Boyd Barrett: It is the Government that is abusing the democratic process; we have no choice but to make an issue of it.

An Leas-Cheann Comhairle: Does the Deputy want to deliberately force me to suspend the House?

(Interruptions).

An Leas-Cheann Comhairle: There must be-----

(Interruptions).

An Leas-Cheann Comhairle: Deputy Boyd Barrett, you have no monopoly on the time in this House.

Deputy Richard Boyd Barrett: They seem to think that they have a monopoly.

An Leas-Cheann Comhairle: I will deal with it. If the Deputy is trying to deliberately-----

Deputy Richard Boyd Barrett: They seem to think that they have a monopoly; they do not.

An Leas-Cheann Comhairle: The Deputy should show some respect for the Chair.

Deputy Micheál Martin: On a point of order-----

An Leas-Cheann Comhairle: The Deputy should show some respect for the Chair.

Deputy Richard Boyd Barrett: With all respect to you, a Leas-Cheann Comhairle-----

An Leas-Cheann Comhairle: The Deputy is showing no respect for the Chair.

Deputy Richard Boyd Barrett: -----I cannot respect what this Government is doing.

An Leas-Cheann Comhairle: The Deputy is showing no respect for the Chair and he is deliberately disrupting the House.

Deputy Richard Boyd Barrett: It is outrageous.

Deputy Micheál Martin: On a point of order-----

An Leas-Cheann Comhairle: I am going ahead. Is the business for Thursday agreed to?

Deputy Bríd Smith: No, it is not.

An Leas-Cheann Comhairle: I deem it is agreed.

Deputies: Not agreed.

Deputy Bríd Smith: No, it is not agreed.

An Leas-Cheann Comhairle: I just said it is.

Deputy Richard Boyd Barrett: But you cannot say that.

(Interruptions).

Question put: "That the proposal for dealing with Thursday's sitting be agreed to."

<i>The Dáil divided: Tá, 63; Níl, 36; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>

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<i>Aylward, Bobby.</i>	<i>Adams, Gerry.</i>	
<i>Barrett, Seán.</i>	<i>Barry, Mick.</i>	
<i>Brophy, Colm.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Bruton, Richard.</i>	<i>Brady, John.</i>	
<i>Burke, Peter.</i>	<i>Broughan, Thomas P.</i>	
<i>Butler, Mary.</i>	<i>Buckley, Pat.</i>	
<i>Byrne, Catherine.</i>	<i>Burton, Joan.</i>	
<i>Calleary, Dara.</i>	<i>Connolly, Catherine.</i>	
<i>Cannon, Ciarán.</i>	<i>Coppinger, Ruth.</i>	
<i>Carey, Joe.</i>	<i>Cullinane, David.</i>	
<i>Casey, Pat.</i>	<i>Ellis, Dessie.</i>	
<i>Cassells, Shane.</i>	<i>Funchion, Kathleen.</i>	
<i>Collins, Michael.</i>	<i>Healy, Seamus.</i>	
<i>Collins, Niall.</i>	<i>Howlin, Brendan.</i>	
<i>Coveney, Simon.</i>	<i>Kelly, Alan.</i>	
<i>Creed, Michael.</i>	<i>Kenny, Gino.</i>	
<i>D'Arcy, Michael.</i>	<i>Kenny, Martin.</i>	
<i>Doherty, Regina.</i>	<i>Martin, Catherine.</i>	
<i>Donnelly, Stephen.</i>	<i>McDonald, Mary Lou.</i>	
<i>Dooley, Timmy.</i>	<i>Mitchell, Denise.</i>	
<i>Doyle, Andrew.</i>	<i>Munster, Imelda.</i>	
<i>Durkan, Bernard J.</i>	<i>Murphy, Catherine.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Murphy, Paul.</i>	
<i>Fleming, Sean.</i>	<i>O'Brien, Jonathan.</i>	
<i>Griffin, Brendan.</i>	<i>O'Sullivan, Jan.</i>	
<i>Halligan, John.</i>	<i>Ó Caoláin, Caoimhghín.</i>	
<i>Healy-Rae, Danny.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>Healy-Rae, Michael.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Heydon, Martin.</i>	<i>Pringle, Thomas.</i>	
<i>Humphreys, Heather.</i>	<i>Quinlivan, Maurice.</i>	
<i>Kehoe, Paul.</i>	<i>Ryan, Brendan.</i>	
<i>Kyne, Seán.</i>	<i>Ryan, Eamon.</i>	
<i>Lahart, John.</i>	<i>Shortall, Róisín.</i>	
<i>Madigan, Josepha.</i>	<i>Smith, Bríd.</i>	
<i>Martin, Micheál.</i>	<i>Stanley, Brian.</i>	
<i>McConalogue, Charlie.</i>	<i>Tóibín, Peadar.</i>	
<i>McEntee, Helen.</i>		
<i>McGrath, Finian.</i>		
<i>McGrath, Mattie.</i>		
<i>McLoughlin, Tony.</i>		
<i>Mitchell O'Connor, Mary.</i>		
<i>Moynihan, Aindrias.</i>		

<i>Murphy O'Mahony, Margaret.</i>		
<i>Murphy, Eugene.</i>		
<i>Naughten, Denis.</i>		
<i>Neville, Tom.</i>		
<i>O'Brien, Darragh.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Dea, Willie.</i>		
<i>O'Keeffe, Kevin.</i>		
<i>O'Loughlin, Fiona.</i>		
<i>O'Rourke, Frank.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Phelan, John Paul.</i>		
<i>Rabbitte, Anne.</i>		
<i>Ring, Michael.</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>		

Tellers: Tá, Deputies Seán Kyne and Tony McLoughlin; Níl, Deputies Paul Murphy and Ruth Coppinger.

Question declared carried.

Deputy Micheál Martin: In respect of the programme for Government and the implementation of Sláintecare, I was somewhat taken aback by the Taoiseach's comment that he has read the de Buítléir report on a key recommendation of Sláintecare, which relates to the disentanglement of private care from public care. The fact that it has been decided to go ahead with a private suite in the national children's hospital means that the recommendation is to a large extent dead and buried before it starts. The de Buítléir report belongs to the House because Sláintecare was a product of the House, produced by all parties on an Oireachtas committee. The de Buítléir report is on one of the committee's recommendations. There is no case for the Government to withhold that. That needs to be published this week. It does not have to go before Cabinet. It can go before it in the ordinary way but given that Sláintecare is a product of the House, that report in my view is a product of the House and it should be published. I could take a cynical view and suggest that maybe it will not be published until the Dáil is up because maybe there are some unpalatable proposals in it and the reality of whatever commitment the Government has made to do anything about it.

The Taoiseach: I do not believe there is anything unpalatable-----

Deputy Micheál Martin: Publish it.

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The Taoiseach: -----in it in the sense that it points out that if public and private practice were to be disentangled it would have to be done over a long period of time, recognising that hundreds of millions of euro would be lost to the public hospital system by removing private fees, that the contracts of thousands of consultants would have to be changed and it could make our recruitment and retention problems more difficult. I will speak to the Minister for Health about it. If there is a good reason not to publish it I do not know what it is but I do need to speak to the Minister for Health.

Deputy Micheál Martin: Publish it then.

Deputy Mary Lou McDonald: Has the Government made a decision on the legislation necessary for the extension of presidential voting rights to the diaspora and people living in the North? When will the legislation be published? When does the Government propose to establish the commission? Does the Government intend to hold a referendum on this matter in the autumn?

The Taoiseach: The plan is to have the legislation published before the end of the month. That allows us establish the referendum commission immediately and the intention, subject to everything running smoothly in this House and the other House, is to have the referendum in October or November of this year.

Deputy Brendan Howlin: It is reported that An Garda Síochána and the Director of Public Prosecutions, DPP, are developing a system that will allow for the application of an adult caution, rather than a criminal prosecution, for people in possession of drugs for their own use. Apparently this is a recommendation in a Government working group report but this report has not been published and has not been presented to, let alone approved by, the Government. Who is in charge of this initiative? Where does it come from? Under what authority are public agencies developing what is a new policy, apparently without the authority of a formal Government decision or the chance for us all to debate it? The initiative might be very good but we would like to have the opportunity to debate and discuss it in this House. How does that decision sit with the view of Government on criminal justice matters?

Minister of State at the Department of Health (Deputy Catherine Byrne): The working group was very important and I thank those who took part in it. The Ministers for Justice and Equality and for Health and I have reviewed the report and are finalising a memorandum on it to go to Government and it is hoped to take it in the next couple of weeks before the recess.

Deputy Brendan Howlin: Why is the policy being decided before the report is given to Government?

The Taoiseach: There is no policy being decided.

Deputy Catherine Byrne: The report was drawn up by a working group and was presented to me and the Ministers for Justice and Equality and Health. The report examined how we could approach the possession of drugs for personal use as a health issue rather than criminal justice issue, which we all support. I will speak to the Minister for Justice and Equality, Deputy Flanagan, later about progress in this regard and bring the matter to the Taoiseach's attention after the publication of the report.

Deputy Mick Barry: Last week, the living wage technical group calculated that the living wage in the country in 2019 should be €12.30 per hour. They said the increase was needed,

first and foremost, because of the increased costs of housing, accommodation, rent etc. A group of people is fighting to make the living wage a reality. They are thousands of Tesco workers - members of Mandate - who are campaigning for 1,000 new full-time jobs in the company, which has a 90% part-time workforce, and that the starting rate of pay should be €12.30 per hour, rising to €16.

In view of the report, does the Taoiseach accept that the reality for low-paid workers is that €12.30 should be the minimum figure on which to live and does he plan to legislate to provide for that?

The Taoiseach: Everyone's financial circumstances are different. As the Deputy will know from all the studies and reports done in respect of the national minimum wage, very often it is not the main income of the household but a secondary or part-time income in many cases. It depends on the individual circumstances whether there are rent or housing costs, or not.

As it stands, the national minimum wage is the second highest in Europe and the sixth highest when the high cost of living is taken into account. The law states the national minimum wage is calculated by the Low Pay Commission, which was established by the current Oireachtas to do that work. It takes into account a number of factors, such as the need to ensure that people who are at work get a decent wage but also the need to ensure we do not end up doing anything counterproductive by causing people to lose their jobs, particularly in Border areas, or to lose their hours, thereby ending up worse off if we make it too high.

Deputy Mattie McGrath: There is great concern and anxiety in Clonmel and wider County Tipperary at the fact that Glenville Crisis House, a mental health crisis house in Clonmel, is still waiting to be signed off by the HSE. I received a reply to a parliamentary question from Mr. Jim Curran, the HSE's head of estates. He confirmed to me no funding will be announced until the HSE capital plan for 2019 is signed off. As has been acknowledged, the plan is holding up everything. We cannot wait any longer for the crisis house. We have no long-stay places but we need the crisis house and the upgrade to proceed immediately. The Minister of State, Deputy Daly, means well but nothing is happening and we have been told it will be two years before we get any stone upon a stone. It is totally unacceptable to the people of County Tipperary. Mental health is a very important issue.

The Taoiseach: I do not have information on that project. The Deputy may wish to raise it as a Topical Issue matter, or I can ask the Minister of State, Deputy Daly, to correspond with him.

Deputy Róisín Shortall: Last week, I raised with the Taoiseach the issue in the Murray report on the difficulties in recruiting hospital doctors and he undertook to speak to the Minister for Health about its publication. Since then, the report has been published on Twitter by Susan Mitchell and, therefore, it is a bit of a joke for the Minister to sit on that report, as he is doing on many other reports such as the de Buitléir report which was mentioned earlier.

Has the Taoiseach yet spoken to the Minister and will he undertake to ensure that the report will be published and that we will have an opportunity to have a debate on it?

The Taoiseach: I have not yet had a chance to speak to the Minister about that matter but I will do so. I am sure there is no reason we cannot have a debate on it, although the scheduling of debates and decisions on those matters are for the Business Committee, not for me.

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Deputy Eamon Ryan: The European Council recently failed to get agreement on a net-zero climate emissions target by 2050. The Government's climate action plan states the Government would agree to such a target subject to European agreement. Is the Government willing to commit to net-zero emissions by 2050, irrespective of what happens in the European Union process, or will we wait for agreement among all European countries before we do it?

The Taoiseach: The short answer is that we are willing to commit to that. I think that is what is stated in the climate action plan - maybe it is more nuanced than that. My understanding is that we are willing to commit to it. I was one of the Heads of Government who was willing to commit to it at the European Council summit last week. Three or four Heads of Government were not willing and they raised the question of how we will get there. As it stands, it seems that getting there will require many technological advances to take place, particularly in respect of carbon sequestration and storage, which may not happen. Their concern relates to making a commitment without a roadmap as to how we will get there. We would like to make that commitment because we may never get there if we do not set down that ambition in the first place.

An Leas-Cheann Comhairle: There is only 5 minutes remaining. I will call as many as I can. I do not like doing this, but if there are names that I cannot call they will be on the list tomorrow.

Deputy Michael Collins: The programme for Government promised a better health service. Parkinson's sufferers in Ireland feel like second-class citizens and they have to suffer silently in a country that ignores their pain. In most European countries, deep brain stimulation operations are offered to Parkinson's sufferers but this vital operation is not available here. In Northern Ireland, there are 31 specialised Parkinson's nurses, whereas in the Republic, there are only five, three of whom are based in Dublin.

When will Parkinson's sufferers be treated like their counterparts throughout the world?

The Taoiseach: Different treatments are available in different countries. I imagine there are countries that do better than us and I am sure there are many more countries that do not do as well as us. I am not entirely sure, therefore, how to answer the Deputy's question. Deep brain stimulation is available in Northern Ireland for Irish patients but is provided through the service at the Mater Hospital. It is probably best if I ask the Minister for Health to give a more detailed reply because I do not have a briefing to hand.

Deputy Imelda Munster: Last week, the HSE sent a letter to 50 respite service users which stated the HSE disability services in County Louth plan to close the residential respite service in Sruthan House in Dundalk. The reason given was that the HSE was prioritising the provision of services to enhance cost efficiency. The HSE went on to state patients with physical and sensory needs could go elsewhere and suggested they go to places as far away as Sligo or Roscommon, or to a nursing home. What is wrong with the Government? How arrogant is it that it can stand over something like that-----

An Leas-Cheann Comhairle: The Deputy has made her point.

Deputy Imelda Munster: -----and believe that it is okay to do so as a cost-cutting measure? It is not good enough.

An Leas-Cheann Comhairle: The Taoiseach to respond, please.

Deputy Imelda Munster: Does the Taoiseach believe that the Government can trample all over the rights of people with disabilities and their families and that it is okay to do so?

An Leas-Cheann Comhairle: The Deputy should have some respect for her colleagues.

Deputy Imelda Munster: How dare the Government attempt to close such a badly needed respite facility?

An Leas-Cheann Comhairle: I have to move on.

Deputy Imelda Munster: Will the Taoiseach stand up-----

An Leas-Cheann Comhairle: Deputy, please.

Deputy Imelda Munster: -----to give his response?

An Leas-Cheann Comhairle: The Deputy is wasting her colleagues' time.

Deputy Imelda Munster: The Taoiseach had better say the Government will discuss it.

An Leas-Cheann Comhairle: Deputy Munster is being unfair to her colleagues. I will move on. Three minutes remain and I will not put up with this. I call Deputy Fitzpatrick on the same issue. I remind Deputies to think of their colleagues, not themselves.

Deputy Peter Fitzpatrick: Sruthan House has operated for the past 23 years. It has very experienced staff. Some 400 families have availed of it over the past number of years, while 50 families currently do so. The word in the street is the reason for all the cuts is the overspend on the new children's hospital. The Government has the opportunity to reverse the decision. Some 50 families depend on this adult respite unit in Dundalk, County Louth. Will the Government please reverse the decision?

The Taoiseach: I thank the Deputies for raising the issue, which I am sure is of great concern to the service users, but I have not seen the letter, I did not write it and I did not sign it. Therefore, I cannot account for it. I suggest Deputy Munster may wish to take it up directly with whoever wrote it.

I assure Deputy Fitzpatrick that current budgets and capital budgets are separate and an additional €200 million has been provided in capital reserve funding for the children's hospital next year. Once again, I assure the House that the rising costs of the national children's hospital will not impact on the budget for health services at all.

An Leas-Cheann Comhairle: I call Deputy O'Dea.

Deputy Imelda Munster: The Taoiseach should say that to the Health Service Executive.

An Leas-Cheann Comhairle: I have called Deputy O'Dea.

Deputy Willie O'Dea: Following the Taoiseach's apology this morning which I appreciate, he is aware that there were two requirements to qualify for the *ex gratia* scheme for people who were sexually abused in primary schools. One was the prior complaint element, which has now been exploded as a result of Mr. Justice Iarfhlaith O'Neill's recent declaration. The other was the requirement for a person to have initiated legal proceedings within the time set by the Statute of Limitations, even if they were subsequently withdrawn. Is it the Government's intention

to leave the second requirement in place?

Deputy Maurice Quinlivan: Who advised the Government that a prior complaint should be required to access compensation for historical child sexual abuse that took place in schools based on the interpretation of the judgment in the Louise O’Keeffe case? This condition was clearly designed to block survivors from accessing the redress they deserved and I want to know who came up with that incorrect criterion. I welcome the Taoiseach’s comments earlier when he said he would not fail them a third time. Will he confirm that he will remove the need for a prior complaint in these cases?

The Taoiseach: The requirement for a prior complaint will be removed. We will have to examine the other matter. I am not an expert in the area, but I believe it relates to a Supreme Court judgment from 2008 which differs from a European Court of Human Rights judgment in 2014 or 2015. That is why I have asked officials from the Department of Education and Skills and the Office of the Attorney General to come together to formulate options for the Government to consider. In response to Deputy Quinlivan, I do not know for sure who gave the advice. As the scheme was drawn up in 2015, I imagine it would have been officials from the Department of Education and Skills, the Minister for Education and Skills and the Attorney General at the time.

Deputy Bernard J. Durkan: The online safety and media regulation Bill is promised legislation. Given its importance, when is it likely to be published, brought before the House and concluded?

The Taoiseach: I am advised that work is under way on the Bill, but we do not have a date for its publication. It is a priority and we hope to advance it in the session that will start in September.

An Leas-Cheann Comhairle: I call Deputy Healy-Rae.

Deputy Michael Healy-Rae: Which one?

Deputy Danny Healy-Rae: I was first. I raise the important matter of the passenger motor car industry. The Society of the Irish Motor Industry has indicated that sales have decreased by 7.5% this year and it is blaming the Government’s scaremongering on climate change. It is causing uncertainty and people are not buying cars like they were before. There is another issue-----

An Leas-Cheann Comhairle: The Deputy is only allowed to raise one.

Deputy Danny Healy-Rae: The society has indicated that 55,000 used cars have been imported to the country already this year and that it is feeling the effects.

An Leas-Cheann Comhairle: The Deputy should speak to proposed legislation.

Deputy Danny Healy-Rae: It is the Taoiseach’s proposed legislation that is causing the problem.

Deputy Michael Healy-Rae: On the same matter, the report on climate change published by the Government and the legislation it proposes to bring to the Dáil have severely impacted on the sales of motor cars in Ireland. In County Kerry it has been reported to us that car sales are falling dramatically. What is the Taoiseach going to do to support the struggling car sales

industry which has been affected by utterances from Ministers in the past few weeks?

An Leas-Cheann Comhairle: That is a straightforward question.

The Taoiseach: I thank the Deputies for raising the matter. I appreciate that many people work in the motor sales industry. For many, it is their business and livelihood. However, there is no scaremongering on climate change which is very real. There is plenty to be afraid of.

Deputy Danny Healy-Rae: Climate change is-----

An Leas-Cheann Comhairle: The Taoiseach is answering the Deputy. He might not like the answer, but he must listen.

The Taoiseach: It has not been the Government's policy to discourage people from purchasing a new car. Newer cars produce fewer emissions than old cars and less SOx and NOx which damage air quality. We particularly encourage people, if they are buying a car, to buy an electric or hybrid vehicle.

Deputy Danny Healy-Rae: Where would they plug them in?

The Taoiseach: They could do it at home. I am pleased that 15% or 16% of new cars sold this year are electric or hybrid, which is great.

Deputy Michael Healy-Rae: There are only 13 State-owned electric vehicles.

Deputy Fiona O'Loughlin: My question to the Taoiseach relates to the strength and operational capacity of the Army, the Naval Service and the Air Corps which have been substantially weakened. It is no wonder that morale is so low within the forces. Listening to the Taoiseach I got the distinct impression that only five vessels in the Naval Service fleet would be operational. Will the Taoiseach clarify the matter? Last Thursday's announcement of the report of the Low Pay Commission had very little in it to help to contain the systemic flow from the Defence Forces. Particularly alarming was the fact that 60% of personnel said they would leave within two years.

The Taoiseach: There are nine vessels in the fleet, which is more than we had before. We have five new vessels and four were decommissioned. It was never the case that all nine would be operational or at sea at the same time, but I can confirm that six are fully operational, two are in planned maintenance and one is in long-term refit. We will go from six vessels to seven later in the year, but that can only be done if we see an improvement in the number of staff and specialists in the Naval Service. It remains to be seen whether that will be possible. The minimum is six vessels.

An Leas-Cheann Comhairle: If Deputies will be brief, I can accommodate more of them.

Deputy Eamon Scanlon: I raise with the Taoiseach the rehabilitative training allowance which I have learned is to be abolished. It is a training allowance for young students with a disability that is worth €31.80 per week for a maximum of four years. I acknowledge that the HSE is struggling with a deficit, but this is nothing short of scandalous. Rehabilitative training is essential for young people with disabilities in developing independence and the payment is much-needed by the most vulnerable group in society. It is a job to go to every day for them. It is a disgraceful decision. I ask the Taoiseach, as the leader of the Government, to have it reversed straightaway. We are talking about €2 million out of a budget of €17 billion for the HSE.

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The Taoiseach: As I am not aware of it, I will have it checked out. I will get back to the Deputy as soon as I find out what is the story.

Deputy Gerry Adams: With respect to the Government's Brexit contingency action plan, earlier this year the Minister for Education and Skills, Deputy McHugh, announced that after Brexit students from the North who wished to study in a third level college in the 2019-20 academic year would still be eligible for the Department's free fees and student grants scheme. He said the position would be reviewed for the 2020-21 academic year. I recently met Dr. Michael Mulvey, president of Dundalk Institute of Technology, and separately representatives of the Teachers Union of Ireland. I also facilitated a meeting between public representatives from the North and the institute of technology. The Taoiseach might know that 1,319 students from the North attend third level college and universities here, of whom 250 are in Dundalk Institute of Technology. As they are clearly concerned about the availability of free fees and grant schemes beyond next year, will the Taoiseach tell us whether it is the Government's intention to continue them?

The Taoiseach: I will double-check with the Minister, Deputy McHugh, but my understanding is that European Union citizens resident in Northern Ireland will continue to be eligible for student grants and free fees as though they are EU students resident in Ireland. The *status quo* should continue for Irish EU citizens who live and are resident in Northern Ireland. There is a citizenship and residency element, but the *status quo* will remain.

Deputy Margaret Murphy O'Mahony: Ba mhaith liom ceist a chur ar an Aire Oideachais agus Scileanna agus níl sé ann. Mar sin, cuirfidh mé ar an Taoiseach í. As every child in the country should be entitled to a place in a school, what is the Government going to do about the many hundreds of children, including 156 children with special needs in Cork, who cannot secure a school place? What will be done to rectify the problem?

The Taoiseach: Every child in Ireland is entitled to a school place, although it may not be in the school of first choice.

Deputy Margaret Murphy O'Mahony: Some cannot find any.

The Taoiseach: In some cases home tuition is provided as an alternative. The Minister has powers under section 8 of the Education (Admission to Schools) Act 2018, which deals with admissions to require schools to open new special classrooms.

Deputy Margaret Murphy O'Mahony: They have only been used once.

Deputy Micheál Martin: He is not using those powers.

The Taoiseach: I am informed that he has just used them at a school in my constituency and that he may need to do so in some other places also. It would be preferable for schools to co-operate in providing special classes, but he now has the powers to compel them to do so. We must bear in mind that the issue is not straightforward and that a school must have space. There are other issues also.

Deputy Tom Neville: I welcome last week's broadening and extending of jobseeker's status to include self-employed artists. It recognises the unique creative circumstances of artists in receipt of jobseeker's allowance and gives special assistance during their first year out of work, allowing them to focus on their creative output. This is to come in from September. I

ask the Minister for Culture, Heritage and the Gaeltacht whether consideration will be given to extending the scheme to artists who did not previously come under it, people who are already at a resting period or on jobseeker's allowance? Could the Minister please clarify that point?

Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan): I thank the Deputy for his question. I was very pleased, with the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, to announce the scheme last week. The scheme was a pilot that will now be put on a permanent basis and will also be expanded to include other artists. It will not only be artists and writers but will include actors, musicians, choreographers and opera singers. I also pay tribute to the Taoiseach whose idea it was originally.

The 12-month activation period of the scheme will not commence until 1 September so, if people want to apply at that stage, the 12-month delay of activation measures will not kick in for at least 12 months.

Deputy Aengus Ó Snodaigh: Other Deputies outlined earlier how money messages are being used to frustrate the democratic intentions of this House and I agree with them. I want to highlight another blatant disregard of the democratic wishes of this House. On 28 June 2017, this House unanimously passed a motion calling on the Government to instruct the military authorities to immediately cease the administration of Lariam to all Irish soldiers as a drug of first resort. The motion, in fact, went beyond that. It is more urgent now given the fact that a decision was recently taken to send soldiers to Mali. There are soldiers and ex-soldiers who are still suffering the effects of Lariam and others have died, some through suicide. What will the Taoiseach do, as Minister for Defence, to give effect to the decision made by the Dáil two years ago?

The Taoiseach: The Government and Oireachtas have their functions but, when it comes to prescribing a licensed medication, the decision on whether it should be prescribed or not is for doctors, whether within the community or the Defence Forces. Whether a doctor prescribes a licensed medication is not a decision for the Government or the House.

Deputy Kevin O'Keeffe: This Chamber agreed last week, through a Private Members' motion, to request the Minister for Communications, Climate Action and Environment, Deputy Bruton, to talk to An Post about reversing its decision to close the sorting office in Little Island in Cork. When can we expect the Minister to come back to this Chamber with a report and a recommendation that that decision be reversed?

The Taoiseach: As An Post is a State-run enterprise, decisions on such matters are for the company's board and not for Government or the House.

Ministerial Rota for Parliamentary Questions: Motion

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): I move:

That, notwithstanding anything in the Order of the Dáil of 12th December, 2017, setting out the rota in which Questions to members of the Government are to be asked, Questions for oral answer, following those next set down to the Minister for Rural and Community Development, shall be set down to Ministers in the following temporary sequence:

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Minister for Foreign Affairs and Trade

Minister for Housing, Planning, and Local Government

Minister for Culture, Heritage and the Gaeltacht

Minister for Defence

Minister for Employment Affairs and Social Protection

whereupon the sequence established by the Order of 12th December, 2017, shall continue with Questions to the Minister for Finance.

Question put agreed to.

Citizens' Assembly on Gender Equality: Motion

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

I move:

That Dáil Éireann:

approves the calling of a Citizens' Assembly to consider the following matter and to make such recommendations as it sees fit and report to the Houses of the Oireachtas:

— to advance gender equality by bringing forward proposals that:

— challenge the remaining barriers and social norms and attitudes that facilitate gender discrimination towards girls and boys, women and men;

— in particular, seek to ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in the workplace, politics and public life;

— recognise the importance of early years parental care and seek to facilitate greater work-life balance; and

— examine the social responsibility of care and women and men's coresponsibility for care, especially within the family;

following on from the above, to prioritise the proposals, which may include policy, legislative or constitutional change, having regard to the legal requirements and the costs versus the potential impact; and

notes that:

— membership of the Assembly will consist of 100 persons as follows:

— a Chairperson to be appointed by the Government;

— 99 citizens entitled to vote at a referendum, recruited at national level and randomly selected in accordance with best recruitment practice, as advised by industry

experts so as to be broadly representative of Irish society; and

- membership of the Assembly will not include participation by politicians;
- the maximum length of service for Assembly members other than the Chairperson, who will be appointed for a 12 month term, will be six months and the work programme for the Assembly will be developed in accordance with this, however, in the event of unforeseen circumstances, membership may continue until active consideration of a topic has been completed;
- members will receive a nominal stipend on a per weekend basis for each meeting attended, to recognise their civic commitment;
- substitutes may be appointed subject to the selection criteria above, who will be entitled to contribute to the proceedings and vote in their own name;
- the Assembly will agree its own rules of procedure for the effective conduct of its business in as economical a manner as possible;
- the Assembly will operate in an open and transparent manner, including live streaming of public proceedings and the prompt publication of relevant documentation and material;
- the Assembly will make a report and recommendation(s) on the matter set out above to the Houses of the Oireachtas, which on receipt, will refer the report for consideration to a relevant Committee of both Houses and the Committee will, in turn, bring its conclusions to the Houses for debate;
- the Assembly will spend a minimum of two meetings considering the topic assigned to it and will report in any event not later than one year from the date of the first Assembly meeting;
- the Assembly may also be asked to consider such other matters as may be referred to it by the Houses of the Oireachtas;
- a new Expert Advisory Group will be established for the topic being considered to assist the work of the Assembly in terms of preparing information and advice;
- the Assembly may invite and accept submissions from the general public and interested bodies and will seek such expert advice as it considers desirable;
- the Assembly will engage independent researchers to monitor and record, amongst other things, the perceived deliberative quality of the Assembly;
- all matters before the Assembly will be determined by a majority of the votes of members present and voting, other than the Chairperson who will have a casting vote in the case of an equality of votes; and
- the Government will provide in the Houses of the Oireachtas a response to each recommendation of the Assembly and, if accepting some or all of the recommendations, will indicate the timeframe it envisages for the holding of any related referendum.”

Deputy Mary Lou McDonald: I move amendment No. 2:

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To insert the following after “co-responsibility for care, especially within the family;”:

“— scrutinise the structural pay inequalities that result in women being disproportionately represented in low pay sectors;”

May I say something about the amendment?

An Leas-Cheann Comhairle: The Deputy may only move the amendment; there will be no debate.

Deputy Mary Lou McDonald: I move and I sit.

Amendment agreed to.

Deputy Catherine Martin: I move amendment No. 1:

To insert the following after “that facilitate gender discrimination towards girls and boys, women and men;”:

“— identify and dismantle economic and salary norms that result in gender inequalities, and reassess the economic value placed on work traditionally held by women;”

Amendment agreed to.

Motion, as amended, agreed to.

Host Country Agreement: Motion

Minister of State at the Department of Foreign Affairs and Trade (Deputy Ciarán Cannon): I move:

That Dáil Éireann approves the terms of the Host Country Agreement between the Government of Ireland and the Permanent Court of Arbitration, signed at Dublin on 5th March, 2019, a copy of which was laid before Dáil Éireann on 14th December, 2018.

Question put and agreed to.

Double Taxation Relief (Taxes on Income and on Capital) (Swiss Confederation) Order 2019: Motion

Minister of State at the Department of Finance (Deputy Michael D’Arcy): I move:

That Dáil Éireann approves the following Order in draft:

Double Taxation Relief (Taxes on Income and on Capital) (Swiss Confederation) Order 2019,

a copy of which was laid before Dáil Éireann on 19th June, 2019.

Question put and agreed to.

Double Taxation Relief (Taxes on Income and Capital Gains) (Kingdom of the Netherlands) Order 2019: Motion

Minister of State at the Department of Finance (Deputy Michael D'Arcy): I move:

That Dáil Éireann approves the following Order in draft:

Double Taxation Relief (Taxes on Income and Capital Gains) (Kingdom of the Netherlands) Order 2019,

a copy of which was laid before Dáil Éireann on 19th June, 2019.

Question put and agreed to.

Animal Health Levies (Pigs) Regulations 2019: Motion

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): I move:

That Dáil Éireann approves the following Regulations in draft:

Animal Health Levies (Pigs) Regulations 2019,

a copy of which was laid in draft form before Dáil Éireann on 10th June, 2019.

Question put and agreed to.

Twenty-Fourth Report of the Committee of Selection: Motion

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): I move:

That Dáil Éireann approves the Twenty-Fourth Report of the Standing Committee of Selection in accordance with Standing Order 27F, copies of which were laid before Dáil Éireann on 4th July, 2019, and nominates members to Committees accordingly.

Question put and agreed to.

Ceisteanna - Questions

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Cabinet Committee Meetings

1. **Deputy Michael Moynihan** asked the Taoiseach if Cabinet committee C (European Union including Brexit) met in June 2019. [25596/19]

2. **Deputy Micheál Martin** asked the Taoiseach the number of times Cabinet committee C (European Union including Brexit) has met in 2019. [26860/19]

3. **Deputy Mary Lou McDonald** asked the Taoiseach when Cabinet committee C (European Union including Brexit) last met; and when it is scheduled to meet again. [27549/19]

4. **Deputy Brendan Howlin** asked the Taoiseach if Cabinet committee C (European Union including Brexit) met in May or June 2019. [27636/19]

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

The remit of Cabinet committee C covers EU and international issues, including Brexit. Cabinet committee C last met on Thursday, 21 June 2018.

Given the significance of Brexit for the country, it is important that all Cabinet Ministers are fully across what is happening. Consequently, over the past 12 months, Brexit has been discussed more than 25 times at full Cabinet level rather than Cabinet committee level.

Several other important EU and international issues, including the EU budget and future strategic direction, and Global Ireland 2025, have also been discussed at full Cabinet level in recent months.

I also meet regularly with individual Ministers, or groups of relevant Ministers, to focus on particular issues, including those relating to Brexit and other EU and international issues, with a view to seeing how Government can best ensure the delivery of priorities and commitments.

Deputy Micheál Martin: I do not think the Taoiseach quite answered the question. Did he mention the number of times Cabinet committee C met in his reply? I think he said the committee met on 21 June but the question I asked was how many times did it meet in 2019. The Taoiseach might answer that in his response to my points because it is important.

Today, for the second day in row, we have had front-page stories in newspapers briefed by Government about how it is supposedly now stepping up its preparations for a no-deal Brexit. These stories are indistinguishable from the ones which were briefed to newspapers this time last year. In fact, on at least four occasions now, the Government has announced it was redoubling preparations for a no-deal scenario. However, the evidence is that, on 29 March last, Ireland was not ready for a no-deal Brexit. The question is what has been done to ensure that the gaps that were evident in March are fully addressed in time for the new deadline. Why has no new survey been published on levels of preparedness in Irish businesses? These surveys were supposed to be regular but, for some unexplained reason, stopped last year.

If preparations for a no-deal Brexit are serious, they have to include a target and the baseline assumption for the number of businesses that are prepared for handling a no-deal situation on 31 October.

Will the Taoiseach give the figures to the House?

In an intervention during the local elections the Commissioner, Phil Hogan, announced funding for Brexit-related payments to farmers. I note that the Government has today recommended his reappointment. It was the first time a Commissioner had chosen to intervene on a significant issue during an election campaign here. In many respects, it was quite irregular. What was not announced at the time was the conditions attached to the scheme. Will the Taoiseach outline the final details of the scheme announced seven weeks ago? Will he tell the House how many times the Brexit committee has met in 2019? I noted his comments last week about Cabinet sub-committee meetings and his preference for general meetings. That is an important indicator of how seriously the Government has taken this matter since March.

Deputy Mary Lou McDonald: I understand a briefing of opposition parties is taking place on the most recent contingency plan for Brexit. There is a feeling of Groundhog Day. At first glance it does not appear that contingency planning has moved forward to a significant degree, still less that it has taken the leap forward that is necessary as we face the real possibility of a disorderly Brexit. Information on the extent of contingency funds which must be made available for the initial impact of Brexit's economic shock has not yet been forthcoming from the Government. Sinn Féin proposed a fund, initially worth €2 billion, to make provision for the shock effect. Will the Taoiseach enlighten us on whether it is part of the package on which we are being briefed today? I put it to him that he could and should put a stop to the Mercosur trade deal as a means of protecting the rural economy, farm families and the consumer in a Brexit scenario. It is extraordinary that the Government has reappointed Phil Hogan as Commissioner with Brexit looming. He is the man who has described the deal as "fair and balanced." It is anything but; it may prove catastrophic for many people's livelihoods and that is without considering its effects on the Amazon rain forest and the damage caused to the planet. Part of the preparations for Brexit must be the provision of adequate contingency funds for the initial shock. The second part is to see off the Mercosur trade agreement. Should a crash-out Brexit happen, the absolute priority must be ensuring there will be no economic border on the island and that we will not step backwards. The only way we can do this is by having a conversation on constitutional change.

Deputy Joan Burton: This morning the chief executive of the Irish Exporters Association stated the obvious, that very few companies were 100% ready for an increasingly likely no-deal scenario. In planning one hopes for the best, but one must plan for the worst. The Government has not properly addressed the lack of readiness at Rosslare Port and Cork Port and the knock-on implications for Dublin city and the greater Dublin area. The Labour Party has called for Rosslare Port to be re-ranked as a tier 1 port in the context of Brexit, yet it has emerged that the site where checks are to be carried out after Brexit was only purchased in March, only weeks before the United Kingdom was originally due to leave the European Union. We do not know what will happen in Dublin if almost all freight in Ireland passes through Dublin Port. Will lorries be parked on the hard shoulder of the M50, northbound and southbound? That would be deeply worrying, particularly since the M50 is effectively clogged up on any given day at peak time. What leadership is the Government prepared to give? Does the Taoiseach appreciate that many people involved in business are very concerned and that some are absolutely terrified of the implications of a hard Brexit for their hard won business.

Deputy Richard Boyd Barrett: The likelihood of Boris Johnson taking over as leader of the Tory Party and becoming Prime Minister, God help us, is ironic. The upper class Etonian twit who harks back to the great days of the British Empire could be the person who will help to facilitate the break-up of the United Kingdom, but intelligence is not his strong point. It

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creates a dangerous scenario for us in that it increases the possibility of there being a no-deal Brexit. I have not yet read the entire briefing document - I will look at it - but I was alarmed by something the Tánaiste said. He gave reassurances that the European Union would not seek to protect the Single Market by imposing Border infrastructure, but he did say the tariffs that would be demanded to protect the Single Market would do immense damage to the all-Ireland economy. We have to say two things in response. The all-Ireland economy should not be scarified to protect the Single Market. We must tell the European Union that we want a special dispensation because of the damage it would do. It also raises the very serious prospect, as even Simon Hoare, MP, Chairman of the Northern Ireland Affairs Committee at Westminster said, that a Border poll could result from this. If even Tories and unionists are discussing the possibility of a Border poll, we should also talk about it as a basic democratic demand in the event that there is a hard Brexit to give the people of the North the opportunity to say “No” to the madness of Boris Johnson and the Tory wreckers.

The Taoiseach: The Brexit Cabinet sub-committee has not met in 2019. The Tánaiste and I found it unworkable. Cabinet sub-committees involve Ministers, advisers and officials. When so many Ministers are involved in preparing for Brexit, having 60 or 70 people there made it unworkable. As I have told the House before, we decided to have Cabinet committee meetings to deal with Brexit. We have had 25 so far. Today, we dealt with it for over an hour, while yesterday there was a meeting with the Tánaiste and his officials to talk through some of the issues. I appreciate that Deputy Micheál Martin is a big believer in Cabinet sub-committees as it is a way to get things done or believes the number of sub-committee meetings or reports is a measure of how important something is.

Deputy Micheál Martin: No, it is not that.

The Taoiseach: That is not my assessment. The best way to get things done is through having meetings of Ministers, advisers and officials and the Cabinet.

Deputy Micheál Martin: The Taoiseach is wrong. I did not ask that question. The reason I am concerned is-----

Acting Chairman (Deputy Catherine Connolly): I will allow the Deputy in after the Taoiseach responds. We have a little discretion when it comes to the time allowed.

The Taoiseach: I am restructuring the Cabinet sub-committees to make them more workable by having quarterly meetings. I propose to put Brexit, EU affairs and global Ireland together in a new committee.

I do not have the terms and conditions of the beef package before me, but I understand the Minister for Agriculture, Food and the Marine has made farmers aware of it. If he has not, I am sure he will do so as soon as possible.

Deputy Boyd Barrett spoke about a special dispensation from the EU customs code. There is no such special dispensation. The European Union is a union of treaties and laws and there are no special dispensations. It is in our interests to defend the Single Market and the customs union. The economy, jobs and trade are based on them and we will not allow Ireland to be pulled out of the Single Market and the customs union because of a decision made by the people in Britain. With regard to Dublin Port, Rosslare and Dublin Airport, the temporary infrastructure is ready. It was ready for March and it certainly will be ready for 31 October. The Port of Cork does not arise as an issue. To the best of my knowledge, there are no vessels going from

Cork to Britain. They go from Rosslare and Dublin. There are vessels going from Cork to Spain and from Waterford to the Netherlands. We have looked at the capacity between Ireland and mainland continental Europe, and there is a lot of available capacity to allow people to send their goods directly to continental Europe by sea, acknowledging that it would be slower than going over the land bridge.

The staff of 700 have been identified and are in place. They are in Revenue, customs, the HSE and the Department of Agriculture, Food and the Marine. A lot of the work they will do is contacting businesses. Any business that trades with the UK that does not yet have an EORI number will be contacted by letter and followed up by phone to encourage them to get that number so they can be ready for customs procedures. It is important to say that while 40,000 companies have a number, another 40,000 do not. It appears those that do not are those that do not do regular trade with the UK. They may have ordered only one or two boxes of things from the UK in 2018. Those that are regular or weekly traders with the UK seem to have them in place but we will still contact every business, by phone and letter, that traded with the UK in 2018 to encourage them to make sure they are ready.

In terms of more general business preparations, we are encouraging businesses that have not yet done so to engage. It is not a case of saying it will be all right on the night. Some people may assume there will be a deal, and I hope there will be. Some people may assume there will be an extension if there is no deal but I do not think businesses can make that assumption and I would encourage any business that has not engaged to do so. There is still time between now and 31 October but not as much time as people may think.

The Getting Ireland Brexit Ready campaign was launched back in September. A total of 104 stakeholder events have been held in 21 counties so far, with many more planned. With regard to financial assistance for business, there is a €300 million Brexit loan scheme with affordable loans of €25,000 to €1.5 million for eligible businesses impacted by Brexit. There is also a €300 million future growth loan scheme for SMEs, including farmers, to back strategic long-term investment after Brexit. Enterprise Ireland has its be prepared grant of €5,000 to assist client companies develop strategic plans to respond to Brexit. InterTradeIreland's start to plan vouchers of up to €2,000 will help SMEs to get professional advice on Brexit. There are also Enterprise Ireland's market discovery fund and agile innovation fund, and the LEO financial supports, such as technical assistance and micro-export grants. There is also a rescue and restructuring scheme for SMEs that has increased from €20 million to €200 million to allow the Government to offer rescue aid and temporary restructuring aid to SMEs that need it. Practical assistance also includes the Brexit scorecard, the Brexit readiness check for tourism, the Brexit advisory clinics, the Brexit barometer and the trader engagement programme.

Acting Chairman (Deputy Catherine Connolly): I will allow the briefest of comments because we have run out of time.

Deputy Micheál Martin: I asked a question about the number of times the Cabinet committee met and when the Taoiseach said 21 June, I understood that to be this year. I assumed there had been one meeting this year but we now learn there were no meetings in 2019. There has been no meeting since June 2018 of a key co-ordinating mechanism for Brexit. The Taoiseach is saying all of the interdepartmental committees that work to lead into a Cabinet sub-committee add nothing and the core co-ordinating mechanism involving all Ministers responsible in the case of a no-deal Brexit means nothing.

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Acting Chairman (Deputy Catherine Connolly): That is all I can allow.

Deputy Micheál Martin: It is extraordinary and it suggests that what we have been reading in the media over the past two or three days is hype and spin with no substance behind it.

Acting Chairman (Deputy Catherine Connolly): Deputy McDonald had one minute and a half extra and I will not allow comments from everybody.

Deputy Mary Lou McDonald: There is a contradiction at the core of what the Taoiseach is saying and I share the alarm that the June meeting was last year and there has been no meeting this year. The Taoiseach is saying the sub-committee does not work as a mechanism and his proposal is to put Brexit in with EU affairs and global matters. To extend the scope makes absolutely no sense.

Acting Chairman (Deputy Catherine Connolly): To be fair, I am allowing the briefest of comments from Deputies Burton and Boyd Barrett.

Deputy Joan Burton: The Taoiseach's dismissal of Cabinet sub-committees is wrong constitutionally and foolish because they are a mechanism for people and senior officials such as Secretaries General to share information and become more broadly advised on important topics. I mentioned Rosslare Port and the Taoiseach did not refer to it in his reply.

Acting Chairman (Deputy Catherine Connolly): I will not allow that. I am just allowing a brief comment.

Deputy Richard Boyd Barrett: I would like an answer to the question as to whether it is a reasonable basic democratic request to suggest there would be a border poll in the event of a hard Brexit.

Acting Chairman (Deputy Catherine Connolly): We are not going back on anything.

The Taoiseach: To explain, the Brexit Cabinet sub-committee is just one mechanism by which people can meet. I do not believe Cabinet sub-committees exist under the Constitution. The Cabinet is the main mechanism by which Ministers meet. We have had 25 detailed Cabinet discussions on Brexit. Ministers, officials and advisers meet, and we did so only yesterday with a meeting of my officials and advisers and those of the Tánaiste.

Deputy Micheál Martin: There is no Brexit committee.

The Taoiseach: The senior officials group also meets. This is the main co-ordinating body on the Civil Service side. The main co-ordinating body on the political side is the Cabinet.

On Rosslare, the matter to which Deputy Burton referred falls into the TEN-T regulation and that is revised periodically. We would have to wait for the next time the TEN-T regulation, which is connected to the connecting Europe facility, is revised to make any changes to which ports are designated as tier 1 and tier 2. There is a set of criteria matched to that connected to road links, rail links and the volume of trade.

Freedom of Information Data

5. **Deputy Micheál Martin** asked the Taoiseach the number of freedom of information requests his Department has received in the past two years; and the number granted, stalled and refused, respectively. [25602/19]

The Taoiseach: From 1 January 2017 to the end of May this year, the Department received 1,069 freedom of information requests. Of these, 230 were fully granted, 502 were partially granted, 89 were refused and no records were held in relation to 182 requests. A total of 62 requests were either transferred, withdrawn or handled outside the freedom of information process, while four requests are ongoing.

There has been a significant increase in the number of freedom of information requests received in the Department since the new Act came into operation in 2014. In 2013, the Department received 92 requests, while this figure rose to 290 in 2015 and to 490 in 2018. This represented an increase of 533% in the five years since 2013 and the upward trend is continuing this year.

Regarding records part granted or refused, material is redacted for a variety of reasons, as provided for under the Act. Examples of grounds commonly used by freedom of information decision makers in the Department for withholding material include where Government records are less than five years old, where the material, if released, could have an adverse impact on international relations or the economic interests of the State, where commercially sensitive information is involved and where it is necessary to withhold personal information, such as personal email addresses or mobile numbers.

The majority of requests submitted to the Department are non-personal requests from the media. All requests received in the Department are processed by designated officials in accordance with the Freedom of Information Acts. If a requester is not satisfied with a freedom of information decision he or she can seek an internal review, followed by appeal to the information commissioner. The freedom of information statutory framework keeps the decision-making process at arm's length from the political head of the Department. Despite what is often reported, I have never personally refused the release of any document under freedom of information. I have no role in the decision-making process for requests received in the Department nor do I see copies of decision letters issuing.

There are two members of staff working in the Department's freedom of information unit, both of whom perform other duties. Staff from throughout the Department are also involved in processing requests in addition to their routine duties, for example searching and retrieving records and making decisions on requests received. At times, complicated and detailed freedom of information requests are received, which involve significant time and resource implications for the staff involved.

Section 8 of the Freedom of Information Act 2014 requires each freedom of information body to prepare and publish a publication scheme. The Department's scheme is published on *gov.ie* and sets out a range of information about the type of records it holds.

Deputy Micheál Martin: While the day-to-day operation of the freedom of information legislation is a reserved Civil Service function, there are many dimensions to it that directly concern the political head of each Department and each is responsible to the Dáil when it comes to the overall approach. Equally, while the Freedom of Information Acts sets a legal minimum on what must be released, the political head of a Department is, with very limited exceptions,

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fully entitled to instruct officials to be less restrictive. The Taoiseach will be aware of a curious story which has appeared in recent days concerning a freedom of information request made to his Department regarding communications between him and his political appointees and media owners. Apparently the person who submitted the request has been contacted by the Department to suggest that gathering this information is a huge undertaking and to ask that the request be limited.

This suggests that either there is a wish to not release something or that there is a volume of correspondence with media owners far beyond anything seen in the past. In this age of searchable emails and a requirement that all documents be maintained on a departmental server, how is it credible to suggest that it would take more than a short time to comply with such a request? Can the Taoiseach provide clarity on this issue? Is he satisfied that all members of his staff are maintaining records as required by the Act? Have the Taoiseach and his officials stopped the habit that we saw in 2017 of using personal email accounts for official communications?

Deputy Mary Lou McDonald: Over the past year there have been two landmark cases concerning the freedom of information legislation that fundamentally impact on its principles and will, potentially, have far-reaching consequences. I refer to the cases involving University College Cork, UCC, and Enet. These cases are undermining what should be the starting point for freedom of information and that is a presumption in favour of disclosure. That is at the heart of the Act and constitutes the spirit and the word of the legislation. Does the Taoiseach believe these two judgments should be appealed to the Supreme Court? Does he support legislation to deal with the dilemmas and the damage arising from these cases, if necessary, in order that we can get back to a situation where the presumption in favour of disclosure is protected within the legislative framework?

Deputy Joan Burton: I also want to refer to the case in April where the High Court overturned a decision by the Information Commissioner ordering UCC to release records under the Freedom of Information Act. This ruling against the Information Commissioner and in favour of the organisation making the appeal, namely, UCC, has, potentially, wider implications for the application of the Act beyond the reasons of commercial sensitivity which were quoted regarding interest rates connected with a loan. The ruling does not seem to honour the universal principle of freedom of information laws around the world which is, as the Irish Council for Civil Liberties, ICCL, and other bodies have pointed out, presumption in favour of disclosure. Removing the presumption of disclosure from public bodies threatens access to information in Ireland on a wider scale. Does the Taoiseach have an opinion on the outcome of that case and how does his Government intend to respond to protect the integrity of the Freedom of Information Acts? Since the general data protection regulation, GDPR, legislation came in, many public bodies are finding it difficult to deal with any information at all because the name of a party may be involved. The Government also needs to address this issue because it is becoming a routine reason for turning down the release of information. That is a new development concerning the public's right to access information.

The Taoiseach: I am not familiar with the specifics of the freedom of information request to which Deputy Micheál Martin referred. I imagine there has been little contact with media owners and probably a lot with individual journalists and editors. I will, however, check on that because it is not something that I am familiar with or that I have been briefed about. Regarding personal emails, the Department has a policy on the use of personal emails. I am complying with it and I expect everyone in the Department to be complying with it. There is no absolute prohibition on the use of personal emails. That is not practical. Occasionally, the email system

is down but, more often, people email other people on their personal email when they really should not be doing that. They should be using their work email. It is the practice, however, that where something is a matter of public record then a public record must be created. That is usually done by forwarding or copying the email to an official to ensure that the public record is created.

I am not fully briefed on the case law to which the Deputies have referred. I understand that one of those cases may already be on appeal. I got a note on it, which I read last week. This is complicated legislation that does not fall directly under my remit and I am not sure that I fully understand the implications of the legislation. My colleague, the Minister for Public Expenditure and Reform, Deputy Donohoe, is responsible for the Freedom of Information Acts. I am told that he is well aware of the recent court judgments and he has informed me that the central policy unit for freedom of information at his Department is closely monitoring the situation to determine the impact these judgments will have on the system in reality and in practice. I also understand that the Minister is satisfied that the updated and consolidated freedom of information system introduced under the 2014 Act is operating well. He does not see a basis on the currently available evidence to consider amending legislation at this time. He assures me, however, that appropriate action will be taken, if necessary, in order to ensure its effective functioning now and in the future.

Departmental Operations

6. **Deputy Micheál Martin** asked the Taoiseach the number of whistleblower complaints in his Department since the legislation was introduced in 2015. [25603/19]

7. **Deputy Brendan Howlin** asked the Taoiseach the number of whistleblower complaints in his Department to date. [28114/19]

The Taoiseach: I propose to take Questions Nos. 6 and 7 together.

The Protected Disclosures Act 2014 provides a robust statutory framework which aims to provide protections to whistleblowers who raise concerns regarding potential wrongdoing in their workplace. These protections apply to workers in all sectors of the economy, both public and private. They protect whistleblowers from being penalised by their employer for reporting wrongdoing in the workplace or suffering any detriment for doing so.

The Act requires every public body to establish and maintain procedures for dealing with protected disclosures and to provide written information relating to these procedures to their employees. In line with the Act, my Department has a policy on protected disclosures, which sets out the procedure by which an employee can make a disclosure, what will happen when a disclosure is made and what my Department will do to protect a discloser.

My Department is committed to fostering an appropriate environment for dealing with concerns and assisting staff in “speaking up” regarding potential wrongdoing in the workplace and to providing the necessary assistance for staff who raise genuine concerns. To date, no disclosures have been received from employees or former employees of my Department.

The Protected Disclosures Act 2014 is one of many reforms implemented by the Government in recent years and is putting Ireland ahead of many other countries in changing how

politics works and how whistleblowers are protected.

Deputy Micheál Martin: The high-profile whistleblower, the former Sergeant Maurice McCabe, exposed many wrongdoings. This is, therefore, important legislation and should hopefully lead to significant cultural change. I asked the Minister for Justice and Equality, Deputy Flanagan, last month how many protected disclosures he and his Department had received. He informed me that 52 protected disclosures had been received. That included protected disclosures directed to the Minister from workers in An Garda Síochána and the Irish Prison Service. In addition, the Irish Prison Service, the Legal Aid Board, the National Disability Authority, the Courts Service, An Garda Síochána, and the Garda Síochána Ombudsman Commission, GSOC, all have their own protected disclosures policies in place and report separately on disclosures received. That is a significant number overall and there is a need for resources to be provided. Has the Government undertaken a review of how the Act is working, how effective it is and the level of resources required to deal with the numbers of disclosures? Does the Taoiseach believe there are sufficient protective measures in place to protect whistleblowers who have tried to do the right thing in the Irish Prison Service, An Garda Síochána or other agencies?

Deputy Joan Burton: Last year saw a doubling in the number of cases reported to GSOC. That clearly shows that the culture in respect of people being prepared to utilise the whistleblowers' protection Bill is leading to a rise in complaints. There is, however, a question concerning whether there is sufficient funding to allow for adequate follow-up on protected disclosures. We cannot allow a perception to the contrary to develop among the public, especially among potential whistleblowers. That is because they and their families risk much personally, as we have heard repeatedly. Were those people to feel their claims will not be properly acted upon, it would discourage everyone, except the very brave, from making such disclosures. It is very worrying that the watchdog has repeatedly raised concerns about a lack of resources to investigate what are often complicated and time-consuming cases. Will the Taoiseach provide an update on the number of protected disclosure cases currently outstanding, and the staffing and funding that will be allocated to GSOC to investigate these claims in a way that will make the legislation and will raise the confidence of those who are making disclosures that it is the good and right thing to do where they have seen something wrong within their particular experience?

Deputy Mary Lou McDonald: In late 2015 and early 2016, three whistleblowers made protected disclosures to the Department of Defence outlining concerns on a lack of training and protection from the chemicals used in Casement Aerodrome at Baldonnel. Informal research by one of the whistleblowers raised questions over a number of deaths of former Air Corps personnel with 73 deaths occurring amongst former personnel aged under 66 years, with the average age of 50 years. This led to an independent investigation and in response to a parliamentary question on this last year in his capacity as the Minister for Defence, the Taoiseach stated he had "sent the report of the independent third party to those who had made disclosures for their views" and, having received those views and in the context of ongoing litigation, the Taoiseach was considering the next steps in the process. I understand that the whistleblowers concerned, as well as the Defence Forces, have had this report since 2017 and that nothing has been done since. What does the Taoiseach propose to do now with this report and what are the next steps he is considering?

The Taoiseach: As I said earlier in relation to my Department, there are no protected disclosures on hand at present. With regard to GSOC, I do not have that information to hand but I will inform GSOC that Deputy Burton has raised these questions here and I will ask GSOC to provide a reply to her.

Deputy McDonald raises some issues about particular protected disclosures. I am conscious that protected disclosures are protected and there are limitations on what can be said about them. Where litigation is under way it further complicates matters. I will ask the Minister of State, Deputy Kehoe, to correspond with the Deputy to give her an update and some answers to her particular questions.

I was asked if there has been a review of the Act. The Minister for Public Expenditure and Reform published a statutory review of the Protected Disclosures Act 2014 in July 2018. That followed on from a public consultation. This solicited 25 submissions from a variety of public bodies, interest groups and members of the public. The review considered international developments, including comparative analysis, with legislation in other countries. It also detailed some early results of the implementation of the Act across 212 public sector bodies.

A total of 370 protected disclosures were received by the end of 2016. The review shows the Act is viewed as setting a positive example internationally and has had a broadly positive outcome. It highlights some implementation issues, which are being considered by the Department of Public Expenditure and Reform. These include: providing absolute confidentiality to disclosers while balancing fair procedures for others concerned, including those against whom allegations have been made; the interaction of the Act with the GDPR legislation and other employment policies; and disclosures made through multiple channels and anonymous disclosures.

Following the publication of the review, the Government decided to set up an interdepartmental committee to capture views regarding the operation of the Protected Disclosures Act. The committee was composed of officials with responsibility for the handling of protected disclosures. Representatives were drawn from all Departments and key stakeholders, including local authorities, the HSE and An Garda Síochána. Six meetings of the committee were held between October 2018 and March 2019. Topics considered by the committee included confidentiality and record-keeping, data protection and freedom of information and the operation of disclosure channels following upon protected disclosure, interactions with other workplace policies and reporting obligations. Arising from these discussions, the Department of Public Expenditure and Reform will, in the coming months, issue a number of guidance notes, to assist public bodies in dealing with certain common issues that have arisen in dealing with protected disclosures. Priority will be given to guidance dealing with disclosures concerning misconduct by a head of an organisation, balancing the obligation of confidentiality with effective follow-up of a disclosure and reporting obligations under the Act. In addition, and as highlighted in the statutory review, there is a need to update the list of competent authorities designated to receive protected disclosures under section 7 of the 2014 Act, and work on a drafting order is currently being advanced.

I would add that European legislation is now being developed on protected disclosures and we are very much involved in that and are monitoring it closely. We may need to make amendments to our domestic legislation depending on how that EU legislation lands and how it might require us to change ours.

Acting Chairman (Deputy Catherine Connolly): At six minutes, we have only a short while left. The next grouping of questions is quite big from No. 8 to No. 19, inclusive. We will not get through that.

Deputy Micheál Martin: I believe it is just three questions.

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Deputy Mary Lou McDonald: Generally it is just three questions.

Acting Chairman (Deputy Catherine Connolly): Okay. I had thought we might get on to it, but that is it.

Deputy Mary Lou McDonald: That next group is very long.

Acting Chairman (Deputy Catherine Connolly): Yes, we would not have completed it.

Deputy Mary Lou McDonald: No. In that case, can I ask another supplementary question?

Acting Chairman (Deputy Catherine Connolly): There is no provision for a supplementary but we have a few minutes. With the agreement of the House we can, if we finish on time. Is that agreed? Agreed.

Deputy Mary Lou McDonald: I believe the Taoiseach is unintentionally brushing me off slightly with the response he gave. I am looking at a question that was put to the Taoiseach by my colleague, Deputy Aengus Ó Snodaigh, for a written response on 22 February 2018. The Taoiseach responded as the line Minister, where he set out that he had appointed an independent third party to review the allegations made. The Taoiseach also said that he had sent the report of the independent third party to those who had made disclosures, for their views, and that the Taoiseach as the relevant party - not the Minister of State, Deputy Kehoe - was considering the next steps in the process, having received those views. Almost one and a half years have passed and it is not really sufficient for the Taoiseach to say to me that he will get someone else to write to me with an update. I want to know from the Taoiseach - as the responsible party - what he going to do next on these serious allegations.

Deputy Joan Burton: As the Taoiseach is the Minister for Defence, this is specifically his responsibility. It is not really something that can be handled by his Minister of State. We have seen a lot of comment about the Minister of State, which would indicate a striking lack of confidence by key people within the Defence Forces regarding his capacity to deal with very difficult issues. I ask the Taoiseach, in his capacity as Minister for Defence, to take it upon himself to address these complaints because it is absolutely part of the destruction of the morale in the Defence Forces, which are so important to everybody in Ireland.

The Taoiseach: I am the Minister for Defence but the Government has delegated responsibility for defence and almost all of the associated functions to the Minister of State, Deputy Kehoe. I will get an update on those particular matters from the Minister of State and I will respond, in my name, to the Deputies' queries.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

Acting Chairman (Deputy Catherine Connolly): 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 Eugene Murphy - to discuss the impact of Brexit and Mercosur on farm incomes in counties Roscommon and Galway; (2) Deputy Noel Rock - to discuss the impact of noise pollution at Dublin Airport on the local communities; (3) Deputy

Mary Butler - to discuss access to speech and language therapy in western areas of County Waterford; (4) Deputy Declan Breathnach - to discuss the imminent closure of Sruthán House operated by the HSE in partnership with the Irish Wheelchair Association; (5) Deputy Thomas P. Broughan - to discuss HSE recruitment, nurses' overtime and the areas most affected by expenditure cutbacks; (6) Deputy Éamon Ó Cuív - to discuss the proposal for a prospecting licence for base metals, gold ore and silver ore in the west Connemara area; (7) Deputy Joan Burton - to discuss plans to increase the number of community gardaí in the Dublin 15 area; (8) Deputy Aindrias Moynihan - to discuss the upgrade for the Crossbarry wastewater system; (9) Deputy Thomas Pringle - to discuss the delay with the new podiatrist post at Letterkenny University Hospital; (10) Deputy Fiona O'Loughlin - to discuss the crisis in Naas General Hospital; (11) Deputy Frank O'Rourke - to discuss housing development on vacant lands at Hazelhatch and Celbridge; (12) Deputy James Browne - to discuss the orthodontist post in Enniscorthy and waiting times throughout County Wexford; (13) Deputy Niamh Smyth - to discuss plans for capital investment in Cavan General Hospital; (14) Deputies Timmy Dooley and Joe Carey - to discuss restructuring of operations by the ESB at their power generation plant at Moneypoint, County Clare; (15) Deputy Eoin Ó Broin - to discuss the provision of childcare services in Dublin Mid-West; (16) Deputy Fergus O'Dowd - to discuss the new HSE homecare policy in CHO area 8; (17) Deputy Michael Harty - to discuss the proposed wind farm at Moylussa, County Clare; (18) Deputy John Lahart - to discuss the impact on public health from traffic pollution in Dublin; (19) Deputy James Lawless - to discuss the Kildare District Court service and administration of justice workload; (20) Deputy Richard Boyd Barrett - to discuss the most recent Environmental Protection Agency report on air quality; (21) Deputy Pat Buckley - to discuss the recent Eurofound study into depression; (22) Deputies Maurice Quinlivan, Willie O'Dea and Thomas Byrne - to discuss the Government's interpretation of the Louise O'Keeffe case; (23) Deputy Jim O'Callaghan - to discuss the delay in constructing homes on the glass bottle site, Dublin 4; (24) Deputy Pat The Cope Gallagher - to discuss the statutory instrument on penalty points relating to serious fishing infringements; (25) Deputy Catherine Connolly - to discuss Caranua's capacity to complete the outstanding open applications from 1,882 former residents; (26) Deputy Mattie McGrath - to discuss mental health services in County Tipperary; and (27) Deputy Michael McGrath - to ask the Minister for Finance and for Public Expenditure and Reform his role in the consideration of the request for additional funding for the Rebuilding Ireland home loan scheme.

The matters raised by Deputies Deputy Noel Rock, Declan Breathnach, Michael McGrath, and Eoin Ó Broin have been selected for discussion.

Ceisteanna - Questions

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Rail Services Provision

53. **Deputy Marc MacSharry** asked the Minister for Transport, Tourism and Sport if his attention has been drawn to capacity issues being experienced across the rail system; if additional capacity will be delivered within the next couple of years; and if he will make a statement on

the matter. [29957/19]

Deputy Marc MacSharry: Is the Minister for Transport, Tourism and Sport aware of the considerable capacity issues being experienced across the entire rail network, from the commuter towns to Dublin and other major cities, and on intercity lines? The Minister is surely aware of the chronic overcrowding on services and the commuting misery suffered by many families. While we encourage people to use public transportation, we are unable to facilitate them.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I thank the Deputy for his question and welcome him to his new role as transport spokesman. I pay tribute also to his predecessor, Deputy Troy, who fulfilled his role extraordinarily well.

The Deputy is quite right that due to increased demand, there are capacity issues at certain times and on certain parts of our rail network. I am happy to inform him that additional capacity has been, and will continue to be, delivered over the short, medium and longer term. As to the short term, ten-minute DART services and expanded services through the Phoenix Park tunnel and on other commuter lines have been introduced. The focus now is on off-peak expansion with a view to easing pressures during the peak period. This year, construction will also start on the new national train control centre, which will improve management of the network generally and allow for some capacity increases once completed.

As the commuter rail fleet is fully deployed at peak times, however, we must also increase the volume of rolling stock. That will be achieved through medium and longer term measures. In the medium term, the National Transport Authority, NTA, and Iarnród Éireann are proposing to purchase additional carriages for the existing fleet known as the ICR, or intercity, fleet. I expect a business case on this proposal to be submitted shortly. Once approved, I understand the additional carriages will come on-stream in approximately two years. While the NTA and Iarnród Éireann are also evaluating tenders received in an earlier process to seek second-hand fleet stock, the proposal is complicated by the different rail gauge in use in Ireland.

In the longer term, it is proposed to massively expand the fleet. A pre-qualifying notice for the relevant procurement competition has issued. The new carriages will be a mixture of bi-mode, or battery electric, and fully electric and form part of the DART expansion programme. It is expected contracts will be awarded during 2020 in respect of this proposal. These are significant investments and, obviously, value for money is an important consideration. The Deputy can be assured that I am making funding available to expand the capacity of our rail network and I look forward to his support in that regard.

Deputy Marc MacSharry: The “live horse and get grass” approach is not working for us. The Minister says he expects a business case shortly. There is an administrative merry-go-round from the board of Irish Rail to the NTA, the Department, the Minister and Cabinet. What sort of timelines are we looking at? It will take 18 months to make rolling stock available for use after it is ordered. My understanding is that the business case for the 41 vehicles to which the Minister referred has gone from Irish Rail to the NTA. Is there any way to take account of the families suffering all over Ireland, in particular those commuting to the cities and in respect of the intercity service? What are the timelines in respect of the ordering of the 41 carriages? After that, we will be into the 18-month countdown. In the meantime, what has the Minister done in co-operation with his colleagues in other Departments to alleviate some of the pressure by encouraging flexible working hours or other arrangements by way of additional bus

services?

Deputy Shane Ross: One must realise, as I am sure the Deputy does, that one cannot just go into a shop and order carriages or trains here, there and everywhere. These things have to be considered carefully and procurement procedures must be followed. The Deputy would not for one moment suggest that should not happen. It is very important. The Deputy referred to the 41 additional carriages for the existing fleet and he is correct. While the possibility of purchasing or leasing second-hand stock as a quick fix is being evaluated, the Deputy is probably aware that procurement recently commenced to source 300 new bi-mode carriages. The order will be placed next year with delivery taking place in the next two to three years. We have to approach this issue by taking action in the short, medium and long term and we have a plan for all that, depending, of course, on the expansion of demand. The Deputy will be well aware that the increase in demand for public transport in recent times has been unexpectedly successful. Public transport is attracting a large number of additional passengers, due partly to prosperity but also to the fact that public transport, whether it is bus, rail or Luas services, has improved immensely, which I applaud. We are determined to move people to public transport and we are doing so successfully. There are capacity difficulties, to which the Deputy referred, but we are determined to resolve them and we have a well spelled out plan to do so.

Deputy Marc MacSharry: The targets for Irish Rail are 75:25. It is at 48 million journeys and heading for 75 million journeys by 2025. The Minister said the procurement process for 300 carriages has started, albeit it is intended to be 600 new vehicles over ten years, but all that has been issued is a call for expressions of interest that it is hoped to receive by the end of July. At the snail's pace at which we tend to operate, delivery will not be within two to three years, as the Minister has just said, it will be in 2024. Those are the words of Irish Rail, whose representatives told me so today. The 41 shorter-term solutions to which the Minister referred are still two years away. What level of priority and emergency is the Minister declaring in this regard? When it comes to other aspects of procurement, we have seen how projects can be fast-tracked depending on the level of focus. The Government is not applying the appropriate priority to fast-tracking this process. Rather, it is going around the houses while families continue to experience commuting misery and the detrimental effects continue to be felt in our ability to attract people to public transport. The more people are squashed into a train, the more liable they are to resort to their cars.

Deputy Shane Ross: We are increasing the number of commuter trains, improvements have been made to the Phoenix Park tunnel and ten-minute DART services have been introduced. We regard with a sense of urgency the short-term difficulties to which the Deputy has quite rightly referred, but he will also know that a successful transport system of this sort will always have capacity issues if demand increases at a faster rate than expected. Luas cross-city, which was introduced barely 18 months ago was, overnight, a victim of its own success. We introduced a very successful cross-city project and it immediately attracted a significant number of people to public transport. It is a tribute to public transport in Ireland and something we are going to match and alleviate in a very short time. The projected number of Luas trams we will bring to the green line in a short period will certainly alleviate the difficulties to which the Deputy referred. We will not sort it out in five or six months, but we will sort it out by way of a medium and long-term plan, the details of which I have spelled out clearly to him.

Public Transport Initiatives

54. **Deputy Imelda Munster** asked the Minister for Transport, Tourism and Sport his views on the estimated spend of 20% of the budget of his Department on public transport; his plans to increase this percentage in view of existing deficits in public transport provision and the ongoing need to reduce car use to comply with obligations regarding emissions; his further plans to increase spending on the public service levy specifically to increase routes and service frequency; if new railway projects will be announced in particular outside of the greater Dublin area; the increase in the public transport budget he is seeking in budget 2020; and if he will make a statement on the matter. [29825/19]

Deputy Imelda Munster: I ask the Minister to comment on the estimate that 20% of his Department's expenditure relates to public transport. Does he intend to increase this percentage in light of the existing deficits in public transport provision and the ongoing need to reduce car use to comply with our emissions obligations? Does he intend to increase spending on public service obligation routes and service frequency? Does he intend to announce any new railway projects, including new railway lines, outside the greater Dublin area? What level of increase in the public transport budget is he seeking in budget 2020?

Deputy Shane Ross: I will miss Deputy Munster in the weeks and months to come.

Deputy Imelda Munster: I will not say "likewise".

Deputy Shane Ross: I do not doubt that she is going on to greater things. In budget 2019, almost 35% of the total voted expenditure of the Department of Transport, Tourism and Sport was allocated to supporting sustainable mobility. I fully agree with the Deputy that we need to increase that level of funding in the years ahead. I am sure she will welcome the increases I have secured in the allocations for sustainable mobility in the coming years as part of Project Ireland 2040. The capital allocation is scheduled to increase by approximately 48% next year and by a further 46% in 2021. On current expenditure, the subvention levels have increased substantially in recent years. There has been a 36% increase in the past four years. A total of €287 million is being provided this year. This increased subvention is supporting improved services in urban and rural areas. The increased services are allowing more people to make the shift to public transport, with a 7.5% increase in passenger numbers recorded last year.

The Deputy will acknowledge that a number of important projects are under way or are scheduled to start this year. The continued expansion of the bus fleet will add more capacity to bus networks across the country. I could also mention a number of significant active travel projects in our major cities, like the Royal Canal greenway in Dublin, the Harley Street bridge in Cork and the Parnell Street project in Limerick. Trams on the Luas green line are being extended, with the first of the newly extended 55 m trams due to enter service after the summer. We are increasing funding for the maintenance and renewal of the national rail network by 23% this year to help to deliver improved journey times and reliability on the network. A new national train control centre will commence construction later in the year. The city centre resignalling project will deliver increased rail capacity when it has been completed. We are continuing to fund the planning and design of the transformative projects planned under the BusConnects, MetroLink and DART expansion investment programmes. I am confident this increased investment will enable more people to make the shift away from the car and toward sustainable options.

Deputy Imelda Munster: We all know the benefits of good transport links for individuals, businesses and communities. It is a matter of frustration for people in many rural areas and urban areas outside the greater Dublin area that such links do not exist in large parts of the State. As I have said previously, there are parts of rural Ireland that do not have any public bus services, or perhaps just one bus a week. People have a right to expect connectivity not just between rural and urban parts of the country - we know all about the benefits of such connectivity - but also between smaller towns. In the absence of such connectivity, how does the Minister intend to reduce emissions and encourage more people to reduce their use of cars, particularly in rural areas outside the greater Dublin area?

Deputy Shane Ross: The Deputy will be aware that reducing emissions from cars and public transport and encouraging people to cycle and walk are significant priorities in the climate change programme we have announced. Alternatives to the private car are very important. As the Deputy will be aware, on a daily basis we are trying to encourage people to move out of their cars. That is why we have set demanding and high targets for the number of electric vehicles. We are seeking to have nearly 1 million electric cars on the road by 2030. Some people have described this target as challenging and others have described it as ambitious. We are determined to tackle this issue in an unprecedented manner. This will be difficult, but we believe it can be achieved. As the Deputy will be aware, we are providing a lot more funding for cycling. We are totally committed to the cycling story. We have bought into it. An unprecedented level of funding is going to cycling. Some €53 million is being provided for greenway cycling routes all over the country. The Dodder greenway and other cycling routes will open this year. We have made a commitment to large public transport projects to take people into public transport and to active travel to get people out of their cars. We will reduce emissions in that way.

Deputy Imelda Munster: I acknowledge that there has been investment in large public transport projects in the greater Dublin area in recent years. It is all very well and good for the Minister to refer to the climate action plan, but the Government needs to invest the money to make its targets realistic. For example, there is no reference in Project Ireland 2040 to any new rail lines. We know the current structure is at capacity in many areas. There are serious problems with overcrowding. Does the Government have plans for any new rail lines throughout the State? From where we are standing, it is difficult to see that a real effort is being made to provide funding to encourage people, particularly in rural areas where the public transport system is non-existent or extremely poor, not to use their cars. The Minister knows that in many rural areas, there is no bus service on which one could rely if one wanted to leave one's car at home.

Deputy Shane Ross: In recent times, we have done a great deal to improve bus services in rural areas. The Deputy will be aware that along with the National Transport Authority, NTA, we launched a programme last year to improve the rural bus network through the LocalLink services. I think there are 59 such services now. There were 66 services at one stage. As part of an extremely successful pilot scheme between 6 p.m. and 11 p.m., services have been provided on the basis of demand response units and others have been provided by adding to existing routes. They have worked very well and they have been very well responded to. The NTA has decided it is well worth continuing with this sort of project. We have given grants to various other community transport systems in rural Ireland to help out where there is no commercial reason to launch projects of this sort, but there is a social need. It would be wrong to suggest we are ignoring rural Ireland in this area because the opposite is the case. We are looking for constructive solutions to assist isolated people who cannot get out in the evenings or at various

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other times of the day. We have made great strides in this respect. We intend to continue to expand these initiatives. We have introduced new rail services on the crowded commuter lines to which the Deputy has referred. We have introduced additional trains at off-peak times to try to change people's travel patterns as they commute to and from work and thereby reduce overcrowding on some commuter rail services. We think this has been successful as well.

Electric Vehicles

55. **Deputy John Lahart** asked the Minister for Transport, Tourism and Sport his views on the absence of a reference to an e-bike strategy in the Climate Action Plan 2019; and if he will make a statement on the matter. [29745/19]

Deputy John Lahart: As the Minister will be aware, an interesting international conference, Velo-city 2019, was held in the convention centre recently. Many people came from overseas to participate in this cycling conference. A number of keynote speakers from the conference were invited to address the Joint Committee on Climate Action while they were in Ireland. They expressed serious disappointment about this particular area of the Government's climate action plan and its other projects, and pinpointed the lack of targets and plans in relation to the whole area of e-bikes. That is the issue I want to raise with the Minister today.

Deputy Shane Ross: I thank the Deputy for his question.

The recently published action plan to tackle climate breakdown sets out a whole-of-government approach to climate action and maps a potential pathway to meet Ireland's 2030 emissions reduction commitments. The plan clearly recognises that Ireland must step up significantly its commitments to address climate disruption. A wide-ranging set of bold and challenging actions for transport are set out, particularly with regard to active travel - cycling and walking - and public transport. I want to make sure we will provide high quality cycling and walking infrastructure, as well as a reliable public transport system, to make public and active travel options a viable alternative for as many people as possible and more of their journeys than ever before. In that way, we will lower climate-harmful emissions, begin to tackle congestion and see an improvement in local air quality.

The plan includes our commitment to deliver an additional 500,000 public transport and active travel journeys daily by 2035. This is a significant step-up in our ambition and requires expanding the capacity and attractiveness of walking and cycling networks, as well as the public transport system. Under Project Ireland 2040, we have assigned €8.6 billion to support sustainable mobility. In addition to support for key public transport projects, this investment will vastly improve cycling and walking infrastructure in all major cities. In fact, the €8.6 billion investment budget is well above what we will be investing in new roads, which is a reversal of the balance of investment in the past. In the period from 2018 to 2021, inclusive, €110 million will be specifically dedicated to cycling and walking infrastructure in major urban areas; €750 million is earmarked for the BusConnects programme in Dublin to include the delivery of around 200 km of segregated cycling lanes; and €53 million will be used to support the development of new greenways. This will support the increasing numbers who choose cycling as their preferred mode of transport, including e-bike users. It is clear that prioritising investment in cycling networks is working. The number of annual cycling trips is increasing, particularly within the greater Dublin area, with surveys such as the Canal Cordon Count showing cycling numbers almost doubling between 2011 and 2018.

We need to build on this and do even more. Key actions under the climate plan underpin the commitment to increasing cycling as a mode of travel, including the establishment of a cycling project office within the National Transport Authority and the development of implementation plans and increased cycling infrastructure in Dublin, Cork, Galway, Limerick and Waterford.

Additional information not given on the floor of the House

The Cycling Project Office will ensure the new cycling infrastructure is delivered optimally, in line with the significantly increased funding being provided.

The cycle to work scheme continues to encourage the use of bicycles and e-bikes to travel to and from work. Under the scheme, an eligible employer can buy a bicycle for his or her employees and the employee pays the amount, less the tax relief, over up to 12 months through a salary sacrifice arrangement. Up to €1,000 can be provided towards the purchase of a new bicycle or e-bike, which is a generous contribution towards the cost of any commuter bicycle but especially towards the cost of an e-bike which is generally more expensive.

The climate challenge needed a step up in ambition and a renewed determination across government and society to tackle climate disruption. The climate action plan has given us the required level of focus and drive. I am personally committed to the decarbonisation of the transport sector and hope to see transport emissions levels continue to fall, as they did in 2018. Cycling will play an important role in the decarbonisation effort and I am dedicated to investing and improving the cycling network.

Deputy John Lahart: It is the cycling project office that terrifies me, given the record of the National Transport Authority in attempting to deliver the other landmark project within Project Ireland 2040, namely, BusConnects, but that is for another day. The Minister has set a target of the purchase of 1 million e-cars and e-vehicles by 2030, which is incredibly ambitious. However, he has set no target for the purchase of e-bikes. There are no details in the climate action plan of the incentives that might be provided for employers to encourage employees to switch from cars to bikes and local authorities to provide basic facilities. There is only one municipal bike park in this city. I will quote from an article in *The Guardian* which was represented at the Velo-city conference. The article states: “What happened to the place once spoken of as “the great hope for emerging cycling cities”?” It only goes back as far as 2013 when, apparently, Dublin was ranked among the top 20 bike-friendly cities, but it has fallen off what is known as the Copenhagen index since. All of the Project Ireland 2040 projects are exactly that. The Minister spoke about what would be done by 2035. What will we do tomorrow? The Minister read and listened to the headlines this morning about the crisis this city was facing from noxious emissions on the M50, in coming out of the port tunnel and the city’s core. He has said nothing to me today, which is normal in his responses, about what can be done in the next 12 or 18 months to improve the quality of life and air quality in the city, not by 2035 or 2040 but for those who are alive now and want to live a healthy life.

Deputy Shane Ross: The Deputy was doing quite well up to a few seconds ago.

Deputy John Lahart: I thank the Minister.

Deputy Shane Ross: I should remind the Deputy that we held a very important conference. Dublin was chosen as the site of the Velo-city conference which was held a few weeks ago and in which I was very glad to participate. The fact that it was held here was an acknowledgement of the extraordinary steps we were taking and our ambitions. I would be perfectly happy

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to admit that we were behind on cycling up to a few years ago, but it would be helpful if the Opposition was to acknowledge that we had bought into the story and were making big strides in that respect. The fact that the Velo-city conference was held here was certainly recognition that we were part of the cycling narrative that was taking off all over Europe. The Deputy is looking for news on current projects and saying nothing is happening, but we are spending way more money on it. I think the Deputy is Fianna Fáil spokesman on Dublin. In Dublin construction will start in 2019 on phases two and three of the Royal Canal project which will deliver a high quality cycleway from the docklands to Ashtown in Dublin 15. There will be a route from Clontarf into the city centre which will bring the segregated Clontarf cycle route into the heart of the city. Other projects involve the Dodder greenway and the Fitzwilliam route along by Fitzwilliam Square. These are four extremely valuable and useful projects that will not just attract people to cycling but will, as a by-product, improve health and reduce emissions.

Deputy John Lahart: I will not knock the Minister for that, but what emerged from the Velo-city conference was an international community that was, by and large, disappointed by what it had found in Dublin. Data published by *The Irish Times* show that every three days a cyclist is treated in a Dublin hospital for trauma. Cyclists are inhaling noxious fumes. I know some of the schemes referred to by the Minister. One of them - the Dodder greenway - is in my county. It is a scenic route. I am sure it could be argued that it could be used for daily commuting, but at some stage someone is going to have to make a hard decision about what a Danish commentator referred to as the “free reign of motordom” in Dublin city. We can construct all of these things. As the Minister is aware, one of the big problems with BusConnects is that it is trying to facilitate buses, cars, pedestrians and bikes. That is why it wants to create highways into the city. It is the Government’s answer to chronic traffic congestion and air quality issues in the city. However, we will be waiting an inordinate amount of time before any of this infrastructure is delivered in full and then connected. What radical proposals does the Minister have to stop the domination of the motor car in the city of Dublin and other urban areas where it is causing as much havoc to dissuade people from using their car and persuade them to switch to other modes of what he calls active transport? The Minister and I understand what is meant by the term “active transport” and use it interchangeably here, but many members of the public do not even know what the term means. It needs to be explained to them in order that they will understand where we are going from a policy viewpoint.

Deputy Shane Ross: I thank the Deputy for asking those questions because I can probably answer them in one word. He asked me what radical proposals we had for bicycles and switching people from their car. I can answer that question with one word - BusConnects. The Deputy was referring to Dublin again. I was very glad to point out in this House that he was one of the great supporters of BusConnects and stood with a placard to welcome it.

Deputy John Lahart: As did the Minister, but he also lodged his objections when-----

Acting Chairman (Deputy Catherine Connolly): Please allow the Minister to proceed.

Deputy Shane Ross: Thank God, he did and I am delighted that he continues to support it.

Deputy John Lahart: Will the Minister repeat what he said?

Deputy Shane Ross: I am delighted that the Deputy continues to support BusConnects

Deputy John Lahart: I do not.

Deputy Shane Ross: Perhaps the Deputy has done a U-turn, but that is all right.

Deputy John Lahart: No, I have made a qualified submission

Acting Chairman (Deputy Catherine Connolly): The Deputy went over time twice. Time is running out.

Deputy John Lahart: The Minister is making charges. He cannot make such charges.

Acting Chairman (Deputy Catherine Connolly): The Deputy has sat in this chair. Will he co-operate a little? Time has now run out.

Deputy Shane Ross: To respond to the Deputy's question, BusConnects will take people out of their cars and move them to public transport. That is the objective which will be achieved. The answer to his second question about the radical proposals we have for bicycles is BusConnects. He may not know it, but there will be 200 km of new dedicated cycling lanes adjacent to the BusConnects corridors. Perhaps he is not aware of that, but in asking such a question about what we are doing that is radical, putting in 200 km of cycling lanes is radical and something I assume the Deputy is very happy to welcome because I saw him with his placard.

Deputy John Lahart: On a point of order, I did not hold a placard. I stood in front of the man.

Acting Chairman (Deputy Catherine Connolly): Please, Deputy Lahart. There can be no point of order during questions.

Deputy Noel Rock: That is not a point of order.

Deputy John Lahart: The Minister ignores the fact that 2,300 km of cycle tracks were planned and he is making a big deal about 200 km.

Acting Chairman (Deputy Catherine Connolly): Please, Deputy Lahart. I gave you some discretion but that did not include a point of order. There are other Members waiting for their questions.

Deputy John Lahart: I appreciate that.

Public Transport

56. **Deputy Ruth Coppinger** asked the Minister for Transport, Tourism and Sport his plans to address the number of attacks that have taken place on transport workers across the three Córas Iompair Éireann companies and the measures to deal with same; and if he will make a statement on the matter. [29685/19]

Deputy Ruth Coppinger: Last night a Bus Éireann driver was effectively kidnapped at knifepoint when somebody got on his bus and threatened to embed a sharp object into his skull if he did not allow him to go to Drogheda. The passenger had a false bus pass and had been challenged by the driver. The driver complied with all emergency procedures, yet the police who were meant to be at Drogheda never arrived.

This is just one in a long litany of incidents of attacks on bus and rail workers. What is the

Minister going to do about it?

Deputy Shane Ross: I thank the Deputy for her question. I take the matter she raised seriously, as I do all attacks of this sort.

The safety and security of public transport staff and passengers, including arrangements to deal with anti-social behaviour, are important matters that, first and foremost, must be managed by every public transport company, in conjunction with An Garda Síochána, where appropriate. While the vast majority of public transport passenger journeys occur without incident, I am concerned to ensure the necessary arrangements are in place to ensure the safety of all passengers and staff.

My Department has been advised by Iarnród Éireann that, in 2018, 14 assaults on the company's staff were reported. This was a slight fall on the 2017 total of 15 assaults on staff. In the first six periods of 2019, there were five assaults on Irish Rail staff, compared to seven for the same period in 2018. This is not to lighten the blow. I take every one of these incidents seriously and am deeply concerned by what is happening.

Irish Rail has also advised that it has undertaken a range of measures and proposes further measures to address anti-social behaviour on the rail network. These include the recent announcement to pilot body cameras for ticket inspectors and customer services officers, increased security personnel, the introduction of customer service officers on all intercity routes and enhanced CCTV coverage.

A new text alert service will also be introduced shortly to enable customers to discreetly report anti-social behaviour incidents and allow security personnel, gardaí or both to be alerted and dispatched as required to an incident.

I am advised that the overall level of anti-social behaviour incidents involving Dublin Bus was down 18% in 2018 and was down by 14% in the first quarter of 2019, compared with the first quarter of 2018. The number of physical assaults on staff so far this year is 26 compared to 22 in the same period last year.

The entire Dublin Bus fleet is fully fitted with CCTV cameras with up to ten internal cameras and two external cameras fitted on the more modern vehicles in the fleet. Each vehicle is equipped with a radio, which facilitates immediate contact to the central control centre.

Deputy Ruth Coppinger: For several years, the National Bus and Rail Union, NBRU, and other unions have been trying to get the Minister and the Minister for Justice and Equality to take this issue seriously. I have a whole file which includes many letters which have been passed around from one Department to another. The demands of the workers' representatives are simple. All Bus Éireann and public service vehicles should be retrofitted with security screens to prevent exactly the type of incident which happened last night to the driver I referred to. There should be a transport police body, for which there have been calls for a long time. Again, however, this has been passed from Billy to Jack. Bus Éireann should be cashless and its drivers should not be put in peril and be responsible for collecting fares. There should be an assault payment scheme, similar to what operates in Dublin Bus. The Minister is correct that Dublin Bus has much more security measures. The same is now requested for Bus Éireann and Irish Rail.

The Minister claimed such incidents have decreased. In late 2018, a female driver was as-

saulted at Busáras, a driver was threatened with a knife outside Kilbeggan, a driver was robbed in Naas and members of the Garda were called to remove aggressive passengers in Naas. This is a litany of incidents which the unions claim are on the increase and that there is no safety travelling on public transport. This is unfortunate because we are trying to get people to use public transport.

Deputy Shane Ross: I acknowledge the role the unions have played in this. They have made strong representations and represented well on this issue. They have prompted a response from my Department and the transport companies. I absolutely agree with the Deputy in deploring those incidents to which she referred. I can only quote the statistics which I have given about the attacks. Any attack, however, is one too many. I do not think the statistics are valuable in this case because, although it is reducing in some of the transport companies, it is unacceptable. We will not be happy in any way until this is addressed and sorted.

Following representations from the NBRU, my Department wrote to the three CIÉ companies to get their views on the issue of anti-social behaviour, as well as ensuring the safety of both passengers and staff. All companies stressed their strong and close working relationships with An Garda Síochána.

I also contacted the Minister for Justice and Equality to seek his views on how we could address the issue of anti-social behaviour on our public transport system. The allocation of all Garda resources, including the manner in which Garda personnel are deployed, is solely a decision for the Garda Commissioner and his management team. I understand that An Garda Síochána has met the Railway Safety Advisory Council on the issue of anti-social behaviour on our public transport network.

Deputy Ruth Coppinger: It is not good enough that the Minister just throws his hands in the air and says it is up to the three companies. Public transport workers should be able to feel safe when doing their jobs and have security screens, as Dublin Bus workers have. The issue of a transport police force should not be passed from the Minister over to the Garda. It should be the Government that takes responsibility on this issue.

Next Tuesday, it is possible that Bus Éireann workers will take industrial action and curtail the services they have been providing, as happens often with Dublin Bus where workers refuse to go into areas for periods until anti-social behaviour in them stops. The Bus Éireann workers are well within their rights because for many years this has been going nowhere. The Minister has not taken responsibility for the safety of workers in public transport. I strongly encourage the workers to seriously consider curtailing their services as the only way they will get any notice taken of them.

Deputy Shane Ross: I am certainly not throwing my hands in the air. It is quite the opposite. I have been hands-on in contacting all the relevant people to ensure something is done about it. Action has been taken as I have outlined. We will not be happy until that action is ultimately and totally successful. There is no utterly foolproof way of stopping people from being violent in any place. However, there are ways of taking precautions. We are going to take those precautions and will continue to intensify them where necessary and where we feel it is effective.

Last December, my Department provided an additional €115,000 to Iarnród Éireann to enable it to enhance security on DART and rail commuter services in the greater Dublin area and

at its maintenance depots. This was in direct response to the problems to which the Deputy referred. Where there was equipment and money needed, we provided it in an emergency situation.

Deputy Ruth Coppinger: Can the Minister direct the companies to provide it?

Deputy Shane Ross: We did it because it was necessary and people's welfare and lives were at risk. We were determined to tackle the problem. The Deputy should not claim I have not directly intervened when I have. I have also urged the companies in question to do what is necessary. They have been responding.

I have asked my Department to engage with all the transport companies, as well as the Railway Safety Advisory Council. I could give the Deputy a long list of measures which have been taken. I have already given her some. I am determined this scourge will be stamped out and I will do anything I can to ensure that it is.

Traffic Calming Measures

57. **Deputy Thomas P. Broughan** asked the Minister for Transport, Tourism and Sport his plans to legislate for low-slow speed home zones; his further plans to review speed limits in the Road Traffic Act 2004; and if he will make a statement on the matter. [29460/19]

Deputy Thomas P. Broughan: Up to 9 a.m. this morning, 81 of our fellow citizens tragically lost their lives on the roads so far this year. That includes 14 pedestrians, 45 drivers, ten passengers, eight motorcyclists and six pedal cyclists. That is a tragic figure, and it is higher than it was at this stage last year. I have asked the Minister about home zones on housing estates and in built up areas in general and why we are not being more proactive in that regard with slow speed zones. Second, I have also asked how the Minister is liaising with the RSA to adopt a stronger approach towards aggressive and fast driving, which often leads to the tragic loss of life and to injuries.

Deputy Shane Ross: I thank the Deputy for once again raising an important issue aimed at saving the lives of people on our roads, and in this case aimed at saving vulnerable people, including children in vulnerable areas.

While the Road Traffic Act 2004 sets default speed limits for various categories of roads, elected members of local authorities have the statutory responsibility for making special speed limit by-laws for roads in their area with, in the case of national roads, the consent of Transport Infrastructure Ireland, TII. The making of such by-laws is a reserved function of elected members.

My Department issued updated guidelines for setting and managing speed limits in Ireland in 2015 to assist local authorities in setting special speed limits, taking account of relevant national policy and local circumstances, including road safety. Provision was made for greater use of lower speed limits in urban areas. This includes greater use of the 30 km/h speed limit, as used widely in the EU, and 30 km/h slow zones. This corresponds to 20 mph, the lowest limit in the UK. These slow zones can be introduced to increase safety for the most vulnerable on suitable roads, such as roads immediately adjacent to play areas. Road authorities are asked to seriously consider lowering the speed limit from 50 km/h to 30 km/h in residential estates.

Since 2015, 30 km/h speed limits have been applied in more than 6,400 housing estates. Where a limit of 30 km/h is being implemented, local authorities and community groups should consider applying slow zones.

My Department has been funding this programme of works since 2015. Provision has also been made for a 20 km/h speed limit. The 20 km/h speed limit should only be used in very limited circumstances, set out in the updated traffic signs manual. It is not intended to replace the 30 km/h speed limit as the norm in housing estates. In addition, in 2013 my Department issued the design manual for urban roads and streets. This provides for improved design to support traffic calming and safer interaction between road users by encouraging lower speeds on new roads in urban areas. Apart from making provision for variable speed limits, I have no plans to review or to change the range of speed limits available to road authorities.

Deputy Thomas P. Broughan: It is welcome that 6,400 housing estates have implemented signage for slow zones. I note the remarks the Minister made about 20 km/h speed limits but I am not sure that it is valid that we should not have scope for 20 km/h or 25 km/h speed limits.

I obtained figures from the Courts Service recently and they show that, in 2017, almost 26,500 speeding offences were prosecuted in the courts, of which 6,634 resulted in convictions. Similarly, in 2018, almost 23,000 speeding offences were prosecuted in the courts, of which 4,245 resulted in convictions. So far this year, almost 10,000 speeding offences have been prosecuted, so it is clear that speeding remains a serious problem.

Deputy Durkan probably remembers the debates we had in the Chamber with the former Deputy, Seamus Brennan, when he was Minister. Is it not time we went back to the 2004 Act, looked at the range of speed limits from the slow zones up to the 120 km/h zones and carried out a total review of them to give us a procedure to ensure we have much safer roads?

Deputy Shane Ross: The Deputy and I are probably on the same page on this matter. The 20 km/h limit is slow and is only meant to be used in special circumstances such as on a street that is pedestrianised for most of the day but that allows limited access to delivery vehicles at certain times or on a shared surface street in an urban area where there are no separate footways. The Deputy can understand that, although he will be the first to point out that 30 km/h can be a killer in certain circumstances as well. That justifies the use of the slow zones.

The Deputy mentioned the speed limit reviews. In recent years, the local authorities have been reviewing speed limits on rural roads in accordance with the 2015 speed limit guidelines. It is a major exercise and he will be aware of it. It should improve consistency in the application of speed limits across the country, which, in turn, should contribute to improved road safety. I have written to local authorities to urge them to complete their speed limit reviews urgently and my officials have been pursuing them since. I am pleased that as of April this year, 23 local authorities had completed their reviews, five were expecting completion in 2019 and only three were not clearly indicating completion this year. There is a need for a constant revision and review of speed limits of this sort to ensure consistency and to reduce speed limits in places where they are too high.

Deputy Thomas P. Broughan: Is it time for us to move towards the Swedish vision zero approach where it is taken for granted that, unfortunately, some drivers will make mistakes? That is particularly the case at higher speeds and responsibility for the speed limits has to go back to the national authorities and the car manufacturers. It has been three decades since we

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made our own cars and, therefore, we are relying on manufacturers abroad, as far away as Japan and so on, to make the vehicles. Is it time that we required them, as Volvo seems to be doing in Sweden, to go down the road of having limiters installed in cars? They allow for mistakes to be made at reasonable speeds. In other jurisdictions they have special limits for adverse weather conditions, night driving and so on. Is it not time for us to review the 2004 Act and examine the other slight amendments we have made and conduct a fundamental review to eradicate the terrible casualties we still experience?

Deputy Shane Ross: The Deputy will be even more aware than I am that speed is one of the great killers in the road safety firmament and it is something that still causes a lot of deaths in Ireland. Despite the fact that our road safety figures are somewhat better, speed remains a top killer and it is something we must face up to. The fact that we are facing it, mostly on housing estates, and we are reviewing the speed limits to try to introduce consistency acknowledges that. Hopefully, that will keep the numbers of road deaths as low as possible.

I wish to tackle the larger issue the Deputy raised, namely that we should consider some of the approaches to the speed problem on the continent. I am open to any suggestions which would work to save lives. I would not turn down any such suggestions. I am in the process of putting forward a road traffic Bill, which tackles the problem of speeding and addresses it with graduated penalties for speeding. That will be aimed at tackling this problem but if the Deputy wishes to make amendments to that Bill when it comes through the Houses, I will look on them as benignly and as favourably as possible.

Visit of Chinese Delegation

Acting Chairman (Deputy Catherine Connolly): Is é an chéad chainteoir eile an Teachta Aindrias Moynihan ach i dtús báire ba mhaith liom céad míle fáilte a ghabháil lenár gcuairteoirí as an tSín. Before the next speaker rises, I am sure Members wish to join me in welcoming a parliamentary delegation from China led by H. E. Mr. Zhang Chunxian, vice chairman of the National People's Congress Standing Committee, accompanied by, among others, H. E. Mr. He, ambassador to Ireland. On my behalf and on behalf of my fellow Deputies in the Dáil, I extend a warm welcome to them and extend good wishes to them for a successful visit to Ireland. Tá súil agam go mbainfidh siad taitneamh agus fiúntas as an gcuairt chuig an tír álainn seo. Tá céad míle fáilte rompu.

Ceisteanna (Atógáil) - Questions (Resumed)

Ceisteanna Eile - Other Questions

Public Transport Fares

58. **Deputy Aindrias Moynihan** asked the Minister for Transport, Tourism and Sport if he will request Bus Éireann to extend the “Kids Go Free” with a Leap card promotion for July to routes not covered by the Leap card; and if he will make a statement on the matter. [29584/19]

Deputy Aindrias Moynihan: Fáiltím roimh an toscaireacht ón tSín chomh maith.

The “Kids Go Free” promotion is a very positive initiative. However, because the Leap card does not cover all routes or the entire country, many people are unable to benefit fully from it and many more are excluded. Is there an opportunity to extend the scheme throughout the country so that every child would have an equal chance to access the free travel?

Deputy Shane Ross: I join the Deputy in welcoming the delegation.

As Minister for Transport, Tourism and Sport, I have responsibility for policy and overall funding relating to public transport. The NTA has the statutory responsibility for the regulation of fares for public passenger transport services with the transport operators. The NTA also has responsibility for integrated ticketing, which it carries out through its Leap card system.

I understand that the “Kids Go Free” offer covers most journeys across the public transport network, including Dublin Bus, Bus Éireann, Go Ahead, Luas, and Irish Rail’s DART and commuter rail services. The “Kids Go Free” offer is valid using any child Leap card for ages five to 15 and child Leap card for ages 16 to 18 which is valid up to the holder’s 19th birthday, provided the card has 1 cent in credit. The “Kids Go Free” promotion also applies to all Local Link services although a child Leap card is not required for these services.

In the case of Bus Éireann, the initiative covers all routes that are publicly subsidised via the public service obligation, PSO, Exchequer grant. This includes Bus Éireann services in Cork city, Limerick city, Galway city, Waterford city, Sligo and Athlone towns and all Bus Éireann stage carriage services countrywide. Bus Éireann Expressway, which is a commercial service not subsidised by the State, is not included in the promotion.

The Leap card “Kids Go Free” promotion has utilised the Leap card system to enable those under the age of 19 years to avail of millions of free trips since its inception. It has been successful in encouraging children and teenagers to travel on the Transport for Ireland network using a Leap card. This year, the promotion has expanded to run for four weeks, which is twice as long as in previous years. The NTA is, therefore, doubling the fare foregone from this promotion and will have to increase the PSO subsidy to the operators for this lost fare revenue, which it estimates will be €800,000.

I sympathise with what the Deputy has to say. I ask him to spell out in his supplementary question where he wants it to be extended to, because I am not sure we are talking the same language.

Deputy Aindrias Moynihan: I thank the Minister for his answer. Some 46% of the population of Cork city and county live outside the zone covered by the Leap card. Similarly in other parts of the country, many areas have no Leap card zone. Those people should be able to avail

of this scheme on their local service.

For example, anyone travelling from Macroom to Killarney on the 40 Expressway route or the 257 via Millstreet must go as paying customers. Similarly people coming up to Cork from Dunmanway on the 236 bus are not able to access the scheme. It should be available for all children across the country who use various modes of public transport. It should not be the case that one would need to pay for part of the journey while others get it for free; it should be open to everybody.

Deputy Shane Ross: My understanding on this is quite clear. I am open to correction because the Deputy knows the area very well. All Bus Éireann routes qualify for the “Kids Go Free” scheme, apart from the commercial operation, Bus Éireann Expressway. I do not know if the routes the Deputy was quoting are Bus Éireann’s. If they are, perhaps the individuals he is talking about did not have Leap cards. My understanding is quite clear that any Bus Éireann bus qualifies. We can make that clear afterwards. I can discuss it with the Deputy afterwards if he thinks I am wrong, but I do not think so because I asked for this advice before I came into the Chamber to make it absolutely clear. If there is a misunderstanding there, we can clear it up very quickly. It may be that they do not have the Leap cards or the children to whom the Deputy referred are referring to commercial routes. Commercial routes have been asked to participate in this scheme.

I am sympathetic to what the Deputy is saying. If there is some sort of discrimination against children who take certain routes or use certain operators, I could appeal to them. I cannot force them to do so, but I could appeal to them to extend the scheme.

Deputy Aindrias Moynihan: We can follow up on it afterwards. One example is one of those commercial routes, the No. 40 Expressway bus, which travels east-west from Rosslare to Tralee. It is a very widely used bus in my area. Perhaps the opportunity could be availed of to impress on services such as those buses to take part in the scheme.

Deputy Shane Ross: The Deputy is referring to commercial bus routes. He will understand that I cannot force any commercial route to do anything in this situation. It is a commercial decision for them as it is for Expressway to decide if it is a promotion that is worthwhile. Bus Éireann and the others have decided it is worth promoting. They are PSO routes. The NTA has decided it is worth promoting and there is great merit in ensuring these children get used to the Leap cards and the bus services, and it may pay them in the long run. If it is a commercial decision, I cannot intervene and I cannot make suggestions to the company. If it is something into which the NTA has an input, we can certainly talk to it and ask it if it believes it is worth subsidising further.

Recreational Facilities Provision

59. **Deputy Bernard J. Durkan** asked the Minister for Transport, Tourism and Sport his plans for investment in vital recreational infrastructure for local communities such as swimming pools, community centres and other sporting facilities; the extent to which budgetary allocations are sufficient to cater for demand for such facilities in the near future; and if he will make a statement on the matter. [29519/19]

Deputy Bernard J. Durkan: I ask the Minister of State the extent to which he is satisfied

he has the sufficient resources available to meet the requirements of the various sporting, recreational and community groups throughout the country involved in providing facilities for their members.

Minister of State at the Department of Transport, Tourism and Sport (Deputy Brendan Griffin): The sports capital programme is the primary vehicle for Government support for the development of sports and physical recreation facilities and the purchase of non-personal sports equipment throughout the country. Under the 2017 round of the programme, €62 million was allocated to 1,837 sporting projects and my officials continue to assist these grantees in completing their projects and drawing down their grants.

Sanction was received last year from the Minister for Public Expenditure and Reform to open a new round of the programme with allocations of up to €40 million. This new round opened for applications on Friday, 7 September and the application period closed on Friday, 19 October 2018. By that deadline, a record 2,337 applications were submitted seeking a total of €162 million in funding.

A total of 186 of these applications were for projects deemed invalid under the 2017 round of the programme but corrected documents were subsequently submitted. These applications were assessed first and approximately €7 million in allocations to 170 projects were announced on 17 January.

A total of 619 equipment-only applications were assessed next and 466 allocations with a value of €9.8 million were announced in May.

Work is now under way on assessing the remaining applications for capital works.

For the first time, applicants who submitted incorrect documentation under this round are being given the opportunity to correct their application during the assessment period. While there will be no undue delay in completing the assessment process, in view of the opportunity to correct documentation, the record number of applications received and the detailed information contained in each application, I expect that it may be the end of the third quarter of this year before the full set of allocations under this current round of the programme are announced.

As soon as allocations have been made, my Department will carry out a review of all aspects of the 2018 round of the programme to include any possible improvements for the future. This review will include consideration of the timing and scale of the next round but I fully expect that the sports capital programme will again be open for new applications before the end of this year. The funding available this year and currently earmarked for subsequent years is sufficient to meet all existing commitments and allow for a new round of the programme to be opened.

Deputy Bernard J. Durkan: Does the Minister of State remain satisfied that sufficient funds remain constantly available to him to meet the requirements as already set out by the various applicants who have made submissions in the relevant period and whether there is likely to be a shortfall or a surplus?

Deputy Brendan Griffin: I know the Deputy has an interest in swimming pools, particularly in his constituency. The local authority swimming pool programme, LASPP, was operated by our Department and that provides grants to local authorities towards the capital costs of new swimming pools or the refurbishment of existing pools. To date 51 pools have been completed and four swimming pool projects remain in the current LASPP. The priority this year is to ad-

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vance these projects and ensure sufficient resources are available to cover these commitments. The budget allocation for 2019 is €4.1 million. Along with €2.8 million carried forward from 2018, this funding will be sufficient for that area.

In respect of the large-scale sport infrastructure fund, LSSIF, there is €100 million available. We hope to allocate that funding towards the end of this year. It is oversubscribed but not to the extent that the local and regional sports capital programmes are typically oversubscribed. There will be some disappointment in that regard but not as much as the Deputy may have anticipated at local level.

At local level, we had to make a call on the equipment-only grants. We had to cut off the lowest scoring applications because we could not spread the funding too thinly. I expect something similar will happen with the local sports capital programme unlike the 2017 programme when we effectively doubled the budget. As we will not be able to do that this time, there will be some disappointment but it will be done in order of merit in order that the lowest-scoring applicants will be the ones least likely to receive funding. We want to reward those who score highly through the system, which covers a vast range of criteria.

Deputy Bernard J. Durkan: Would it be possible to give favourable consideration to local community groups that want to join together to make an application for funding from other organisations, as well as from the Department? Would that be viewed as being constructive and acceptable in those circumstances, which would give good value for money to the community and to the Department?

Deputy Brendan Griffin: The Deputy's suggestion is apt. Within the programme, we are trying to encourage shared facilities and usage. The scoring system for the 2018 programme, which is being assessed and which has been assessed for invalid applications and the equipment-only ones, takes into account clubs and organisations which share facilities. Where there is a licence agreement in place between partners, that application will score additional funding. Other criteria are taken into account when allocating a score to a particular proposal, for example, the socio-economic situation. The Pobal deprivation index is used for that. We also take into account the level of matched funding that is being made available by the partners in projects. We also consider previous allocations to clubs. We do not keep giving huge sums to the same people every time and several other factors are taken into account. In respect of deprivation and disadvantage, the requirements for higher levels of matched funding are lower where the community is scoring in the deprivation area through the Pobal deprivation index. There are several other factors to try to make it as fair as possible and to weight it as far as possible in favour of communities that are disadvantaged under the Pobal deprivation index.

Road Safety Authority

60. **Deputy Thomas P. Broughan** asked the Minister for Transport, Tourism and Sport if there has been an improvement in disqualified drivers sending their licences to the RSA during the first two quarters of 2019; the measures he is undertaking to improve compliance and awareness of the role of the RSA in driver licences; and if he will make a statement on the matter. [29119/19]

Deputy Thomas P. Broughan: In my earlier question, I referred to information that came to me from the Courts Service regarding people in court for non-payment of fixed-charge notic-

es for speeding, drink-driving and holding a mobile phone while driving. The figures provided show that large numbers of drivers still do not have their drivers' licences recorded in court. For example, this year, 1,628 speeding offences were convicted, while the number of drivers' licences recorded upon conviction was only 566. The picture is similar for 2017 and 2018. When will the information flow between the courts, the Road Safety Authority, RSA, and An Garda Síochána, become streamlined and efficient in order that An Garda Síochána will know who is disqualified?

Deputy Shane Ross: Pretty soon. I am optimistic that it will not be too long.

There has not been an improvement in the number of disqualified drivers surrendering their licences to the Road Safety Authority during the first two quarters of 2019. Of the drivers with a court disqualification, the surrender rate is between 18% and 20%. Of the number of drivers with penalty point disqualifications, the surrender rate is 35%.

The requirement for a disqualified driver to surrender his or her licence is set out in the Road Traffic (Licensing of Drivers) Regulations 2006. Failure to comply with the requirement to surrender the licence is an offence in itself and enforcement of the law is a matter for An Garda Síochána.

I do not believe that the non-return of licences, unacceptable and illegal though it is, is the central issue. The number of disqualified drivers not returning their licences is not a proxy for the number of people who drive while disqualified. Some people will return their licences and still drive, others will not return their licences but will not drive. Therefore awareness of the role of the RSA is not the issue.

What we need to achieve compliance with the law is strong enforcement of the law against people driving while disqualified. In this context, the crucial legislative step was taken in the Road Traffic Act 2014, which empowered An Garda Síochána to arrest a person where it has reason to believe the person is driving while disqualified. The penalty for driving while disqualified is a fine of up to a maximum of €5,000 or a prison term of up to six months or both. The penalty for non-return of a driving licence is the general penalty under the Road Traffic Acts, namely, a fine of up to €1,000 for a first offence, up to €2,000 for a second offence, and up to €2,000 or up to three months in prison or both for a third or subsequent offence in a 12-month period.

I am aware that Garda authorities are working in order that details of specific drivers who are disqualified are readily available to members of the Garda on the ground. I understand that an initiative to that effect will be rolled out under the Garda modernisation and renewal programme 2016-2021. That programme sets out a pathway so that each member of the Garda has the technical tools that will give him or her direct access to all the information he or she needs as he or she interacts with the public on the ground.

Deputy Thomas P. Broughan: The figures are pretty shocking. The Minister quoted the Road Traffic (Licensing of Drivers) Regulation 2006, which is SI 537 of 2006. It is quite clear what the penalties are. When I asked the Courts Service the number of disqualified drivers who were taken to court for not surrendering their licences during 2018, given that it is a criminal offence, I was informed that just eight were taken to court. I then asked about the sanctions handed down and was told most people were summonsed but no convictions are recorded of those eight. It is something that the Minister's Department, the Department of Justice and Equality

the Courts Service do not seem to take seriously enough. We constantly hear these promises of action and that it will be clarified, the Commissioner reporting to the Committee on Public Accounts and to the Policing Authority. We are still waiting and there can be no argument that the number of those failing to comply with the surrender of licences is shocking. The Ministers for Transport, Tourism and Sport and Justice and Equality urgently need to address this issue.

Deputy Shane Ross: I accept what the Deputy says; the figures are pretty awful. There is room for improvement and that is coming pretty rapidly. It is taking longer than I would have hoped to get all the information together so that the Garda can have immediate access to this information but I think it is coming very shortly. Drivers who are disqualified are required to return their licences to the RSA. That is the first action they have to take. Some simply ignore that and many are not being pursued, as the Deputy correctly noted. The Department understands that the Garda initiative is at an advanced stage and that it will extract details of any drivers who have been disqualified and fail to surrender their licence for dissemination to local gardaí.

As of 2014, gardaí have the power to arrest those suspected of driving while disqualified, which is an important tool in dealing with the dangerous behaviour of driving while disqualified. The Department is satisfied that current legislation is adequate, both in creating the offences along with the penalties prescribed therein, and that the necessary powers have been given to the Garda to deal effectively with the issue. The Garda mobility programme is within the remit of the Department of Justice and Equality. I understand that the hand-held devices, which are the key to solving the problem, are at testing phase and, subject to satisfactory appraisal, are to be rolled out later this year. I agree with the Deputy that it cannot happen soon enough.

Deputy Thomas P. Broughan: As we were told at a meeting of the Committee of Public Accounts, An Garda Síochána is preparing a series of actions to address the non-surrender of licences, which will cover enforcement and public awareness. The Minister for Justice and Equality asked that a Garda report be provided on the matter. Is the Department of Transport, Tourism and Sport involved in that? Is a collaborative report being prepared to ensure there will be a programme of action in that regard as soon as possible? As the Minister will know, part of the problem is that, due to the impact of the economic policies of the Government and the previous Government, only 704 members of An Garda Síochána were assigned to road policing at the end of March this year. Before the economic crash, as the Acting Chairman will recall, almost double that number of gardaí carried out this critical function.

I welcome the Minister's comments, given that we have heard that the hand-held devices work brilliantly in the Limerick Garda division. People are waiting. The Government spent an extra €342 million this year on Garda information and communications technology. We want to see those devices used by An Garda Síochána throughout the country as soon as possible.

Deputy Shane Ross: I agree with the Deputy about that. I, too, want to see the devices working as soon as possible because I do not want to have to come before the House again and produce figures of that sort. I do not take direct responsibility for the figures but I am unhappy to have to give them to the House, although I will do so whenever Deputies want them. The figures indicate that drivers who do not hand in their licence while disqualified are, on the whole, not prosecuted. I do not know what the effect of that is but some of those people are still driving around. Handing in their licences might not make a blind bit of difference and they might continue to drive around, but they are committing an offence by not handing in the licence, which is in itself unacceptable. If people felt there was a certainty of being prosecuted,

it might deter them.

I accept the Deputy's criticisms and that the initiative cannot come a day too early. There are additional gardaí in the traffic corps but not as many as we would like there to be. As he noted, 84 people have died on the roads this year. We should take any measures of the sort he mentioned that contribute towards saving the lives of people. The Deputy's pursuit of the issue is worthwhile and I hope it will bear fruit in the near future.

Question No. 61 replied to with Written Answers.

Dublin Bus Fleet

62. **Deputy John Curran** asked the Minister for Transport, Tourism and Sport the number of low emission buses placed on order; the number of same to be delivered each year; the number that will operate in Dublin; and if he will make a statement on the matter. [29139/19]

Deputy John Curran: In a reply to a parliamentary question I received from the Minister this time last year, he indicated that the Government would no longer purchase diesel only buses from July of this year. He went on to state comprehensive trials would be conducted towards the end of last year to determine what type of buses would be bought in the future. I understand that those trials did not take place last year and that they took place early this year, or perhaps they are still taking place. In light of the commitment the Minister gave, will he set out the types and numbers of replacement non-diesel only buses the Government intends to purchase over the coming years?

Deputy Shane Ross: Public transport, bus, rail and taxi, accounts for a little over 1% of Ireland's overall non-emissions trading scheme carbon emissions and less than one 20th of the emissions from the transport sector. Accordingly, the impact on reducing national CO2 emissions of converting public transport to lower emitting fleets will be limited, though positive and important. Nevertheless, I believe in the leadership benefit of this move to low emission alternatives for public transport. The change will help to promote and normalise the use of non-conventional, lower emitting fuels and technologies.

A clear trajectory towards low emissions has been firmly established in the urban bus fleet. In the short term, we are committed under Project Ireland 2040 to no longer purchasing diesel only buses for the urban public bus fleet from this month onwards. Consequently, the NTA recently initiated a tender competition to award a framework agreement for the supply of double-deck diesel-electric hybrid buses. To help inform a longer-term bus procurement strategy, my Department, together with the NTA, Dublin Bus and Bus Éireann, has undertaken a comprehensive series of low emission bus trials, which will be reported upon shortly. Findings from this trial, alongside EU public fleet procurement requirements set out in the clean vehicles directive, together with ongoing market analysis and research, will collectively inform the NTA's approach to its bus purchase programme in the years ahead. I expect that half of the public urban bus fleet will have moved to lower emitting alternatives by 2023, with full conversion by 2030.

On the number of low emitting buses on order and to be delivered, I understand that the NTA's recent framework agreement has indicated that up to 600 buses could be purchased over its duration. The framework will run for 30 months, with the option to extend by up to a further 30 months. The figure of 600 is only indicative and the exact number of vehicles to be

purchased will be decided by the NTA annually in line with replacement requirements, capacity needs and funding availability, as well as taking account of developments in other low emitting technologies.

It might also interest the Deputy to note that a similar comprehensive programme of work is well under way to move the commuter rail fleet to low emitting alternatives. We plan to electrify important, heavily used elements of the rail network by creating a full metropolitan area DART network for the greater Dublin area, which is the part of the national rail network that carries over 75% of total rail passengers each year. It will mean high-frequency electrified rail services to Drogheda, Celbridge-Hazelhatch, Maynooth and M3 Parkway, as well as new interchange stations with bus, Luas and metro networks. The NTA and Iarnród Éireann recently commenced a procurement process for the establishment of a ten-year framework agreement for the purchase of the additional lower emitting rail fleet required for this expansion of the DART network.

Collectively, these measures will reduce the carbon footprint of the public transport fleet.

Deputy John Curran: Let us keep it simple. I will stick to buses because I do not have enough time to deal with rail. The Minister previously stated a comprehensive set of vehicle trials would inform the purchasing decisions for new buses over the coming years. He went on to state, “The technologies likely to be tested include full electrification, diesel-electric hybrids and compressed natural gas”. Have those trials taken place? How many buses, of what types, have undergone trials?

The Minister stated his intention that by 2023, more than 600 non-diesel low emission buses would be purchased, which is welcome. As is always the problem when we ask such questions, however, he has not given any indication on a year-by-year basis of how we might get to 600. He talked about fleet replacement but apart from the buses currently on trial, will low emission vehicles be purchased and on the road in Dublin this year? If so, how many will there be and what will be the number for next year?

Deputy Shane Ross: I reiterate what I said to the Deputy because I do not know whether he heard me. The trials will be reported on soon. Low emission bus trials have been undertaken and we will get a report on the findings soon. I will share the findings with the Deputy but I cannot do so until I receive the report and it would be premature for me to do so.

When I get the report I do not see any reason those numbers should not be given to the Deputy as well. I cannot give them to the Deputy in advance of receiving them myself.

The low-emission buses will be employed under the BusConnects programme and the intention is that 50% of the greater Dublin area fleet will transition to low-emission options by 2023, with 100% making the change by 2030. I specifically stated that the figure of 600 is indicative and the number may not be 600. It is to give the Deputy a ballpark idea and the figure could be much smaller. We will see and it would be up to the National Transport Authority to draw them down on an annual basis. It is always in the interest of the Opposition to tie the Government to figures it will not keep but that will not happen. I am just trying to be helpful by saying to the Deputy that 600 is the indicative figure. It is very ambitious and I expect the Deputy welcomes it. It will have a beneficial effect on people in his constituency. The numbers are ambitious and an indication of our determination that low-emission buses should serve the people of Dublin and elsewhere.

6 o'clock

Deputy John Curran: The Minister did not answer the specific questions I asked so I will repeat them. What is the number of low-emission vehicles the Minister expects to have on the streets of Dublin in 2019 and does he have the figure for 2020? I acknowledge the Minister stated the figure of 600 is indicative but the Minister was not being indicative when he said 50% of the Dublin fleet would be low-emission vehicles by 2023. I accept that. I have a specific question on the trials. When we questioned the Minister a year ago, the trials were supposed to have taken place at an earlier date. That was important as the outcome of the trials will influence purchasing patterns. Surely buses are now being ordered for next year that will not have the benefit of the information coming from those trials. Even today the Minister cannot tell me what types of buses are being trialled, never mind the outcomes of the trial. We will purchase buses next year without the benefit of the trial, which should have taken place last year. I again ask the Minister to specifically detail how many low-emission vehicles he anticipates will be on the roads in Dublin in 2019 and 2020.

Deputy Shane Ross: We expect that by 2023, half of the vehicles will be low-emission varieties and by 2030, diesel vehicles will be gone completely. Buses will be replaced when they reach the end of their optimal life. For the double-deck fleet this is approximately 12 years and on this basis a steady state annual replacement need for Dublin Bus is 80 to 85 vehicles and for Bus Éireann this is 20 to 30. Additional vehicles may be also required to increase capacity on the network to cater for increasing travel demand or any new services.

Road Network

63. **Deputy Imelda Munster** asked the Minister for Transport, Tourism and Sport the status of the preliminary appraisal for a bypass of Julianstown, which was submitted by Meath County Council to his Department and Transport Infrastructure Ireland in December 2018; the decisions taken; when he plans to proceed with the project; and if he will make a statement on the matter. [29566/19]

Deputy Imelda Munster: Will the Minister provide an update on the preliminary appraisal of a bypass of Julianstown? It was sent to his Department by Meath County Council last December. Will he provide details of any decision taken by the Department and does it wish to proceed with the project? When will that happen?

Deputy Shane Ross: I thank Deputy Munster for her question. The improvement and maintenance of regional and local roads is the statutory responsibility of the relevant county or city council in accordance with the provisions of section 13 of the Roads Act 1993. Works on those roads are funded from the councils' own resources, supplemented by State road grants. Prior to the financial crisis, applications for funding for road improvement projects would have been considered as part of the specific improvement and strategic regional and local road grant schemes. However, the extent of the cutbacks in grant funding during the recession meant these grant schemes had to be curtailed after 2013 because expenditure on maintenance and renewal was falling well short of what was required to adequately maintain the regional and local road network.

Project Ireland 2040 provides for the gradual build-up in funding for the road network but it will take some time to reach the level required for the adequate maintenance and renewal of the network. For this reason there is limited scope for funding projects under the specific and strategic grant programmes. The primary focus is on implementation of the 12 regional and lo-

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cal road projects identified for development, subject to necessary approvals, in Project Ireland 2040. Any additional projects proposed by local authorities for consideration under the specific and strategic grant programmes are assessed by the Department on a case-by-case basis. All projects put forward by local authorities for consideration must comply with the requirements of the public spending code and my Department's capital appraisal framework, and it is important for local authorities to prioritise projects within their overall area of responsibility with these requirements in mind.

Under the capital project appraisal process, a preliminary appraisal must be submitted for each proposed project. In this context, the National Transport Authority's transport strategy for the greater Dublin area provides the overall policy framework for transport development in the region. As part of the corridor options appraisal, the strategy considers the measures needed to meet travel demand on the economic Drogheda to Dublin city corridor and focuses largely on public transport options and improved rail services. The proposed electrification of the rail line to Drogheda under Project Ireland 2040 reflects this approach.

The draft preliminary appraisal received from Meath County Council regarding a bypass of Julianstown will therefore have to be considered with the above factors in mind. Against the backdrop of the need for action to address climate change and limited resources, I am conscious that investment has to be focused on the projects which best deliver on the Government's overall policy priorities and this means looking critically at proposals for new roads where public transport is being enhanced and where investment has been already made in high quality infrastructure, such as the M1.

Deputy Imelda Munster: The report assessed four separate solutions, as well as a "do nothing" scenario, and the bypass of Julianstown emerged as the preferred option not only in the multi-criteria analysis but also in the preliminary cost-benefit analysis. The cost was expected to be in the region of €20 million but the estimated benefit over the lifetime was to come to €80 million.

I do not know if the Minister personally had the chance to read the preliminary appraisal sent to his Department but this is a small, picturesque village with approximately 600 people living there. There are 20,000 cars and heavy goods vehicles travelling through that village every day. When the motorway was planned, the idea was that it would take all that traffic away from Julianstown but it has not done that. There are still 20,000 vehicles per day going through the village so not only would the bypass reduce travel time, it would also reduce the carbon footprint. We are in the midst of a climate emergency and the objective is to reduce our carbon footprint. Will the Minister and his Department, therefore, reconsider the project in order to give it priority?

Deputy Shane Ross: My Department will liaise with Meath County Council on the appraisal. I have taken note of what the Deputy has to say and I hope she has noted also what I have to say and considers it in that light.

Deputy Imelda Munster: There are commuters from Laytown, Bettystown, Drogheda and Julianstown driving through this stretch of road on their way to and from Dublin. The corridor between Drogheda and Dublin city centre is forecast to see the highest growth in transport demand up to 2025. The road is not fit for purpose for the volume of traffic. Given that we are in the midst of a climate emergency, will the Minister prioritise this project? Funding the bypass would take 20,000 vehicles per day out of a village with a population of 600 people.

Deputy Shane Ross: I will take the Deputy's comments to Transport Infrastructure Ireland and my departmental officials.

Sports Capital Programme Administration

64. **Deputy Brendan Ryan** asked the Minister for Transport, Tourism and Sport his views on the rating system for sports capital grants; his views on whether it is the fairest process for rating applications; his plans to make changes to the process and the appeals process; and if he will make a statement on the matter. [29582/19]

Deputy Brendan Ryan: The question relates to sports capital grants, particularly those for equipment. I agree with the principle that we need a quantifiable measurement when it comes to funding schemes essentially coming down to some form of choice from the Minister's Department. Nearly one third of the weighting relates to criterion No. 3, the level of socioeconomic disadvantage in an area, which is scored automatically on the Pobal deprivation index. I will develop that point further when I speak again.

Deputy Brendan Griffin: I thank the Deputy. As the Deputy knows, the detailed scoring system was published on the Department's website prior to the commencement of the assessment works under the 2018 sports capital programme. The key factors used in arriving at the relevant score for each application include the likelihood of increasing participation and improving performance, or both; whether the proposed facilities will be shared with other users; the level of socioeconomic disadvantage in the area; the technical merits of the proposed project; the level of funding being provided for the project by the applicant; and the level of sports capital programme funding received in the last ten years by the applicant.

There were 2,337 applications received by the deadline, 186 of which were for projects that were deemed to be invalid in the 2017 round of applications. There were also equipment-only applications. We are assessing these applications.

We have changed the weighting for the 2018 programme to give a better chance to communities that are considered to be disadvantaged on the Pobal deprivation index, even though 50% of successful applications in 2017 were from such areas. We have also increased efforts to raise awareness of the programme in disadvantaged communities to try to have more such applicants.

There is no perfect system when a programme receives over 2,000 applications from all over the country. We are trying to be as fair as possible and encapsulate as many criteria as possible to try to score applications on merit. For the first time ever, allocations under the 2017 programme were based on the points the applications scored. Previously, some would have been picked and prioritised, even though they had not scored as well as others. The Minister, Deputy Ross, and I were keen to ensure in 2017 that the scoring system we had published on the website would be strictly adhered to and we are trying to do so again this year.

I will be happy to receive feedback from the Deputy at the end of the process. We are currently in the middle of it. We will be reviewing how the 2018 programme worked before establishing and publishing the scoring system for the 2019 programme. It is constantly evolving and changing, but the changes we made between 2017 and 2018 have probably been the most radical ever in trying to make the programme as accessible as possible to disadvantaged communities and ensure applications from them will receive as much funding as possible.

Deputy Brendan Ryan: At the higher end of awards made under the sports capital scheme there can be applications for large, multi-use clubhouses which are of major benefit to any area but especially so in areas of economic deprivation. The socioeconomic indicator can prove useful when considering such larger capital project applications. However, at the lower end of awards made, for equipment-only applications such as mowing equipment and maintenance machinery, I am not sure the index is useful. If a club needs new machinery to cut grass, the level of socioeconomic deprivation is not as relevant as it would be if a club was, for example, seeking to have a new all-weather pitch or build a multi-use facility. I ask the Minister of State to look again at the scheme because some applications for smaller awards are falling through the cracks. I believe the heavy weighting given to the socioeconomic indicator is a key reason for this. The scheme could be amended by using the socioeconomic criterion in considering applications for grants in big amounts and a slightly different equation in considering equipment-only applications. That is the case I am making. I will give the Minister of State a brief example of how the programme is not working when I come back to him.

Deputy Brendan Griffin: I take the Deputy's point and see where he is coming from. One of the key things about the use of the Pobal deprivation index is that a blunt instrument was used previously where an applicant fell or did not fall under either the CLÁR programme or the RAPID programme and the different categories within them. The Pobal deprivation index is more specific. One of the failures of the deprivation index is where a club serves a large catchment area and its co-ordinates are in an advantaged area, yet its membership is drawn predominantly from disadvantaged backgrounds. I am the first to say it is not a perfect system, but we must have some way of including levels of disadvantage in the application process.

I hear what the Deputy is saying about equipment-only applications. The logic behind the application of the Pobal deprivation index in all aspects of the programme is that fund-raising capacity and ability in communities tends to be lower where there are higher levels of disadvantage. That is the mentality, whether it be for a large or a small grant. I see where the Deputy is coming from when he says people are at a disadvantage by not being disadvantaged and that they are less likely to receive higher amounts of funding. In general, the logic is that clubs are in a better position to raise finances from their membership if it is drawn predominantly from a non-disadvantaged area. We will be carrying out a review in advance of the putting in place of the 2019 programme and I will be very happy to take on board what the Deputy has said. It may well be workable to factor it into the programme. If that would be fair and better, I would be open to it.

Deputy Brendan Ryan: I have a final point because I want to give an example related to one of the other criteria used. To get points in sharing a facility, there must be a 15-year lease in place, as the Minister of State mentioned. The Hills Cricket Club is in a rural part of north County Dublin and shares its facilities with Cricket Leinster, Cricket Ireland, the local prayer group, Skerries motorcycle group and Weight Watchers. The club allows its facility to be used by a small rural school and provides a men's shed-type environment for older people in the area. Some 70% of the cricket playing population are from new Irish communities and, through the club, there is much-needed and wonderful integration taking place. None of these factors counts for anything under the regime whereby a 15-year lease must be in place.

Deputy Brendan Griffin: There is a fine line between protecting and not protecting public moneys. The reason we have criteria such as those surrounding lease arrangements is to ensure we do not put public moneys into facilities that could later be sold or discarded. That is something we are trying to ensure. The question is where does one draw the line. We are open to

reviewing all of these factors and I am happy to pass that example back to the officials within the Department to examine the specific circumstances to see if we can do things better in the next programme.

Written Answers are published on the Oireachtas website.

Saincheisteanna Tráthúla - Topical Issue Debate

Noise Pollution

Deputy Noel Rock: Dublin Airport contributes much to the economy of the area in which it is situated. It provides jobs and much else for Dublin and the east coast as a whole, as the Minister and I both know and appreciate. However, there are some ongoing noise issues in communities in the locality surrounding the airport. Residents of places in Santry such as Santry Close, Royal Oak and Turnapin have ongoing issues with noise from low flying aircraft. Incidents are occurring at night time and disturbing sleep for many. The Dublin Airport Authority, DAA, appears, in effect, to be fobbing off complaints. It is stating that the flights late at night and early in the morning are by empty aeroplanes returning to base. Of course, it does not matter if an aeroplane is empty or full as far as the individuals and households beneath them are concerned. They are still flying over their houses and making the same amount of noise because the engines are still of the same size.

The Minister met a number of residents from the affected area of Turnapin in October 2016. He promised to assist and the residents received him warmly, as he received them. The meeting was very constructive. Nevertheless, things have not progressed since. As the crow flies, Turnapin is closer to the noise paths and contours of the airport than many other areas which are receiving much more assistance from the DAA. I hope the Minister can encourage it to expand the noise insulation programme to include residents in Turnapin in Santry. I also hope he can use his considerable influence and the weight of his office to impress on the DAA the need to do this. It would be the right thing to do. On 27 June, the DAA held a drop-in clinic. Residents were given only two days' notice and my office was not given any formal notice. I only found out by chance on social media. Nevertheless, by the DAA's own admission, the clinic attracted a higher turnout than many other local clinics where this insulation programme already exists. This is clearly a pressing issue for communities such as Turnapin, Royal Oak and Santry Close.

Dublin Airport's new runway is ambitious, and is part of the airport's growth and the success story of the airport, of Dublin tourism and the economy's bounce-back. However, there are also concerns about the impact this will have on local communities with more flights, noise and hours. Perhaps there will be more broken promises on night-time flights. There are concerns that the DAA might apply for 24-7 operations, which would mean low-flying aircraft over residential areas in the middle of the night, which already occurs but is explained away as their being empty, rather than full, aircraft, which makes no difference. Residents have been unimpressed by Fingal County Council's appointment as noise regulator. They do not believe it will make a difference. Will the Minister explain how it will? Residents believe there is a conflict of interest as the council is receiving rates from the airport and therefore is one of the

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greatest beneficiaries of the airport being in the council area but the council is also charged with regulating the airport. Will the Minister explain?

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I am delighted to see the Deputy is interested in this matter. I fully appreciate the effect that excessive aircraft noise has on communities. As the Deputy may be aware, the Aircraft Noise (Dublin Airport) Regulation Act was signed into law on 22 May 2019. The main purpose of that Act is to manage noise at Dublin Airport and to give applicability to EU Regulation No. 598/2014, which sets out the rules and procedures with regard to the introduction of noise-related operating restrictions at European Union airports. The Act provides, for the first time, that noise generated by aircraft activity at Dublin Airport will be subject to extensive, detailed assessment, to ongoing monitoring and to regular review. I raised the bar in relation to what the DAA, as the operator of Dublin Airport, is required to do to comply with noise rules. The Act is about ensuring the sustainable development of the airport, which balances the ambitions of the DAA, the needs of business and tourism interests and the rights of local residents. The Act respects existing planning and development and environmental laws and is underpinned by binding EU regulations and directives on environmental and aircraft noise. It ensures that every time a planning application at Dublin Airport is considered, the aircraft noise implications are considered also.

Fingal County Council has been designated as the independent noise regulator for Dublin Airport. Any decision on noise to be made by the council, in this role as noise regulator, will be evidenced-based and will be fully in adherence with the requirements of national law and EU regulations. The process, as provided for in the Act, requires that at least once every five years the noise regulator will undertake an assessment of the noise situation at the airport. This will include taking into account any future developments planned at the airport. Where the noise regulator identifies a noise problem on foot of that assessment, it will adopt the so-called balanced approach.

The balanced approach allows the regulator to decide what steps need to be taken by the DAA to offset the impact of such noise. It might mean more home insulation, adjustments to flight paths or it might require physical works to act as sound barriers. That will be a matter for the regulator following its detailed assessment. Importantly, this process will be open and transparent.

There will be public consultation and at each stage, the regulator will be required to publish information and evidence and keep all stakeholders abreast of developments. The decision of the regulator will be accompanied by a report detailing how the decision was reached, which will include a non-technical summary. I would like to clarify that the Act must be read in tandem with EU Regulation No. 598/2014 and with EU Directive No. 2002/49/ EC, the environmental noise directive, because the noise regulator must have regard to all three of these in carrying out its regulatory assessment of noise.

The Act, therefore, sets out a process for a noise regulation regime that allows for full stakeholder engagement, along with an independent appeals process, which will provide certainty to stakeholders. The Act sets out a structured approach to assessing and addressing aircraft noise at Dublin Airport with the objective of facilitating airport development and expansion in a way that minimises, as far as practicable, the noise impact of that expansion.

Deputy Noel Rock: The Minister has said that every time there is a planning application at the airport, the implications for noise are also considered. The Minister might recall from our

meeting in October 2016 that for many communities, the current ongoing issues are the problem, as is the consistent breach of the airport's operating hours. Rather than future planning permissions or expansion, it is the inability to adhere to the existing commitments given by the airport and the inability of the communities in Turnapin and Royal Oak to get accurate measurements of the noise they suffer too regularly.

We are at the end of term and have had differences on policy issues including electric scooters, BusConnects and the metro and the Minister called me a populist at our last interaction here.

Deputy Eoin Ó Broin: Shocking.

Deputy Finian McGrath: Ah now, it is a partnership Government.

Deputy Noel Rock: Nevertheless, our work has a human dimension. I am conscious that this will be our final interaction before recess. Despite our differences on many transport policy matters, which remain, I understand the Minister will have a significant birthday on Thursday and wish him a good 70th birthday. I hope he has a nice day, enjoys the recess and comes back fully recharged and restored to explore the many transport matters that affect our city and country.

Deputy Shane Ross: I thank the Deputy for those totally and utterly irrelevant remarks, although they make much more sense than some of the things that he has said in the past. I will respond in the spirit that it is meant and take to heart everything he has said today and treat it with equal seriousness.

Respite Care Services Provision

Deputy Declan Breathnach: I remarked at a meeting of the Committee on Budgetary Oversight earlier that things are still unwell in the state of Angola. Despite the Department of Health's provision of more than €17 billion, an increase of 11.6% on last year's budget, its overrun is projected to be more than €150 million by the end of the year. I believe managers are being told by the budgetary oversight group in the Department of Health to take corrective measures. Sruthan House is clearly one of the victims. What we used to call cuts are now called interventions or operating to a budget.

Last week, service users in Sruthan House, Dundalk, and their families received a letter from the HSE saying the facility would close down by the end of the year. Sruthan House is operated by the HSE in partnership with the Irish Wheelchair Association and provides respite and holiday services for adults with physical or sensory disabilities or both. It has operated for the past 23 years and caters for more than 50 clients with a staff of 14.

I have seen the letter that was sent to clients and it is an understatement to say I am appalled. The letter said that because of the prioritisation of the provisions of services to enhance cost efficiency and continuous quality improvement, Sruthan House will be closing by year end. Clients were told that the HSE would continue to offer respite services through facilities in Roscommon, Sligo and Dublin. How can closing this 23 year old service, which has had no complaints and nothing but admiration, and telling people with these disabilities to travel in excess of 100 km to a service in Roscommon, Sligo or Dublin, be described as quality improve-

ment?

The HIQA inspection of the premises in October 2018 found the facility to be fully compliant with all of the regulations and the inspector noted the close bond that existed between the staff and clients, many of whom had made personal connections after using the services for years. The inspector observed an atmosphere of friendliness in the house and that the staff were kind and respectful towards residents through positive, mindful and caring interactions. Questionnaires submitted to the residents and their families relayed positive comments about staff at the centre. One resident summed it up by stating the staff were very friendly and provided a welcoming home from home atmosphere. Clients further commented that Sruthán House has given them back their lives. Family members have said the facility is invaluable and that clients look forward to the next day when leaving Sruthán House. Sruthán House allows those with physical and sensory disabilities to meet new people and get a few days away from home. It is simply irreplaceable.

The HSE's letter went on to invite clients and family members to discuss their concerns about the proposed changes. The letter began by stating it will close in December this year and suddenly decided to invite staff to discuss the proposed changes. It was a cold, crass letter telling these people with disabilities they are losing the respite service in their community after 20 years. They are simply not in a position to travel the distances in question.

I am aware of the commitment of the Minister of State to disability services and two disability service houses have been opened, in Balbriggan and Dundalk, to which he committed. I ask him to tell me the sense in providing two new facilities while closing an excellent service. It does not make sense and corrective action needs to be taken before December.

Minister of State at the Department of Health (Deputy Finian McGrath): I thank the Deputy for raising this important issue and for the opportunity to outline the position on Sruthán House. The Government's ongoing priority is the safeguarding of vulnerable people in the care of the health service. We are committed to providing services and supports for people with disabilities, which will empower them to live independent lives. This commitment is outlined in A Programme for a Partnership Government. It is guided by two principles, namely, equality of opportunity and improving the quality of life for people with disabilities.

Respite services are an important part of the range of services supporting people with disabilities and their families. Short breaks can also provide an opportunity for individuals to meet new people, widen their social circle and gain new experiences. Respite care is crucial in helping to reduce family stress, preserve the family unit and provide stability. The need for increased respite services is acknowledged and the HSE continues to work with all service providers to explore various ways of responding to this need in line with the budget available.

As part of its ongoing service provision, the HSE will provide more than 182,500 respite nights and 32,662 day respite sessions to families in need throughout the country this year. In 2018, there was a significant improvement in respite provision, as the Deputy mentioned. An additional €10 million was provided to fund 12 new respite houses, which are up and running. There is one in each HSE CHO area and three additional houses in the greater Dublin area to respond to the high demand for respite in this area. These houses provide additional respite for families that need it. All 12 houses are now open and fully operational.

A total of €2 million of the additional money is being targeted at alternative respite services.

These are practical and important solutions. Alternative respite is working well locally, with good examples of summer camps, evening and Saturday clubs having taken place, benefitting hundreds of adults and children. Further additional respite initiatives are planned for 2019 in each HSE CHO area.

With regard to Sruthán House and Louth disability services, I found out earlier from the HSE that Louth disability services are prioritising the provision of services to enhance cost efficiency and continuous quality improvement in line with the best standard practice. The residential respite service at Sruthán House will, therefore, cease operation by the end of December 2019. To facilitate this transition, Louth disability services are reviewing respite service delivery and have invited the service users to be a part of this process to identify what service will best meet their individual and family needs. Louth disability services remain committed to providing services to people with physical and sensory needs and will continue to offer respite through a number of options. These include a number of respite services in different locations, such as Woodhaven House, which is a supported holiday facility in Sligo for people with MS, Cuisle, which is the Irish Wheelchair Association's national holiday centre in Roscommon and the Carmel Fallon Centre, which is the Irish Wheelchair Association's holiday centre in Dublin. Services will be provided but, of course, this will all be done in consultation with all the families of people with disabilities.

Deputy Declan Breathnach: I do not doubt the sincerity of the Minister of State with regard to disability services but I am terribly disappointed by the response. As he indicated, he was informed of this today. I call on him to ensure that Sruthán House and its services are supported through and beyond this year. Cost containment is the reason for the closure. It is all about cost containment and budgetary measures and not about the people who need the services. If we do not get to grips with this, the vulnerable people in disability services will further suffer. Closing this facility, which caters for those with physical and sensory disabilities, is a direct result of a health budget that is being allowed to overrun. For the life of me, I cannot understand why we speak about providing new services, and we are all for that, but then dissipate and restrict services for the most vulnerable in our society.

It is in the hands of the Minister of State to get to grips with what management is being dictated to deliver at the expense of people in my community and beyond. I am quite sure that before the end of this year, these services and others will be cut unless provision is made to meet the shortfall that will exist in the budget, which I am confident, I am sad to say, will be in excess of €132 million. There is no way vulnerable people in this society or in my community should suffer as a result of inability to handle a budget.

Deputy Finian McGrath: I have listened carefully to the Deputy's concerns. I accept, and I am aware of, the importance of access to planned respite, which ensures people with disabilities receive opportunities to socialise, and facilitates families to receive a break. Short breaks provide an important opportunity for individuals to meet new people. The Deputy raised the valid point of the €17 billion going into the health services. Within that €17 billion is €1.904 billion for disability in the HSE's service plan for 2019. This is an increase of 7.5%.

I remind the Deputy that the additional funding provided last year will continue in 2019 and, in particular, the €2 million allocation to be spent on alternative respite services remains a high priority for the HSE. This is not about reducing services. That is the key issue. They are not being reduced. An alternative service will be provided and maintained. In fact, it is about improving services and the quality of the services. It is about making the best use of

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current resources. As I stated earlier, the HSE will work with service users and their families in identifying what service will best meet their individual needs. I am informed the HSE will set out detailed plans for the service once the consultation process is completed. The consultation process is very important. I take the point about the travel issue, as well as respite care services. My vision for respite care services is that they should be provided as near as possible to the families and the local community. I also take on board the points made by the Deputy about Sruthán House. I will make his views known on these issues, as well as my own, because I share some of the concerns raised.

Home Loan Scheme

Deputy Michael McGrath: My Topical Issue matter relates to the Rebuilding Ireland home loan scheme. This is an effort to get to the bottom of where exactly in the process stands the proposed increase in the fund. As the Minister of State is well aware, the initial fund of €200 million which has been in place since early 2018 is not going to be anywhere near enough to meet demand. The Government has stated it has been surprised by the uptake and the level of interest. I do not see why it should be surprised. If it is in a position to provide people with a long-term guarantee on the interest rate, for example - it is an attractive rate - and also prepared to examine loan applications from people who are unable to access a mortgage at the level they need from a bank, it is no surprise that the level of interest in and demand for the scheme is very high.

Roughly since January this year, it has been evident that more money is going to be needed. We have been hearing since from the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, that he has requested an extra €200 million each year for the next three years. That means that an extra €600 million will be required and it would be additional borrowing by the Housing Finance Agency, HFA. We were told that the Central Bank was to be consulted and it was. I put this issue to Governor Lane when he came before the Oireachtas finance committee in March. In essence, he confirmed that there was no objection from the Central Bank on the grounds of financial stability, given the relatively insignificant amount of money involved in the context of the overall mortgage market. That hurdle was cleared. Therefore, I am at a loss to know why we still do not have clarity on the eve of the Dáil going into recess.

The Minister of State will no doubt reply by stating the scheme is operating as normal and that all applications are being considered and approved and that funding is being drawn down, but that has not been the case in full in recent months. Some local authorities have publicly stated they are no longer accepting applications. The Minister intervened. He responded in the Dáil and issued an instruction to the local authorities. They must accept applications, process them and continue to approve grants which will continue to be drawn down. However, this cannot go on forever. If we examine the figures, about 4,200 applications were assessed up to the end of May and slightly more than half have been approved. A fraction of the approved grants have been drawn down. The overall sum drawn down is about €140 million. There is not, therefore, enough money in the pot to meet the funding requirements of approved applicants. I know that there is a time lag and that it can take a while for people to go through the process and be ready to draw down the money. However, that day is coming. There is a suspicion that the consideration of applications has been slowed down because there is a squeeze on funding. I want the Minister of State to give a categorical assurance to the House that all local authorities

are open for applications, accepting them, processing them, issuing approvals and that loans are being drawn down unimpeded.

I turn to my real purpose. When are we going to have clarity on whether the extra funding of €600 million will be approved? We know that the Central Bank does not have an objection to it. We also know that the HFA has access to credit and can draw down additional moneys. Where exactly is the blockage and when is the issue going to be resolved?

Minister of State at the Department of Public Expenditure and Reform (Deputy Michael D'Arcy): The Rebuilding Ireland home loan scheme launched on 1 February 2018. Prior to its launch, an initial tranche of €200 million of long-term fixed rate finance was borrowed by the HFA to provide funds for the scheme for local authorities. The Rebuilding Ireland home loan scheme is a remodel of two previous schemes provided by local authorities, namely, the house purchase loan and home choice loan schemes. As originally conceived, the expected take-up under the scheme is limited, at around 1,000 mortgages over three years. It was envisaged that the loans should not contribute to increasing demand for homes, given that the number of borrowers eligible for the loan scheme would be restricted by the loan criteria and the overall scale of the measure was so limited. It was also agreed that a loan to value ratio of 90%, as per the Central Bank's macro-prudential rules, would apply to the Rebuilding Ireland home loan scheme. Risk related to funding the scheme is managed, with the HFA providing long-term fixed rate hedged finance and the scheme being limited to €200 million over three years.

From the data collected to date, it is clear that there has been greater demand for the scheme than initially anticipated. As a result, the scheme would require a further tranche of funds to be borrowed by the HFA for it to continue. Officials from the Department of Public Expenditure and Reform and the Department of Housing, Planning and Local Government have been engaging on the matter since October 2018 and in January this year the Department of Housing, Planning and Local Government communicated its intention to seek sanction for additional funding to manage the demand which had far exceeded the expected original 1,000 mortgages over three years. Prior to the submission of a request for sanction, the Department of Housing, Planning and Local Government conducted a review to ascertain if there was scope to make changes to the operation of the scheme to achieve greater efficiency and consistency and also to determine the timelines for applications being processed by the local authorities. Further details of the review can be obtained from the Minister for Housing, Planning and Local Government.

In conjunction with the review, the Departments of Finance and Public Expenditure and Reform consulted the Central Bank and the Department of Housing, Planning and Local Government on the impact and size of the scheme in the overall market. The Department of Housing, Planning and Local Government consulted the local authorities to estimate the additional funding required and subsequently submitted a request for sanction to the Department of Public Expenditure and Reform on 14 June. The request is subject to the normal deliberations afforded to any request of such a nature, which would include general Government balance and debt considerations in the context of a uniquely challenging budgetary scenario for 2020. Notwithstanding the submission of a request for additional funding, the scheme remains open to applications to all local authorities.

It is the role of the Minister of Public Expenditure and Reform to deliver sustainable public finances. In that regard, the Minister and his officials are finalising the assessment, with a view to announcing a further tranche of funding very soon. Further information on the estimation of the amount of extra funding required is a matter for the Department of Housing, Planning

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and Local Government. It is anticipated that an announcement on further funding will be made very soon.

Deputy Eoin Ó Broin: Excellent.

Deputy Declan Breathnach: Live horse and get grass.

Deputy Michael McGrath: Will the Minister of State tell us what the word “very” means in the context of his reply? Perhaps he has some inside knowledge, but he is not in a position to share it with the House. Looking at the last paragraph of his reply, the Minister of State remarked: “In that regard, the Minister and his officials are finalising the assessment, with a view to announcing a further tranche of funding very soon”. Does that mean that a decision has been made in principle to announce an additional tranche of funding? My reading of that sentence is that the process is being undertaken with a view to announcing additional funding. Will the Minister of State clarify if that is the case? If it is the case, it will reassure people. Thousands of people who have either applied for or are interested in applying for the scheme may have been discouraged from doing so because of the publicity which suggests the scheme will run out of money very soon. We know that €140 million of the €200 million allocated was drawn down by May. We have not received data since. We also know that more than 2,000 applications have been approved, but many of the applicants have not drawn down funding. If all of the approved applications are called in by the borrowers, the money will not be available. Will the Minister of State provide clarity on the timeline which he described as “very soon”? Will he also reassure the House and applicants, including intending applicants, that every local authority continues to operate the scheme in full? I am referring to every local authority accepting applications, processing them in conjunction with the HFA, approving them and making funding available to those who have loans approved. I ask the question because it seems that the entire process that was slow to begin with has slowed down further. That raises concerns that the slowdown has occurred because the budget and cash flow are being managed. Perhaps the Minister of State could provide clarity.

Deputy Michael D’Arcy: I am not trying to be glib but “very soon” is not months and it is not weeks. The Deputy can take-----

Deputy Michael McGrath: So is it days?

Deputy Michael D’Arcy: -----from that what he wishes. I am not here to announce the actual scheme but I am confident that the continuation and the extension of the scheme will occur. I know from my conversations with the Minister, Deputy Eoghan Murphy, that this scheme seems to have caught the Department by surprise. I am surprised at the surprise. It is a 40-year loan at a fixed rate of 2.2%. There is no such offering anywhere else. If a person cannot meet the other lenders’ criteria, this is a superb chance for him or her to get the first opportunity on the housing ladder. It will be very soon. The message went out very clearly from the Department of Housing, Planning and Local Government for the local authorities to continue to accept applications. While the tranche of funding was not there to meet the demand, I am satisfied that it will be there.

Childcare Services Provision

Deputy Eoin Ó Broin: I thank the Minister for Children and Youth Affairs, Deputy Zappone, for being in the Chamber to take this Topical Issue matter.

My constituency of Dublin Mid-West, very much like the neighbouring constituency of the Minister, Dublin South-West, has a growing population. Its population has increased by more than 5% between the censuses in 2011 and 2016. Moreover, very significant construction activity is finally beginning to take place. There is also an increase in the number of people back at work but unfortunately, too many of them are in precarious or low-paid work. They are, nonetheless, back at work and all of this means a growing demand for childcare.

Currently in Dublin Mid-West, there is significant new construction in Adamstown, Newcastle, Rathcoole and Clondalkin. I am getting increasing numbers of representations from working families, often where both parents are working, who find it a real struggle to even get access to childcare, let alone to afford it. Many of our community-run childcare facilities are at capacity, certainly in their morning sessions, and are almost at full capacity in the afternoons. There was one unfortunate case recently, which is ongoing, of a private sector operator whose service provider changed following a competitive tender. The new service provider discovered that in fact the service they had inherited had more children in it than recommended by the Tusla guidelines. As a consequence, the new provider is now restricting some of the service to meet the Tusla guidelines. This has highly negative consequences for parents with the withdrawal of collections, drop-offs and so on. This speaks to a very high level of demand and unfortunately not an adequate level of supply.

I am aware that these pressures exist in many parts of the country but Dublin Mid-West is unique in that it has two strategic development zones. I believe we are the only constituency in the State that has those, with anything as much as 6,000 to 7,000 additional accommodation units to be provided in Adamstown over the coming years. The Clonburris strategic development zone, following An Bord Pleanála's determination, could have between 8,000 and 11,000 units of accommodation over the next decade. Kilcarbery, a council site and a joint venture in Clondalkin will have more than 1,000 units. Only yesterday at its full council meeting, South Dublin County Council announced a significant increase in potential accommodation units in Rathcoole. Many of those units will start to be built next year or the year after that. While we have a very low level of community childcare provision - only 10% of the quantum available - whether it is the community end or the private end, it cannot happen or develop without the active support of the Minister and the Department of Children and Youth Affairs.

Today I am interested to hear what the Minister has to say, albeit not on the overall State-wide figures, because I have seen some of those in replies to parliamentary questions. What can the Minister tell Deputies from Dublin Mid-West and the parents who make representations to us? As our community expands, I welcome affordable, social housing and appropriately-priced private housing to meet the existing and future needs of our community. What is being done by the Minister, her Department and her officials and what will they do to work with community providers, private providers, the local authority and other networks in Dublin Mid-West to ensure the current unmet need will be met? As our community and constituency grows, what will be the future Government investments in childcare strategies to meet the needs of the growing population, including a growing population of working families with children?

Minister for Children and Youth Affairs (Deputy Katherine Zappone): I thank Deputy Ó Broin for raising this issue. I will restrict my comments to the questions relating to my Ministry, although I heard the Deputy raise some other issues there also.

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To provide some context for this discussion I will start by stating that I have been fortunate to secure an unprecedented increase of 117% in investment for early learning and care and school age childcare in recent budgets. This extra investment has supported a doubling of capacity in the sector. It is clear, however, that further capacity is required and that is why I am continuing my intensive efforts in this area.

One of the priorities for my Department's capital programme is supporting childcare providers to extend their existing services, or to establish new services, where need or demand exists. The decision on where to target capital spending to support policy aims is informed by an analysis of the current state of the childcare sector, by learnings from previous capital programmes and by feedback and input from stakeholders, including childcare providers and data from Pobal and other sources.

With regard to the specific areas mentioned by the Deputy, while my Department's capital programmes do not routinely target one specific geographic area over any other, the assessment of capital applications has regard to issues of need supported by the use of specialised assessment tools, including Pobal's geosparcity index. This is considered the fairest mechanism to meet the needs of all areas having regard to the available funds. All applications are appraised in a fair and impartial manner and solely on the basis of the quality of their application.

My Department's 2019 early years capital scheme has a primary focus on building places for the under-threes. I have made €4 million available for this age group, which is expected to result in 1,321 new places for the zero to three age group being created. An additional €1 million has been made available for the creation of 2,308 new school age places.

On childminding, I was delighted to secure €500,000 in budget 2019 to recruit a national childminding co-ordinator and a team of six development officers in the State, to support the registration of more childminders with Tusla, and thus enable them access subsidies under the national childcare scheme. My Department will publish a childminding action plan in the coming months to follow through on the commitments in the First 5 strategy and the programme for Government to further develop the childminding sector.

With capacity issues more generally, each year Pobal conducts research on behalf of my Department to examine a number of factors related to childcare services in Ireland, including capacity. The latest early years sector profile report, based on a survey completed in May 2018, outlines a 4% vacancy rate as a percentage of children enrolled in Dublin. Pobal reports that nationally, the trend for waiting lists suggests a reduction in waiting lists for older children and an increase for under-tuos. Pobal cautions that its data on waiting lists cannot be used on their own to inform capacity decisions, as parents often place their children on more than one waiting list.

Finally, if the Deputy is aware of any specific cases of parents - and he may have identified one or two - who are having difficulty accessing childcare places, they could make contact with their local city or county childcare committee, which will be pleased to assist them.

Deputy Eoin Ó Broin: If I was any one of the parents who raised these matters on a regular basis with constituency Deputies, the first thing I would ask after the Minister's intervention would be what does it mean for the particular area to which this question pertains. My Topical Issue matter is very specifically focused on the Dublin Mid-West constituency.

It strikes me that while the capital sums are welcome, they are very small in the context

of the level of demand. While the way in which the State assists the provision of childcare, through capital and current expenditure, is not the same as education, at least the Department of Education and Skills proactively undertakes assessments of existing need and future population projections. That Department looks at a whole range of elements such as city and county development plans, planning permissions, strategic development zones and so on. On that basis the Department of Education and Skills is able to make strategic decisions about the targeting of limited resources in order that the resources go to the areas on a proportional basis to meet that need. I do not have anything close to the level of expertise the Minister does on how this works but from the Minister's response, this is not the way the current allocation of resources takes place.

While people who apply must demonstrate a level of need, it does not necessarily mean that if there is a greater level of need in certain geographical areas, the people there can access a proportionately greater sum from the funds. I stress again that I accept absolutely that childcare is an issue in every part of the State. However, in two strategic development zones in Dublin Mid-West, up to 20,000 additional public, affordable and private housing units are to be provided over the coming decade. We are already hearing from community and private providers that they are at capacity. I will forward to the Minister privately details of the instance in which we actually had overcapacity, presumably because a childcare provider tried to meet a need, albeit in very difficult circumstances. What I would like to hear in the Minister's short response, given what she has said about the position across the State, is what she can say to reassure Deputies and, crucially, parents in my constituency of Dublin Mid-West that her efforts in the coming weeks and months will produce increased provision which is so desperately needed.

Deputy Katherine Zappone: In his initial presentation and in his subsequent intervention, I heard the Deputy make the point that he has concerns about current capacity in his constituency as well as outlining the implications for future capacity of plans to expand housing, etc. To look a bit more at current capacity and unmet needs, one of the ways the Department gets its information, which is perhaps different from the Department of Education and Skills, on which I take the Deputy's point and at which I will look, has to do with the city or county childcare committees. It is the childcare committees that are in touch with local childcare providers. I am keen to avoid having an area in which there is a significant level of unmet need even currently. That is what I usually say and if there is a real problem, the providers should go to the childcare committees. If the Deputy has specific concerns, he can come directly to me. My Department has been fairly good at trying to be responsive and flexible in finding ways to provide support. The Deputy must accept at the same time that the physical capacity for expansion must exist in terms of capital, and I tried to answer some of those questions, as well as the capacity among providers, with reference to which we assess the quality.

While future needs are an issue as well, some of the issues with current capacity relate to the amount of money that is available to respond. That money is limited although it is growing. That gets to the Deputy's question about the future. It is really important to identify those zones that are coming up and the incredible increase in capacity that will be needed. We are aware of that. One of things I did not mention in the initial reply was that we had secured in the NDP funding commitment from 2023 to 2028 the significant amount of €250 million. We will follow a similar course in determining future needs to the one we have followed before.

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EU-Mercosur Trade Agreement: Statements (Resumed)

An Leas-Cheann Comhairle: Following the opening round of discussion on the EU-Mercosur trade agreement, which concluded on Wednesday, 3 July 2019, we proceed to the second round of the debate, which consists of questions and answers. Fianna Fáil has 15 minutes for the interaction on its questions.

Deputy Robert Troy: Fianna Fáil is very much a pro-trade party as we demonstrated most recently in our support for the Canadian and Japanese trade deals. As a small, open island economy, we depend on our openness to trade, without which we would not survive. However, it is important that we trade with countries which apply the same standards and regulatory requirements as we do. As part of the EU-Mercosur trade agreement, however, we are now proposing to deal with a country that clears an area of the Amazon rainforest the size of a football pitch every hour of every day. What does that say about the environment? When it comes to beef, it is a country with no database or traceability and in which growth promoters are widely available. However, I will leave that matter to my colleague, the Fianna Fáil spokesperson on agriculture.

I would appreciate if the Minister for Business, Enterprise and Innovation could be tight in reply to the following specific questions. In reply to a parliamentary question I submitted last week, the Minister confirmed that as negotiations proceeded, member states were consulted on an ongoing basis. What was the level of consultation the Minister and her colleague, the Minister for Agriculture, Food and the Marine, Deputy Creed, had with the Commission? At any stage during the recent discussions on the €50 million to help Irish beef farmers, did it raise its head that 99,000 tonnes of beef would be coming into the EU? Given the recent positive focus on the environment in Ireland and at EU level, did the Government question or raise concerns about the abuse of the tropical Amazonian rainforest and the impact of its deforestation on the global environment? The Government spoke last year about the appointment of a trade modelling firm of Copenhagen economists to carry out an assessment of the EU-Mercosur agreement. That assessment is to be updated in light of the new draft proposals. When can we expect the economic assessment to be published? When can we expect the environmental assessment to be published? It is worth noting that there is significant economic potential from the perspective of our pharmaceutical sector, which accounts for 55% of our exports, and IT and software, in which sector we are the second largest producer in the world.

My final question relates to the report of the National Competitiveness Council which was launched in April 2019. According to the executive summary of the report, if prices in Ireland are too high relative to productivity, it damages Ireland's competitiveness, making it more difficult for Irish businesses to export. The summary further states that the evidence is clear that Ireland is a high-cost economy. In 2017, Ireland was the fifth most expensive economy in the EU and prices were 13% higher than the EU average. What is the Minister doing to tackle high costs for businesses in Ireland? The Government is talking about promoting a trade deal, but it will be very difficult to trade with any country when we are coming from a base of such high utilities costs, costs of credit and business services and input costs.

Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys): On the first opportunity I have had to do so, I congratulate Deputy Troy on his appointment as spokesman on business, enterprise and innovation. The Deputy has raised a number of questions and I will try to address them. I appreciate fully and recognise the concerns of beef farm-

ers on this deal. It is important to remember that the deal has been negotiated at EU level where the Government has consistently raised serious concerns in relation to beef access over a long period. I raised the matter at every opportunity at European Trade Council meetings as well as directly with the trade Commissioner, Ms Cecilia Malmström. As recently as 31 May 2019, I wrote to the Commissioner to highlight once again Ireland's concerns in relation to beef. The Minister for Agriculture, Food and the Marine, Deputy Creed, raised the matter with his EU counterparts also and the Taoiseach joined with a number of other EU Heads of Government from France, Poland and Belgium to express our concerns to President Juncker.

The Government has sought in every way to achieve the best possible deal for our farmers. It is important to remember that the Mercosur countries were looking initially for a beef quota of 300,000 tonnes whereas the draft agreement provides for a quota of 99,000 tonnes. While that is still a higher volume than we want, it is less than a third of what was originally sought. The quota is also split between fresh and frozen product and will be phased in over a period of six years from the date of finalisation of the agreement in its legal form, which is likely to be two years from now. I know that other figures were mentioned. There was an historic offer at one time. I understand that in 2004, an offer of 130,000 tonnes was on the table from the EU. In 2004, the Commission offered 130,000 tonnes. Now it is down to 99,000 tonnes. The Government acknowledges that the agreement on beef access that has been reached provides for more imports than we would have wished. However, the level of access that has been agreed is far less than Mercosur was looking for. As Deputies will be aware, it was looking for 300,000 tonnes.

Deputy Robert Troy: With due respect, I do not have much time left and I would like the Minister to address the other matters I raised.

Deputy Heather Humphreys: Does the Deputy want me to answer the question about competitiveness?

Deputy Robert Troy: I want the Minister to answer the questions I asked about competitiveness, the environment and the economic assessment.

Deputy Heather Humphreys: Very well. According to the IMD world competitiveness ranking, Ireland is the third most competitive country in the EU. As the Deputy knows, there has been a great deal of investment through Enterprise Ireland that encourages companies to invest in innovation and to look at new ways of doing things. This Friday, I will attend a seminar on how we can increase productivity in our small and medium-sized enterprises and how to make them more competitive. The Deputy is welcome to come to the seminar, which is the third pillar of a whole-of-Government initiative, Future Jobs Ireland, the aim of which is to future-proof this economy to ensure we do not repeat the mistakes of the past.

A number of climate change and sustainability safeguards are built into the agreement, as outlined. The detailed chapter in the agreement on sustainable development goals recognises the need to address the urgent threat of climate change and the role of trade in that regard. It also underscores how important it is for both parties to implement the provisions of the Paris Agreement and emphasises the development of trade between Europe and South America as regions in a way that is conducive to decent work for everyone, including women and young people. Each party recognises the importance of core labour standards, as defined by International Labour Organization conventions.

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Deputy Charlie McConalogue: My party has always been pro-trade. We will continue to be in favour of the positive impact that trade deals can have. It is important that every trade deal is balanced and fair across the various countries. Ireland is the largest beef exporter in the EU and the fifth largest beef exporter in the world. The beef, poultry and pigmeat sectors, and agriculture in general, are being asked to carry the burden of this deal in order that other sectors of the economy can benefit. From an Irish point of view, this deal is not well-weighted, fair or in our interests. The Government has failed politically, particularly when one considers that the EU Commissioner for Agriculture and Rural Development is an Irishman. He has overseen the drawing up of a deal that will result in 99,000 tonnes of beef, 180,000 tonnes of poultry and 25,000 tonnes of pigmeat being imported into the EU. We know that 55% of the 99,000 tonnes of beef that will be imported will be frozen beef and 45% of it will be fresh beef. Will the Ministers, Deputies Humphreys and Creed, confirm that the 99,000 tonnes of beef can be made up of steak cuts? The Hilton quota of 47,000 tonnes previously attracted a tariff rate of 20%. Under this agreement, it will attract a tariff rate of 0%. Can the Ministers confirm when it is intended that the 47,000 tonnes in question will drop to the 0% rate, if this deal goes through?

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): I would like to be associated with the good wishes that have been extended to Deputy Troy. It is important that we do not fall into the trap of talking about this as if it is a done deal. As I have said previously, the heads of an agreement have been negotiated by the outgoing Trade Commissioner and agreed by the outgoing Commission, but have not been approved by the Council of Ministers, the European Parliament, a single member state or a single member state government. I would like to respond to the opening remarks of both Deputies. I acknowledge their commitment to trade agreements as a key that open doors for us on a global stage. We must ensure our defensive interests are protected in any trade agreement. The proposal to allow 99,000 tonnes of beef to be imported is of clear concern in that context.

Deputy Charlie McConalogue: I have asked two specific questions. They relate to steak cuts and the Hilton quota. I ask the Minister to answer them because I have a very limited amount of time available to me.

Deputy Michael Creed: I will. The Deputy is presenting this as a done deal, whereas I see it as a job of work to be addressed. As the Minister, Deputy Humphreys, has said, we have been deeply engaged on all of these matters with our counterparts in the Council of Ministers. I have engaged directly with Commissioner Hogan on several occasions. The Deputy has asked a specific question about quota segmentation. The draft proposal refers to carcass weight equivalent. This gives us an opportunity to shape the ultimate final deal. I think carcass weight equivalent, and appropriate segmentation thereof, gives us an opportunity to influence the legal text that will be made available for agreement to ensure-----

Deputy Charlie McConalogue: The two issues I have asked about are steak cuts and the Hilton quota.

Deputy Michael Creed: In my view, carcass weight equivalent is a carcass. It is not all steak cuts. As I see it, the only segmentation that is envisaged in the context of carcass weight equivalent is the 55:45 split between fresh beef and frozen beef. I believe a carcass is all of the carcass. We must ensure the detailed legal expression of carcass weight equivalent-----

Deputy Charlie McConalogue: I ask the Minister to answer my question about the Hilton quota.

Deputy Michael Creed: -----is structured in a way that enables us to ensure it is not all accounted for by steak cuts but is the equivalent steak cut of any individual carcass. Otherwise, the detail will be to our significant disadvantage. That challenge is there for all of us. The Deputy has access to his colleagues at European level. Commissioner Malmström is a member of ALDE, to which Fianna Fáil is aligned. We will work collaboratively where we can-----

Deputy Charlie McConalogue: I have not got an answer to my question on the Hilton quota.

An Leas-Cheann Comhairle: We have only a minute left.

Deputy Michael Creed: The Deputy's first question related specifically to segmentation and steak cuts. I believe that in the context of carcass weight equivalent, we will have an opportunity to influence the legal text. This is not a done deal. There is a job of work to be done. In that context, I imagine we will work with the Food and Veterinary Office, the European Food Safety Authority and like-minded member states.

Deputy Charlie McConalogue: What about the Hilton quota?

Deputy Michael Creed: The Hilton quota, as envisaged, sees-----

Deputy Charlie McConalogue: When will it come in?

Deputy Michael Creed: The agreement is subject to ratification. No agreement comes in until the ratification process has been completed.

Deputy Robert Troy: What is that process?

Deputy Michael Creed: The ratification process is a complex system. As I understand it, in the first instance it involves approval by the Council of Ministers in qualified majority. Depending on what the Commission presents thereafter, and on whether there is a provisional application of this agreement, it may require approval by the European Parliament and there may be subsequent involvement on the part of member states.

An Leas-Cheann Comhairle: I will allow Deputy McConalogue to ask a quick final question.

Deputy Charlie McConalogue: I asked the Minister two specific questions, the first of which related to steak cuts. Representatives of the IFA are in the Gallery tonight. The IFA and other farming organisations are exceptionally concerned about this proposal, as are farmers across the country. I asked the Minister specifically about steak cuts. Commissioner Hogan said during the week that there will be steak cuts.

The Minister is trying to fudge the issue by giving the impression that this is about the whole carcass weight. Commissioner Hogan said there will be steak cuts. I asked the Minister when the new rate will apply to the 47,000-tonne Hilton quota, but again I did not get an answer from him. He said it is up for negotiation, it is not quite clear and it will depend on when it actually happens. We are getting mixed messages from the Government about how the process will be agreed. Unfortunately, it is all at sea on this issue. The approach being taken by the Minister, Deputy Creed, is different from the approach being taken by the other Minister, Deputy Humphreys, and indeed the Taoiseach.

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An Leas-Cheann Comhairle: I have to let the Minister in.

Deputy Charlie McConalogue: The reality is that a political deal has been done with regard to 99,000 tonnes of beef.

An Leas-Cheann Comhairle: If the Deputy does not conclude, he will not get an answer.

Deputy Charlie McConalogue: The horse has bolted from the stable.

An Leas-Cheann Comhairle: There will be no answer.

Deputy Charlie McConalogue: The Minister is trying to tell us that all of this is still up for grabs, but the reality is that there has been a political failure up to this point.

An Leas-Cheann Comhairle: If the Deputy wants an answer-----

Deputy Charlie McConalogue: We need to see the Minister trying to retrieve the situation-----

An Leas-Cheann Comhairle: Strictly speaking-----

Deputy Charlie McConalogue: -----and batting for the interests of the country.

An Leas-Cheann Comhairle: All Deputies should understand that if they are going to ask questions, they must leave time for answers, regardless of whether they like those answers. I think the House would want me to give the Minister a minute to answer the specific questions that have been asked. I will be reasonable with everyone.

Deputy Michael Creed: The text of what has been put in front of the member states talks about carcass weight equivalent. The opportunity presents itself in the context of giving legal effect to that headline agreement to influence carcass weight equivalent. I consider carcass weight equivalent to be the carcass, not just all prime cuts. The only segmentation alluded to is the 45%:55% split between fresh and frozen. When a deal talks about carcass weight equivalent, I believe there is an opportunity to make sure it is just that - all of the carcass and not the equivalent of the weight of the carcass in prime cuts. It is incumbent on all of us to work on this opportunity. Fianna Fáil has access through the trade Commissioner Malmström, who is a member of the European party of which Fianna Fáil is a member, to influence that. I do not know what contact Fianna Fáil has had with her up to now, if any, but if we can work together in the context-----

Deputy Charlie McConalogue: What contact has the Government had with Commissioner Hogan?

An Leas-Cheann Comhairle: The Ministers will be here for two hours so I am sure they will get the opportunity to deal with that as the question comes up time and time again.

Deputy Brian Stanley: There are significant concerns about this deal. Beef farmers are caught in a bind given the way factories have manipulated the situation. Some of that has been highlighted recently through news of beef barons who do not even pay tax while the rest of us must. Beef farmers will be caught by Brexit. We have little control over those issues. Our Government has shown itself to be very ineffectual in respect of the way factories have been operating. With Brexit, it is a case of wait and see and trying to mitigate the damage it will cause. We are all on board with that.

The Mercosur trade deal has been in the making for 20 years and the Minister said it is not a done deal. It had better not be a done deal because farmers in my part of the country experienced the sellout of the sugar beet industry under previous Governments due to international trade deals. Is the beef industry going to go the same way? The truth, which the Minister knows as well as I do, is that beef farmers are hanging on by their fingertips.

I will focus on economic, environmental and human rights issues. Regarding environmental matters, we know what is happening in those countries. We have signed up to the Paris Agreement. The EU and the Government are talking out of both sides of their mouths if they sign up to this deal as it is. We cannot say we are going to reduce greenhouse gas emissions and import beef from the far side of the world. It is the same as shifting ice to the North Pole where they do not need it. We use only 10% of what we produce. A total of 90% is exported and that is good and must continue. How will the EU police what is happening in Brazil where criminal gangs are clearing people off lands to make way for beef barons to take over? How will the environmental standards in Brazil be policed when the few that exist are totally ignored?

I read Commissioner Hogan's article in *The Irish Times* last Friday where he briefly mentioned labour and environmental protection but did not go on to say how these would be protected. Brazil's president is one of the most authoritarian and right-wing people in the world. How will the workers in the beef industry and farm workers be protected? They will not be protected because there is no means of protecting them and we are adding to their exploitation by facilitating this so I want the Minister to address this issue. Has she put this to the European Commission and colleagues in Europe regarding the protection of the environment in South America and the rainforest and the protection of agricultural workers, including those in the beef producing countries? Those workers have no protection whatsoever and if we allow this deal to go through, matters will get even worse. Could the Minister address those issues? We have signed up to the Paris Agreement and are asking farmers in this country to reduce greenhouse gas emissions. This House has rightly declared a climate emergency but we cannot do that and engage in deals such as this, which will cause problems and create even more emissions.

Deputy Heather Humphreys: Regarding labour conditions, the parties to the agreement agree that there should be no lowering of labour or environmental standards to attract trade and investment.

Deputy Brian Stanley: They are on the floor.

Deputy Heather Humphreys: They also agree that the trade agreement should not constrain the right to regulate on environmental or labour matters, including in situations where scientific information is not conclusive. The parties commit to respecting International Labour Organization, ILO, conventions on forced labour, non-discrimination at work, child labour, freedom of association and the right to collective bargaining. In addition, there are commitments on health and safety at work and labour inspection. All Mercosur countries have legislation that provides for the protection of labour rights and have ratified international labour standards, including all eight fundamental ILO conventions, with the exception of one in the case of Brazil due to constitutional constraints.

The trade and sustainable development part of the agreement is subject to a specific dispute settlement procedure. If the EU or Mercosur considers that the other side is not playing by the rules, it can ask for formal government consultations. If the situation is not resolved,

an independent panel of experts can be asked to examine the matter and draw up a report with recommendations. The report and recommendations must be made public so that they can be followed up by stakeholders as well by the relevant institutions on both sides.

The agreement will promote the effective implementation of several multilateral environmental agreements signed by the EU and Mercosur such as the Paris Agreement and the Convention on International Trade in Endangered Species of Wild Fauna and Flora, which imposes a licensing system to authorise all imports and exports of species to which it applies. The EU and Mercosur commit to effectively implementing the Paris climate agreement and co-operating on the climate aspects of trade between the two sides. For example, the Paris Agreement includes a pledge by Brazil to reduce its net greenhouse gas emissions by 37% by 2025 compared to 2005 levels, action to stop illegal deforestation, including in the Brazilian Amazon, and reforestation of 12 million ha along with a pledge by the EU to reduce its domestic emissions by at least 40% by 2030. If the two sides do not comply with those requirements, the deal is void.

Deputy Martin Kenny: The Minister said that the Mercosur countries must meet criteria similar to those farmers in Europe must meet. She comes from a farming community. We are all aware that traceability is paramount. When the animal is born, he or she is tagged for life. This has not been the case in Mercosur countries up to now but we are expecting that this will change overnight. If it does, how will it be inspected? How will we be sure that this will be the case? What guarantee is there that this will happen?

With regard to the management of disease, which is a serious issue, there are ranchers with tens of thousands of cattle roaming freely. In Ireland, most farmers know their cattle almost by walking up and petting them. The situation here is entirely different. How will disease be managed and how will we know it is managed? It is legal to use growth hormones in Mercosur countries. I understand that they will not be allowed under this agreement. How will we know they are not being allowed if cattle are not tagged or traced? If nobody can have access to them to know where they are, how will we know that growth hormones are not being used? By virtue of the scale at which they farm, disease control in Mercosur countries involves mass disease prevention where medicines are put into the food animals eat and all animals are medicated at once. It will be impossible to monitor any of these farms at this distance.

Frankly, it is absurd to expect farmers in Ireland who are aware of the criteria they must meet to satisfy EU regulations to believe that somehow or other, this will happen in Brazil and Argentina. It is outrageous to think this will happen. Will inspectors from the EU be in the factories in Brazil and Argentina in the same way they are in Ireland? Will inspectors inspect the farms over there as they do in Ireland and other European countries? How will they be inspected? Are we expected to trust governments, particularly the government in Brazil, which says that it does not believe climate change is a reality, is opposed to the Paris Agreement and has clearly stated its preference for expanding its beef herd? Brazil is only interested in stacking them high and selling them cheap and we are buying into this. It flies in the face of everything the European Union and the Council of Ministers have set out in climate change regulations for Irish farmers.

Deputy Michael Creed: I share the Deputy's concerns about the apparent lack of a level playing pitch. Most Irish farmers with whom I engage say they will take on competition from anywhere, as long as the playing pitch is level and we are comparing like with like. In that context, we need only recall the 2017 Brazilian meat scandal, the "carne fraca" scandal, with which I am sure the Deputy is familiar. This gives rise to legitimate cause for concern. Given that

particular Brazilian exposure to shoddy practice, there is an opportunity for us in the context of a deal on outline arrangements to do with standards and environmental issues. Apart from the meat scandal, we know also about the disregard for environmental conditions and the attitude of the current Brazilian Administration to the broader climate change agenda. Accordingly, in many ways, we have been presented with an opportunity which we need to maximise. It is on the basis that we stitch in absolute conditionality about market access. We must negotiate to ensure there will not be access to our market, except if we are absolutely sure it meets our standards.

As part of our access to the Chinese beef market, Chinese inspectors will be coming here in August to inspect additional plants which are awaiting approval. We need to engage with the European Commission's Food and Veterinary Office, FVO, which is based in Grange, County Meath and the European Food Safety Authority, EFSA, to ensure that, in the time before the document takes legal effect, we will guarantee that European consumers will be protected from any substandard product entering the market. We must also ensure the terms and conditions on which the product seeks access are the same as for the use of veterinary medicines, including being hormone-free, traceable etc.

Therein lies the opportunity to level the playing pitch. We know from experience that there are different production systems. If they want access to our market, they have to comply. There is the opportunity in the intervening period to allow us to stitch in the conditionality to make sure it is absolutely watertight. We can ensure the conditions which I hope they will struggle to meet will thwart their ambition to deliver the 99,000 tonnes. That is the challenge for all of us in the intervening period. What we have is a headline agreement. What is imperative is that in the intervening period, whether it be on quota segmentation, in the environmental chapter or phytosanitary issues, we use every lever we have at our disposal to make sure the competition, if it is to arrive, will be fair.

Deputy Martin Ferris: Once again, beef farmers are being crucified by the actions of the people we send to represent us in Brussels. The European Commissioner, Phil Hogan, when he was a Minister, was the architect of the disastrous water charges problem which mobilised tens of thousands of people in opposition to them at the time. Now in the European Union he is one of the architects of this deal which will be a disaster for Irish beef farmers. The beef farmer is the lifeline in many of the poorest parts of rural Ireland. If the deal goes through, it will be a further nail in the coffin of a part of rural Ireland. I am fortunate to know many people involved in the beef sector in my county, particularly south Kerry, who survive because of it. Many of the people who are left there manage to survive on the little income they earn from it. I do not think the Government realises what the consequences will be if the deal goes through. The European Commissioner certainly does not realise them. It will be a huge disaster for the rural economy.

We are told reliably that in Brazil an area of rainforest, roughly the size of two football pitches, is cleared every minute. There are also human rights issues associated with this as indigenous peoples in these areas are the victims of human rights abuses. The European Union and the Government are as responsible as the people who are cutting down the forests and driving indigenous populations from their environments, many to their deaths.

I remember being at several of the European debates across the country when we were told how our veto on the deal would be protected.

Acting Chairman (Deputy John Lahart): I must ask the Deputy to conclude if we want

the Minister to reply.

Deputy Martin Ferris: I just need a minute. Does the Government have a veto on the deal? Is it prepared to stand up and demand a veto to stop the deal going through? It will take courage and balls to take it on. I hope the Minister and the Government will have the courage of their convictions.

Deputy Heather Humphreys: It must be remembered that it is only an agreement in principle. It still has to go through a legal refinement process which could take up to two years. It will have to be voted through by a qualified majority at the Trade Council and also go through the European Parliament. On top of this, the EU-Mercosur agreement will be a mixed agreement which will require the involvement of the Dáil in the ratification process. Like any deal, nothing is agreed until everything is agreed. Even if the agreement does come through that lengthy process, it is important to remember that the 99,000 tonnes quota will only be brought in on a phased basis over six years. It could be possibly eight years before the full impact is felt. There is a long way to go. The agreement will provide a solid framework to address human rights issues, including for indigenous peoples.

Deputy Brendan Howlin: Twenty years ago there was a vision of a genuine partnership between the peoples of South America and Europe. What was intended was a mutually beneficial partnership which would assist both Europe and the Mercosur countries to continue their economic development. What we have been presented with in the draft is mostly a free trade agreement. There is mention of social and environmental protection, but there is scant detail. That is not what the people of either continent deserve.

Trade union representatives in both Europe and South America have been blocked from getting information on the deal. I spoke to representatives of the European trade union movement today. They have not been intrinsically involved in the deal's negotiation. What happened to the plan to have a genuine development partnership between Europe and South America? Why have we been presented with a trade agreement in which there is little mention of social and environmental protection? The Minister for Business, Enterprise and Innovation, Deputy Humphreys, has repeated phrases from the European Commission that there will be environmental protection and that it will enforce International Labour Organization, ILO, rules to eliminate child exploitation and forced labour. What mechanisms will be in place to enforce protection of the environment, including rainforests, as well as the measures to prevent the exploitation of workers and child labour?

Deputy Heather Humphreys: There is a clear dispute resolution mechanism that will be included in the deal. Again, it will be part of the legal agreements.

Deputy Brendan Howlin: Will the Minister set it out?

Deputy Heather Humphreys: There is a complete chapter on sustainable development, which means that there is a big focus on it.

Deputy Brendan Howlin: I asked the Minister about enforcement

Deputy Heather Humphreys: Either of the parties may resort to the trade dispute settlement mechanism. If one party considers that the other has failed to comply with one or more obligations in the trade part of the agreement, as a first step in the process, consultation will allow for an amicable resolution of the dispute. If the consultation fails, the complaining party

may request the establishment of an arbitration panel composed of three arbitrators with expertise and experience in law and international trade. There is a trade dispute settlement mechanism there.

Deputy Brendan Howlin: That does not fill me with confidence. We will arbitrate with President Bolsonaro, a man who is a climate change denier and one of the most right-wing dictators and leaders in the world. Our Constitution is carefully balanced to ensure that the balance of power between the Government of the day, the Parliament and the law courts is maintained. The courts have traditionally encouraged private individuals and businesses to seek amicable solutions to disagreements, including where there are commercial disputes. That is why businesses can rely on the rule of law in this State. At the same time, the Constitution ensures the primacy of the democratically elected Dáil and Government, balanced by an independent Judiciary. There is a serious problem with free trade deals that attempt to undermine this democratic balance and established legal order by creating entirely separate dispute resolution mechanisms that would go beyond the democratic control of this Parliament or of our democratically elected Government. What is the dispute resolution mechanism in this agreement? How will it stand in respect of the rule of law and the democratic primacy of this Parliament in disputes such as those I have addressed above?

Deputy Heather Humphreys: On sustainable development, all EU free trade agreements include a trade and sustainable development chapter, which seeks to ensure that partners follow international requirements in the three pillars that comprise sustainable development, namely economics, the environment and social issues. By linking the benefits of enhanced market access to commitments to follow international labour and environmental standards and agreements, these provisions seek to maximise the leverage of increased trade and investment on issues such as decent work, environmental protection and the fight against climate change in-----

Deputy Brendan Howlin: That is nothing but words.

Deputy Heather Humphreys: No, it is not just words.

Deputy Brendan Howlin: It is just words-----

Deputy Heather Humphreys: No, I do not agree with the Deputy.

Deputy Brendan Howlin: -----if there is no mechanism to enforce them.

Deputy Heather Humphreys: Let me finish. On 27 February, EU Commissioner Malmström unveiled a 15 point plan to make the EU trade and sustainable development chapters more effective. Contained in this plan was a commitment to more assertively enforce the commitments under the trade and sustainable development chapters in free trade agreements. Our engagements allow us to influence the Brazilians and others on human rights and so on. If we do not engage, we will not influence.

Deputy Brendan Howlin: My question is simple. What is the mechanism to do these things? The Minister keeps repeating what she intends. She says that we will have rigorous enforcement and we will have all this leverage. The simple question I have asked twice is how will we have this and how will that sit with the democratic rights of this Parliament and the elected Government of Ireland.

I have listened to the responses of both Ministers so far. Although there is more of a conver-

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gence in recent minutes, in the beginning the Minister for Business, Enterprise and Innovation, Deputy Humphreys, was defending all aspects of the agreement, saying that the agreement was hard worked out and she defended every letter of it and then the Minister for Agriculture, Food and the Marine, Deputy Creed, said-----

Deputy Heather Humphreys: The Deputy was not here for the start of the debate.

Deputy Brendan Howlin: I was here for every second of it and the Minister for Agriculture, Food and the Marine was saying not to worry, that the agreement was only a draft that has only been 20 years in the making and there is no reason any of the detail would be important. Even a draft agreement does not emerge after 20 years of rigorous economic analysis without the Government presumably knowing what each item in it means. A Fianna Fáil colleague asked a simple question about carcass weight equivalents. What is the legal view of that? Surely the Government knew that when the agreement was presented by the Commission and surely that question was asked. What does that mean in legal terms? We should not wait for the next two years to work that out.

Economists and trade specialists have presumably pored over the details of the trade patterns, export trends and the likely impacts of adding new suppliers and new consumers to the European market. Some 20 years have elapsed in the negotiations so presumably that has been done in some detail. Can the Minister outline the cost-benefit analysis and the complete economic analysis that has been done? The Copenhagen Economics research has been instanced but we have not seen it. What has been done to date? What will be the specific impact on Ireland, disaggregated from the rest of the European impact, and when will we see that? What do the reports tell us about the balance of gains and losses for our economy, sector by sector? When will we see that analysis and when will it be published? Can the Government outline what work was done to disaggregate the overall issues we have seen in the detailed European papers from the specifics for this economy and for the individual actors and sectors in our economy? When will we see the detail of that?

Deputy Heather Humphreys: I will give the Deputy an example of a trade agreement in which the EU has demonstrated its willingness to initiate withdrawal procedures, namely the case of Cambodia, where there are concerns regarding serious human rights and labour rights violations. In February 2019, the European Commission started the process that could lead to the temporary suspension of Cambodia's preferential access to the EU market by publishing a notice in the official journal of the European Union. It is hoped that, given the 12 month time-frame involved in publishing a notice, there is time for the Cambodian Government to demonstrate to the EU that it is taking the necessary measures to address concerns and that, ultimately, a withdrawal of the generalised scheme of preferences is not deemed necessary.

Deputy Brendan Howlin: The Minister might answer the questions I asked on this agreement. I asked about the economic evaluation and analysis and when we will see it.

Deputy Heather Humphreys: Does the Deputy want me to answer or does he want to keep talking?

Deputy Brendan Howlin: I want the Minister to answer the questions I asked, not the questions she wants to answer.

Deputy Heather Humphreys: On the economic sustainability assessment, as the Deputy knows, we have committed to carrying out same on this proposed trade deal. My Department,

in conjunction with the Department of Agriculture, Food and the Marine, had previously contracted Copenhagen Economics, an internationally renowned trade and economics consultancy, via a public tender process, to undertake a study of the economic impacts and opportunities of recent and prospective EU-third country free trade agreements for Ireland. That study took a portfolio approach to the agreement with the Republic of Korea in 2011, through the agreements with Canada, Japan and Mexico as well as the prospective Mercosur agreement and the prospective agreements with New Zealand and Australia.

That work has been progressing well but has not yet been finalised as the Brexit dimension has been dynamic. Now that the economic and tariff terms of the Mercosur agreement have been concluded, the Department of Agriculture, Food and the Marine and my Department will work to agree specific terms of reference before engaging with our consultants to see if an additional bespoke analysis can be undertaken on the precise terms of the EU-Mercosur agreement to determine the impact and the opportunities presenting for Irish industry in the deal. This work will be undertaken by an independent consultancy specialising in economics and trade matters, and not by a Department of State. Copenhagen Economics, an internationally renowned and independent consultancy, is already engaged on free trade agreements.

Deputy Brendan Howlin: God preserve us from prepared answers because most of that was irrelevant to the questions I asked. My final question is simple. What level of economic analysis has been done to date? Is the Minister telling me that nothing has been done to date?

Deputy Heather Humphreys: Yes.

Deputy Brendan Howlin: Is the Government waiting for this report that will examine everything from Korea to Brexit before it knows what the economic impact of this is? That is surely not the case. Surely in the 20 years the Department has been monitoring the progress of this agreement, it has been inputting into it as it goes along. The Minister knows the impact of this agreement sector by sector and those papers are available to be published. I am making that assumption so when will we see those papers and those analyses? Surely they exist.

Deputy Heather Humphreys: We have done a preliminary analysis but it covers all the trade agreements. What we need to do now is a specific analysis-----

Deputy Brendan Howlin: Has the Government done none on this agreement?

Deputy Heather Humphreys: It was only announced a week ago. We have to do a specific analysis of that. We will do a full economic impact assessment to include the impact on the beef sector and the impact of Brexit and we will also do an environmental sustainability assessment. That is quite a comprehensive body of work and it will take some time to do that. The good news is that we have time because it will take two years before these legal matters are sorted out. We have time to do this and it is important that we take the necessary time and get all the information so we can make an informed decision.

Deputy Brendan Howlin: I presume the Minister has not been an idle onlooker up to now. She has a draft agreement on her desk now.

Deputy Heather Humphreys: It is an agreement in principle.

Deputy Brendan Howlin: Yes, but that is the framework. The framework is there.

Deputy Heather Humphreys: No, it is not. The details are not all in it.

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Deputy Brendan Howlin: I said the framework is there. If we are not talking about the framework, why is the Commission publishing EU-Mercosur data and the details? Presumably the Government knows the impact sector by sector and has made a discernment that, on balance, it is the right thing. The Minister is saying there are impacts that are good-----

Deputy Heather Humphreys: It is not all bad; it is not all good.

Deputy Brendan Howlin: I have listened to the Minister say it is not all bad and not all good. She has, therefore, done the analysis that tells her-----

Deputy Heather Humphreys: No, I have not.

Deputy Brendan Howlin: How can the Minister say what is good and what is bad if she has not done the analysis? Can she share that with us so that over the next two years of debate on this matter both at European level and in this House we can have an input into shaping it into a better deal that more closely meets the ideals set out in the original partnership and that more importantly will have dispute resolution mechanisms that are democratically controlled by this House and that will be effective?

Deputy Michael Creed: The Commission, particularly in the agriculture area, has conducted assessments of our engagement on this issue. The cumulative impact assessment was based on a set of conditions, which are not the conditions that are proposed now. I will not be hidebound by any analysis done by the Commission. The Government has clearly stated that the Government will conduct an impact assessment of the proposals in the trade deal - the pluses and minuses. I see very considerable minuses in the agriculture sector, specifically the beef sector and its impact on the rural economy. However, we will look at all of it.

In addition to that assessment, in the intervening period we will make progress as the document is transposed into a legal text. I mentioned earlier the ambition and opportunity in that process to ensure that we deliver on legally binding guarantees that will ensure a level playing pitch with regard to sanitary and phytosanitary, SPS, standards and environmental standards. In some respects we are being criticised for the actions of a Commission - this is not a Government proposal - but the Commission is being criticised for having an environmental chapter, an SPS chapter, a trade resolution chapter, chapters on indigenous peoples and commitments on international labour law. Some of those represent an opportunity for us to ensure the production systems that are not fair now are exposed for what they are. They are not climate friendly and they do not have the same standards that apply to our production systems. Consumers need to be protected from that and that is the opportunity that exists in the next couple of years.

Deputy Richard Boyd Barrett: This deal is a sell-out. It is a sell-out of farmers. It is a sell-out of the environment and the battle to address the climate emergency. It is a sell-out on human rights. It is a sell-out on food safety and quality. It is facilitated by an earlier sell-out of democracy in the form of the Lisbon treaty which did away with Ireland's veto in the area of trade deals.

Deputy Brendan Howlin: It was voted on by the Irish people.

Deputy Richard Boyd Barrett: Some of us opposed it and joined the anti-globalisation protesters in Genoa specifically because it would enable the EU to do international trade deals that would destroy our environment, hammer farmers and undermine human rights. Now the chickens have come home to roost. The Ministers should confirm it. Somebody asked earlier

if we have a veto. The answer is that we do not because of the Lisbon treaty. Is that not right? The Ministers should confirm it. We can vote against this but it will not make any difference because we sold our veto in agreeing to the Lisbon treaty. Is it not correct that there is qualified majority voting in this area?

Deputy Heather Humphreys: I will just go through the ratification process again because I do not want to give misinformation. It has to go through the legal process. It is our current understanding that it will be an association agreement with Mercosur. While the trade agreement element falls under the exclusive competence of the Commission and is, therefore, ratified by member states in Council under qualified majority voting and by the European Parliament, the EU-Mercosur agreement is a wider association agreement, including trade with areas of shared competence, such as political co-operation elements. The overarching agreement, therefore, ultimately requires ratification as a mixed agreement in accordance with national parliamentary procedures, which includes the Oireachtas. It is not possible at this stage to be definitive about what timelines may apply in respect of ratifying the EU-Mercosur agreement until a final text is available.

Deputy Richard Boyd Barrett: The script will just confuse people. In simple layman's language, we do not have a veto because we gave it away in the Lisbon treaty, which extended qualified majority voting to this area. The chickens have come home to roost.

Deputy Brendan Howlin: This House-----

Deputy Richard Boyd Barrett: I opposed it. Deputy Howlin supported it and that is why he is interrupting me.

Deputy Brendan Howlin: I am talking about the-----

Deputy Richard Boyd Barrett: We warned about it and protesters took to the streets all over the world. The big mobilisations in Genoa, Florence and Seattle were all about this. At the time, small farmers and indigenous peoples from Latin America were on those protests. Farmers from France, such as José Bové, were warning that this would screw the small farmer and here we are. That is the consequence of it.

I would like some clarity on beef. The figure of 99,000 tonnes of beef is mentioned. People should be clear that at the moment 246,000 tonnes of beef come into Europe from the Mercosur countries. Is this 99,000 tonnes on top of that? The Commission documents on the Mercosur deal state that progressively over time tariffs on all Mercosur imports into the European Union will be eliminated. That is the deal. We sell out the farmers and many other things that I will come to in a minute to remove tariffs on manufactured goods, mostly cars and pharmaceuticals, but in exchange we have to remove tariffs from all that beef over time. It is not just 99,000 tonnes, but all of it, further flooding the European market which is significantly flooded with cheap beef from the Mercosur countries, with devastating consequences for small farmers across Europe. Is that not the essence of the agreement that the Government has in principle, notwithstanding a bit of tweaking, signed up to?

Deputy Michael Creed: The Deputy is consistent in that he consistently opposes every trade deal. I have taken the view, as have many Members, that as a small island nation that exports more than 90% of our agrifood production to in excess of 180 countries around the world, we do so by virtue of our membership of a trading bloc of more than 500 million people, which allows us to negotiate trade agreements. As a consequence we are exporting to those 180

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different countries. The EU recently concluded free trade agreements with Japan, Singapore, Mexico and Canada. We have both offensive and defensive interests in all trade deals, and we try to secure the best outcome in those negotiations, which are in the context of our sovereignty in those areas pooled at EU level.

The beef element of this trade proposal is challenging for our agrifood sector. In the period ahead where we move to a legal document, there will be opportunities to influence that.

For correction purposes, it is not a tariff-free proposal for 99,000 tonnes, it is 7.5%, progressively, over the period of implementation. I do not want to get lost in a moot point because the critical issue is the 99,000 tonnes, which could be additional to the existing access, which is at most favoured nation, MFN, tariff rates. We need to work to mitigate the excesses of the proposal by ensuring that we can invoke the labour element, the climate issues and sanitary and phytosanitary, SPS, standards, to limit the damage this will do to our sector. That is the opportunity I see to thwart the ambition on the other side.

Deputy Boyd Barrett's argument is anti-trade generally. When President Trump or others talk about protectionism, that sends a shiver down the spine of the agrifood sector more than any other sector in the country because we depend on trade but that trade must be negotiated to our best advantage and that is the challenge. This is not a done deal.

Deputy Richard Boyd Barrett: I will just read from the EU Commission document, "The agreement will, over time, remove duties on 91% of goods that EU companies export to Mercosur." It goes on to state, "The agreement will also eliminate import duties on 92% of Mercosur goods exported to the EU." That is what it says: over time get rid of all the duties.

Deputy Michael Creed: It does not.

Deputy Richard Boyd Barrett: I am reading from the Commission document. The Minister can explain it to me but he has not explained it in his answer.

Some 20% of the world's oxygen comes from the Amazon rainforest. In the past ten years, an area the size of Portugal of those rainforests has been cut down. Mr. Bolsonaro is accelerating on a massive scale an already horrendous programme of deforestation. It is not getting better because of the trade negotiations with the EU; it is getting worse. He has declared war on the indigenous people and on the forests. Deforestation has increased 60% in the past year alone, 800 sq. km of rainforest were lost last month alone. Last year 5,800 sq. km of forest, which is 100 times the area of Manhattan, were cut down and that is accelerating. I would not even repeat some of the stuff Bolsonaro has said about the indigenous people but I will give the Minister a flavour so that he understands what this guy is about. He said "it's a shame that the Brazilian cavalry hasn't been as efficient as the Americans, who exterminated the Indians." This guy is seeking to exterminate the indigenous people and slaughter the rainforest that produces 20% of global oxygen.

Does the Minister seriously think we should be doing trade deals with a guy like this? Does he honestly believe he is going to respect environmental rights, human rights or anything? He does not care about these things, he is celebrating this deal. To give another flavour he said of one his political opponents, Maria do Rosário, she was "not worth raping". He described immigrants as "scum". He supports the use of firing squads and talked about the need for a hyper-aggressive police force, saying "a policeman who doesn't kill isn't a policeman". He said about

homosexuality “I would be incapable of loving a homosexual son” and “I would prefer that my son die in an accident than show up with some guy”. That is the sort of person we are dealing with. Does the Minister honestly believe we should be trading with people like that? Is that not an absolute betrayal of the fight to deal with the climate crisis and human rights on a global scale, and in particular for the victims of that kind of filth in Brazil?

Deputy Heather Humphreys: As part of the agreement, we have a full chapter on sustainability. That is why we need to hold this person to account. Bolsonaro has had to recommit to the Paris Agreement to get the deal, and accept a mechanism whereby the EU polices his government’s adherence to the Paris Agreement. I do recognise the concerns raised by the Deputies about the Brazilians’ track record on climate change but the EU Commission is telling us that if Brazil walks away from its commitments under the Paris climate agreement, it walks away from the deal and the deal falls. In many ways, it is locking Brazil into the Paris Agreement but the Commission has to make sure that it follows through on these commitments because if it does not, the deal falls.

Deputy Richard Boyd Barrett: I am sorry, and I do not mean to be disrespectful to the Minister but that is just nonsense. There is no way to police this guy. There is no dealing with people like that. This guy is a dangerous lunatic, a climate change denier and a thug. Even if we set aside what Bolsonaro is doing in Brazil, has the Government quantified the sheer expansion of transport emissions as a result of this deal, even on its own terms? What are the extra emissions of CO₂ that will further choke the environment as a result of this deal being done? They will be massive. Does that not show complete hypocrisy on the part of the European Union that it plans to sell cars for cows, as some people are saying, massively increasing emissions as a result of the expansion of transport emissions? Is that not an inescapable fact?

Here is an irony about the tariffs: we had a briefing today from the Minister for Foreign Affairs and Trade, Deputy Coveney, who said that if there is a no-deal Brexit, Europe will have to impose tariffs on agriproduce from the North of Ireland. Europe is going to do that and the Irish Government agrees with the principle of doing that. More tariffs will be imposed on stuff coming from the North to the South of this country than there will be on the massive amounts of poor quality beef coming up from Argentina, based on cutting down rainforest and jumping up and down on people’s human rights. One could not make it up.

Deputy Michael Creed: That is why in the context of Brexit, the preferred solution is approval of the withdrawal agreement and in the interim, the negotiation of a free trade agreement with the UK which will protect access to our market. I am not sure whether the Deputy is arguing for a trade agreement that would not have an environmental element or protection of human rights or international labour law components. If that is his view of what a trade agreement should be like, it seems to be at variance with his global vision, which I share and I believe there is the opportunity now to use those things to our advantage. In the context of the Deputy’s observations about air miles and transport, we export our produce to 180 countries. We do it to prime markets because our product is recognised as of high quality but we are a global player in 180 countries, exporting a top-quality product, sustainably produced. We want to make sure that what we consider in a trade agreement is that it is legally fair trade, not just free trade.

Deputy Thomas Pringle: Deputy Boyd Barrett has said that this treaty has become known as the cows for cars deal and that seems to be the way it is going. All the focus has been on the fact that the EU will get to export industrial goods while we will get to import agricultural goods, from Brazil in particular, which is apparently of great benefit to us all. Mercosur will

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support agricultural industry that is partly responsible for mass deforestation in the Amazon and which does not have the same standards of traceability, animal welfare or food safety that we have. In previous responses, the Minister stated that it will all be dealt with and sorted out and that everything will be hunky-dory in the next two years. I do not believe him, however, and nor do many people listening to the debate.

For 25 years, environmental scientists have focused on the destruction of South American forests by ranchers for beef production, which is possibly the largest single setback to the world's ability to control carbon emissions. On 2 July, *The Guardian* published an article on the agricultural industry in Brazil and how it is destroying the rainforests. One company was penalised by the Brazilian Government and told it could not export cattle from a farm because rainforests were being cleared for the farm, but the company merely moved to another farm and sells cattle from there. The Minister indicated he will deal with all that and prevent it from happening but I do not believe he will, and nor do many other people. The question is how it will be done and what will happen over the next couple of years.

Deputy Michael Creed: I alluded earlier to how it will happen but may not have adequately finished the point, when speaking about the market access we have to other countries. A delegation from China will visit here with a view to approving our systems. In reciprocal trade agreements, the Food and Veterinary Office, FVO, approves establishment for export and, subsequently at border inspection posts, the product is subject to routine checks that are risk-related in respect of the inspection regime. In the context of the opportunity that exists for us, we need to ensure, in consultation with bodies such as the FVO and the European Food Safety Authority, that we construct a legal text that will protect our farmers, level the playing pitch and protect European consumers from substandard products. That is the opportunity for us.

Nobody needs reminding or a lecture on the Brazilian Government's approach to the environment, which is well known. Deputy Boyd Barrett, along with many others, has outlined the offensive nature of much of what happens there and which passes for normal. We have an opportunity to ensure that we protect our industry, citizens and consumers throughout Europe from the dangers associated with that kind of a regime, in respect of environmental standards, human rights standards, animal production standards and veterinary medicines, to level the playing field in the negotiations. As a member of the EU, we will use the same processes that have been used against the EU, such as for the visit of the Chinese delegation. We can use that kind of process to ensure that produce will not arrive here that does not adhere to those rules. That is why I see the opportunity, in the environmental chapter in particular, but elsewhere also for beef, to ensure we will protect our beef industry. As I said earlier and have repeated *ad nauseam*, we will be able to thwart the ambition of others. If countries do not meet the terms and conditions, the deal will be dead and their product will not be allowed to get in here.

Deputy Thomas Pringle: Is the Minister seriously trying to convince us that his concerns will trump Germany's concerns about the number of cars it sells to Brazil? Is that what he wants us to believe?

Deputy Heather Humphreys: To elaborate further on the comment about cars and beef, approximately 60 companies in Ireland are involved in sub-supply to the automotive industry and employ approximately 7,000 people. The companies range in size from large to emerging players. In Irish terms, automotives cover a broad range of vehicles including trucks, buses and off-highway vehicles. Trade deals have been good for Ireland. While there are issues with the one we are discussing, they have been good. Last year, as a country, we exported in goods and

services a total of €316 billion around the world. That is an increase of 74% over the past five years, given that in 2013, we exported €182 billion. We should not forget the benefits that trade deals have brought to the country.

We have also had many benefits from membership of the EU-----

Deputy Thomas Pringle: I apologise for interrupting but I am conscious of the time.

Deputy Heather Humphreys: I will let the Deputy continue.

Deputy Thomas Pringle: We will supply wing mirrors for cars and, therefore, it will be all right to do away with the beef trade. That will be okay.

Deputy Heather Humphreys: There are 7,000 jobs in the automotive sector. That is not to be laughed at or made light of.

Acting Chairman (Deputy John Lahart): One voice, please.

Deputy Thomas Pringle: How will the Government ensure that the trade will reflect all our needs, as the Ministers indicated? How will it enforce it at European level when it comes to the crunch? I imagine that the Government will return to the Chamber in a couple of years with a similar agreement and seek endorsement. Will the Government build alliances with like-minded countries to form a bloc for the qualified majority vote, or will it simply rely on goodwill, talking and the countries saying they will change their practices?

Deputy Heather Humphreys: To be clear, we have worked with like-minded countries. I co-signed a letter with the Belgian trade minister outlining our concerns about the deal, not least in respect of the beef industry. We will continue to work with our colleagues in Europe. We will carry out an economic impact assessment and examine specifically the impact it will have on the beef industry. We will also examine the impact of Brexit and how that will feed into the sector.

There is work to be done. It will be two years before the legal agreements are signed. We have time to do the work and make an informed decision.

Deputy Michael Fitzmaurice: It is not that people are against trade deals, although I have heard that thrown out during the debate. I do not often agree with Deputy Boyd Barrett but, in fairness, on the Lisbon treaty he is correct. We have lost our veto and we need to be honest with people about that. There are Brexit headwinds in the UK, where 70% of our beef is sold. Unfortunately, our suckler herd is in trouble and prices for beef have been pulled again. That is because of factories, Brexit and the climate debate. Every time one turns on the television, the farmer is almost the villain of the world. I walked down the street today to the Irish Farmers Association briefing. The air I breathed today was an awful lot different to what I breathed last night at home. It was totally different. Before any cost-benefit analysis or anything else is done, there is a reality to consider. Some 80,000 farmers, families, partners and children rely on the beef and suckler industry. Most of them are from counties Donegal to Kerry and out to County Longford. The sector has to be protected. No matter how the maths or sums are done, there will be a wipeout if Brexit happens. It will be one belt after another.

The Minister, Deputy Humphreys, spoke about doing deals with Cambodia. From what I have read, the measures are similar to being shown a yellow card in a football match but a country can receive five yellow cards from the EU. If a country indicates it will change this, that or

the other, the EU will say “Okay” and the country can plod along again. We know the history of the countries in question. We know about the rotten meat and the lack of traceability. They will sign up to everything and say they will do everything but they will cod the EU. There is no point in saying it. Ultimately, 80,000 farmers, families, houses and people living in rural parts of Ireland will be affected. When the Ministers go to their respective Councils of Ministers, will they oppose this proposal? Will Fine Gael Members of the European Parliament, who are part of the European People’s Party grouping, oppose this when it comes before them in three years’ time? It may come before that. Will alliances be made with different countries on this? I know President Macron welcomed the deal straight away and he has let down the French farmers. Will the Government make alliances with the different countries to see if it can get what it needs to block this deal?

Farmers in Ireland have heard about the climate action plan. The South Americans can cut down forests the size of football pitches every minute and haul meat across the world. We export meat but in this country we have traceability and high standards are maintained by the Department of Agriculture, Food and the Marine. In fairness, we produce a grass-based product. Will we tell those in Europe that we will not stand for this proposal? Deputy Ferris will propose a motion to the Dáil tomorrow, so will we put in place a legal document as a message from Oireachtas Members on behalf of the people of Ireland before the Dáil within the next three or four months? Will the Government commit to a legal document indicating that we will not accept this deal?

Deputy Michael Creed: As I said earlier, I do not believe we have a deal. We have the outline of an arrangement that must be given legal effect. When we ultimately have a deal, it will be a decision for the Oireachtas at that stage. My responsibility is to ensure that in that intervening period, we work with like-minded people and use the institutions of the European Union and the State to ensure we get to a point where we thwart, diminish and frustrate the ambition contained in that headline agreement so as to secure the best possible deal. The best possible deal would bring a levelling of the playing pitch in order that the standards alluded to by the Deputy, including those pertaining to the environmental, traceability and veterinary medicine, would be the same as those applied to the product that is coming in to compete with us on EU supermarket shelves. This is the challenge.

In the intervening period we will of course do an appropriate assessment of the deal, investigating not only its economic impact but its environmental effect. There is opportunity in that space to ensure the legal document ultimately drafted protects our farmers from unfair trade. The ultimate ambition is to have fair trade and in the context of that fair trade, if we are not fighting with one hand behind our backs, our producers can compete with anybody. I know that from the privilege I have had working on trade missions with people in the industry. Our product is rightly respected as a high-value sustainable product, and it is in our long-term best interests to keep embracing that model of production.

The Taoiseach has been quite frank about this. If we find with our assessment that the deal is not in our interests, we will try to forge alliances with others to ensure we can meet the required threshold for a qualified majority vote, QMV, at Council level. In the interim, we must do the assessment and look at the detail of the outline agreement to see how we can try to influence that in the intervening period to deliver a legal text that would protect our interests and those of beef farmers in particular. There are 100,000 family farms - not 80,000 - deriving some element of their income from the beef sector. The critical mass of the Irish agricultural sector is involved with beef production. People are also affected in the poultry, pork and dairy sectors,

although some of these are affected in a positive sense. The real exposure is to the beef sector.

As the Taoiseach has said, we will do the assessment and take things from there. In due course it will be an issue for the Council of Ministers approval process, the European Parliament and member states. I hope the Deputy and I will be Members of this House at that stage but it is some distance away.

Deputy Michael Collins: We have spoken about the 80,000 beef farmers in this country and, on average, they spend approximately €30,000 annually in their local communities. We must bear in mind the major losses that will accrue if we sell ourselves down the swanny. Any deal with Mercosur is a shockingly bad deal for Ireland, including its beef, dairy, poultry and pig farmers. I noted the Minister's comments earlier that this may not be a done deal and I sincerely hope it is not. We should bear in mind that cattle in Brazil are not tagged and there is no database or traceability. Hormones, beta agonists and other growth promoters are widely available but these products are all illegal in the EU. Foot and mouth disease is endemic in Brazil. A European Union food business operator audit in Brazil indicates that written guarantees provided by the Brazilian authorities were not reliable. Bearing all this in mind, has there been an assessment of the health of those who consume that beef? Bearing in mind the potential losses to local communities, has there been an assessment of cost to the Irish beef farmer if any deal is done?

Deputy Michael Creed: The Deputy has clearly articulated the range of concerns and the objective from this side is to achieve a fair trade arrangement. As I said, in all trade negotiations we have offensive and defensive interests and we are not yet in a position where a trade deal is being approved or rejected. We are at the beginning of a process whereby the outline agreement is given legal effect. The issues around traceability, sanitary and phytosanitary standards and hormone-treated beef, for example, will all see engagement by agencies of the European Union so as to be of advantage to us in trying to protect our beef farmers in the final legal document.

We will do an assessment of the impact of the trade agreement, including how it pertains to industrial goods, services, public procurement and, in a broader sense, political co-operation and a range of issues involving most if not all Departments. We are a long way from inking a deal and we have the opportunity to collaborate and ensure we achieve the best outcome for ourselves.

Deputy Michael Healy-Rae: Today was very important as county executive members of the Irish Farmers Association, IFA, from all over the country were here to give an emergency presentation to all Members of both Houses of the Oireachtas. Tomorrow, buses will carry people from the beef sector travelling from all over the country to protest here and highlight that it will be impossible for beef farmers to make money after this is implemented. It will be impossible for a person to survive with a suckler herd. On Thursday, the hill men and women will be here to explain their case across the road in Buswell's Hotel.

There are farmers from all sectors of society coming to Dublin to make their case to us as politicians about why they see this as a bad deal. The members of the IFA and I want to see Deputy Ferris's party's motion being voted on tomorrow night. They want to see us as politicians coming together in the House to support the Sinn Féin motion and clearly stating that we reject the deal. They want us to say it is not a good deal for Ireland or our farmers if it is going to hurt such an important sector, our cornerstone of agriculture in Ireland. We will ask Fianna Fáil, as well as all the other Members elected to represent our farmers, to support the Sinn Féin

motion. It is vital.

I know the farmers from my county will be looking to see who will support Deputy Ferris's motion and who will reject it to support Commissioner Phil Hogan on his reappointment in Europe. Good luck to him and I am delighted for him but it is a pity about the farmers he is supposed to be representing. Is it not funny how people forget their roots and where they come from when they get into high office? It is a disgrace. The IFA called this a sell-out and it is right. I do not want to eat into my colleagues' time.

Deputy Michael Creed: The reference to the Commissioner is somewhat unfair. Would the Deputy prefer to be going to a Commissioner from another member state?

Deputy Michael Healy-Rae: Such a person might do better.

Deputy Michael Creed: The Deputy should bear in mind that, during the incumbent Commissioner's tenure, we have secured a ring-fenced fund for the Irish beef industry of €50 million from Europe and €50 million from the Exchequer.

(Interruptions).

Acting Chairman (Deputy John Lahart): The Minister to speak without interruption, please.

Deputy Michael Creed: I am pleased to say that, during all of my engagements with the Commissioner, whether on this issue or any previous issues that arose about any particular sectoral aspect of the Irish agricultural and food industries, he has been most responsive to the concerns we have raised and I think most farm organisations would acknowledge that. He has worked within a framework where he has to represent all European agricultural interests but, even in the context of that, Ireland is the only member state that got access to this €50 million from the Commission. No other member state is getting that. Deputy Michael Healy-Rae is telling me, in his criticism, that he would prefer to be going to a Commissioner from Malta, Romania or Luxembourg-----

Deputy Mattie McGrath: It is sell-out money.

Deputy Michael Creed: -----when looking for a deal from Irish farmers. I can only say that is not my experience.

I acknowledge the point Deputy Michael Healy-Rae makes about the challenge that this poses for the beef sector in particular and, as I said, we are far from a situation where we are approving or rejecting a deal. We are not at that stage. Deputy Healy-Rae knows, from his wide experience in life, that there is a big difference, for example, between making a decision to purchase a property and the contract one ultimately signs. Terms and conditions apply. We need to use our influence to shape the terms and conditions that apply to this deal in order to benefit our farmers. That is my function as long as I am in this position and I would also see it as my function to work collaboratively if I was sitting in Deputy Healy-Rae's position. This is in the national interest and we can make progress together. *Ní neart go cur le chéile.*

Deputy Carol Nolan: The Minister mentioned forging alliances after the impact assessment. That unnerves and concerns me greatly. The Minister and Commissioner have been informed of the serious and genuine concerns of the farming organisations such as the Irish Farmers Association. Our beef farmers are struggling as it is and it is unbelievable that the

Government has lost valuable time and is on the back foot again on such an important issue. I have serious concerns.

I am from a good agricultural county in Offaly where many beef and suckler farmers are struggling. I ask the Minister to reconsider that.

We know the Mercosur agreement will have obvious impacts on our economy but it will also have an impact on the future of Irish agriculture and its generational renewal which is a serious threat to the sustainability of Irish agriculture. What young person is going to decide to take up farming as a way of life if the industry is in absolute chaos and the future is bleak? That is the situation the Minister is creating. This Government needs to step up to the mark and take action. There have been enough reports and assessments. The Government should take action now before it is too late.

Deputy Michael Creed: I appreciate the Deputy's concern. She has raised the issue in the House previously and her rural constituency obviously has her well informed, as is the case for all other Members.

To be fair to the track record of the Government, I point to the aforementioned €50 million that the Exchequer is putting in to support the beef industry, the beef environmental efficiency scheme and support being provided to producer organisations. In the context where we do not have a direct influence on price, we can deliver income support through extending the disadvantaged areas and by putting €50 million back into the sector. Every opportunity we have had through any initiatives that are supplying additional resources have been targeted at this sector and we continue to make such efforts.

It is not about forging alliances into the future. That work is ongoing. Most recently, the Taoiseach co-signed a letter with President Macron of France and the Prime Ministers of Belgium and Poland on the issue of the Mercosur agreement. We will continue because we are not without other member states which share our concerns on specific aspects of this.

As I said, this is not a deal yet and there is still an opportunity to shape and influence it. It is something on which we can all work collaboratively to ensure the ultimate terms and conditions that apply will deliver a level playing pitch on standards and that we can invoke the environmental chapter, or the chapter on sanitary and phytosanitary standards, to deliver that. We must work with the EU institutions, within Government here and with other governments across the EU. Simultaneously, we must do the appropriate economic and environmental assessments so we are armed with the necessary information to sustain the arguments that we make.

Deputy Mattie McGrath: Commissioner Hogan has said that the EU will put in place a €1 billion stabilisation fund in the event that the Mercosur deal leads to market instability. We know it will lead to market instability and I do not have the same faith in the Commissioner as the Minister has.

I welcome farming families from all the different farming organisations to the Public Gallery. Those people want to be at home and farming tonight, looking after their hay and crops, not in Dublin today, tomorrow and Thursday. They would not be here if they could avoid it. These are hard-working, decent people. The Minister, Deputy Creed, knows that as he is from farming stock. These farming families have been let down by Commissioner Hogan and the Government.

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We know that our indigenous beef sector generates approximately €2.8 billion annually. It does not take a genius to figure out that even if Ireland was to receive the entirety of that fund it would be insufficient to match the fiscal damage that will ensue. There will be widespread chaos with the wipeout of farming families and communities. The Government has attacked the pubs, schools and An Garda Síochána. It is now going to plant trees in our good land.

How was that figure of €1 billion arrived at? Will the Minister accept that it is entirely inadequate?

How much control did elected governments and Members of the European Parliament have during the negotiations? The European Commission says it negotiated on behalf of the EU in line with the guidelines given to it by the governments of the 28 EU member states. What specific guidelines did the Minister or Ireland give to the Commission? To what extent did Ireland work together with EU member states to prepare the negotiations and negotiating strategies? What was the specific level of involvement? I want those questions answered.

I want to broaden out away from the agricultural sector. I understand the agreement will also open up the government procurement market of member states of Mercosur. The agreement will make it easier for European firms to bid for government contracts in Mercosur countries on equal terms with local companies. Is that going to be reciprocated here? Will small firms from Mercosur countries have easier access to our procurement bidding process? Has any analysis been conducted to assess how that might impact our SME sector which will be devastated, along with the small farmers? There are questions there for both Ministers.

Deputy Heather Humphreys: There are benefits in this agreement for the SME sector. There are also benefits for the dairy sector with quotas for cheese and infant formula. The SME sector will have much greater access to the procurement process in Mercosur countries. They will also have an easier process and an agreed customs procedure that will make it much easier and more cost effective for them to do business in that sector. The Minister for Agriculture, Food and the Marine, Deputy Creed, will answer the other part of the Deputy's question.

Deputy Michael Creed: The Deputy referred to the figure of €1 billion. That is the chapter to which I have paid least attention because I am not in the business of being bought off when we talk about the content of the deal.

Deputy Mattie McGrath: One cannot be bought off if one has sold out.

Deputy Michael Creed: My efforts are entirely focused on ensuring that the ultimate deal protects our interests. To concentrate on the €1 billion is, in a way, to throw in the towel and I am not at that stage at all.

I am at pains to point out that we can work to influence the terms and conditions of this scheme. It will undergo the appropriate economic and environmental assessment. We can influence and work with other people. We can work collaboratively in this House and we can work with people outside this House and across the European Union to influence and shape the terms and conditions of the final legal document that will be put before the Council of Trade Ministers, the European Parliament and national parliaments in due course. That job of work needs to be done. We have none of that detail now.

I made reference, in reply to Deputy McConalogue, to carcass weight equivalent. The only segmentation we have in that context is the breakdown between fresh and frozen goods. There

is an opportunity to ensure that we influence that in a way that is positive for us.

There is a whole host of other things we can do as to the terms and conditions outlined in the agreement on, for example, environmental standards, traceability, sanitary and phytosanitary standards, SPS. We can do that and that is where the focus is now. This is not about being bought off. That is the least of my concerns at this stage.

Deputy Mattie McGrath: That is not the least of my concerns.

Deputy Michael Creed: The Deputy might be interested in the buy-off but I am interested in ensuring we secure an appropriate trade agreement.

Deputy Mattie McGrath: I am unable to sell out.

Acting Chairman (Deputy John Lahart): I must call on the Ministers to conclude at 8.45 p.m., which leaves five minutes for Deputies to make further contributions.

Deputy Martin Kenny: I seek clarity on the Minister's reference to a mixed trade deal. If it is a mixed trade deal, it will come before the parliaments of all EU member states. I understand we are not certain whether that is the case but assuming it is, will the Oireachtas vote on the deal when the time comes? If we were to reject it, would the trade deal fall for the whole EU?

Deputy Eugene Murphy: As the time is limited, I will ask one question which I do not believe anyone has asked. Can the Minister not stipulate that the Commission restrict the importation of prime cuts of beef into the Irish market on the basis of our unique vulnerability, especially in the context of the impending Brexit time bomb? If the larger EU economies want to export cars and agricultural machinery to South America, should they not take the lion's share of the beef from South America?

Deputy Eamon Scanlon: It is important that people in the Gallery know that Deputies are fortunate to get two minutes to ask a question. The arrangements in the Dáil mean each group gets 15 minutes. Many more back bench Deputies would like to speak on this issue.

I thank the Minister for the commitment he gave me in the House last week that the €100 million provided under the exceptional aid plan will be paid to farmers this year. I welcome that decision. I do not doubt the Minister's sincerity about trying to have the Mercosur deal changed. Do I believe he will succeed? To be honest, I very much doubt it. That is plan A. We discussed the 100,000 people who depend on farming, particularly suckler farming, in the north west and the area I represent. Plan B should involve the Minister seeking to secure funding of at least €200 per cow to support suckler cattle farmers and keep them in business. Otherwise, they will go out of business.

Deputy Mattie McGrath: Cá bhfuil An Comhaontas Glas? Where are the Social Democrats? Those parties had time to speak tonight. Are they not interested in rural Ireland in any shape or form? We are being dosed with the green agenda and listening to an Teachta Eamon Ryan every day of the week. He claims his grandmother is from Tipperary but on a serious issue like this Green Party Deputies do not even have the respect to come into this Chamber and address questions to the Minister. Shame on the Green Party and the Social Democrats.

Deputy Carol Nolan: The Mercosur deal provides for additional imports from South American countries. Has that been taken into consideration? These countries are seeking 99,000 tonnes of beef exports in addition to the 269,000 tonnes they are allowed already. Has that been

considered seriously by the Government and the Commissioner? It seems to be very excessive.

Deputy Michael Fitzmaurice: Does the Minister accept that there will be a deal? I gather from his contribution that there will be a deal, although we might not like it. I may have picked him up wrong. Has he accepted that there will be a deal between the EU and Mercosur countries?

Deputy Eugene Murphy: Picking up on Deputy Fitzmaurice's question, we get the impression, as does the farming lobby, that the Government has thrown in the towel on the deal despite what the Minister says. Will the various Government agencies such as Bord Bia introduce new measures to market the prime Irish grass-produced beef to counteract this deal? Surely that would have to be up at the top of the agenda.

Deputy Heather Humphreys: To clarify, this is an association agreement which means it covers trade and other matters. If it is an association agreement, as it is being presented by the EU, it will have to come before the Dáil to be voted on. My preference would be to have it come back to the Dáil but the Commission may decide to seek a provisional application, which would mean the trade aspects of the deal could be provisionally applied. Ultimately, however, the deal will have to come back to the Dáil as an association agreement. If the trade element is to be provisionally applied, the process is that it will go to the Council of Ministers and then to the European Parliament. Members should note that trade is a European Union competency so the EU has the competency to negotiate trade agreements. The full deal will eventually come back to the Houses. However, to be straight, fair and open about this-----

Deputy Martin Kenny: The trade deal is already done.

Deputy Heather Humphreys: No, the Commission may decide that but it is a decision for it. I have no guarantee that it will or will not do so. We will do everything we can to forge alliances and minimise the impact of the deal. It has good parts and we should accept that but there are challenges for the beef sector. We will do all we can to minimise the difficulties it presents for the beef sector.

Deputy Michael Creed: I thank Deputies for their engagement on this issue. It is a contentious topic for any Deputy, but especially those from rural Ireland. The breadth of the contributions reflects the scale of the issue, not only for individual beef farmers but for the rural economy generally. It is probably not widely understood outside the rural economy that the multiplier effect for the indigenous sector and the beef sector in particular is many times higher than it is for people involved in foreign direct investment, for instance, because of the purchase of local inputs and so on. Farming is critical to our rural economy and our biggest indigenous industry. The scale of the issues related to Mercosur as they relate to and impact on agriculture are of real concern to the farming community. There may be benefits for public procurement, services and manufacturing. In assessing the deal, we will examine all of these issues and the impact on the farming sector, especially the beef sector. We will consider how we can use the intervening period appropriately to ensure that the ultimate terms and conditions which apply to the deal when it is reflected in a legal text are used to protect and deliver a fair trade agreement and a level playing pitch.

From my constituency experience and engagement with farmers generally, they do not fear competition provided it is fair. What we fear in the context of Mercosur is the potential for competition to be unfair. The Government's function and responsibility, during the close-out

period of a possible trade agreement, is to ensure its terms and conditions are influenced in our favour. I reiterate the point I made on carcass weight equivalent. The segmentation of that insofar as it is currently articulated only deals with fresh or frozen beef. It is critical in serving our industry to ensure the appropriate segmentation is secured, in particular the imports cannot only be prime cuts and the only segmentation that applies will be between fresh and frozen.

I accept the points made about the beef sector in general and its current difficulties. I refer again to the initiatives being taken in that area. This trade deal comes on top of other challenges facing the industry, such as the new Common Agricultural Policy and climate change. One of the great hallmarks of the Irish agrifood industry in all its manifestations, inside and outside the farm gate, is the capacity to work together. We have met big challenges such as foot and mouth disease and the pork dioxin crisis, and we can rise to meeting this challenge as well. It is critical that we use the intervening period to influence the shape of the deal that is done. In everything I will be doing for as long as I am here, I commit to ensuring we deliver fair competition. In this context, fair competition will ensure we can compete with anybody throughout the world.

On Deputy Nolan's point about the 260,000 tonnes, in global trade anybody can export provided they meet the terms and conditions of EU consumer protection standards and pay the appropriate tariff for trade with third countries. Much of the access people enjoy is on the basis that they pay the most favoured nation, MFN, tariff rate. We cannot stop that product, other than insisting it meets the appropriate terms and conditions. With regard to the future agreement and the 90,000 tonnes, it is about making sure that whether or not the figure becomes the reality, we ensure the terms and conditions under which the market is accessed deliver fair trade and competition for our industry.

My colleague has dealt extensively with the approval process. It is some distance away from us. I appreciate we will have an opportunity to debate all this tomorrow. It is some time away and it will be an issue for a future Oireachtas. It is not an issue this Oireachtas will consider because there is not a deal to be considered at this stage. I commit to ensuring that if the deal ever becomes a reality it will not have the outline of the deal we have seen.

Deputy Heather Humphreys: I thank the Deputies for their contributions this evening. As the Minister, Deputy Creed, said, we want to get the best possible deal for the country and we will work towards that. The key word is balance and as a Government we need to go through this deal in detail and see whether it strikes the right balance for Ireland. I recognise and appreciate the very genuine concerns expressed by our farming community about the Mercosur deal but it is also important that we recognise there are positives in the deal for Ireland and significant benefits for Irish exporters in sectors such as business services, chemicals, the drinks industry, machinery, medical devices and the dairy industry, with a reduction or elimination of tariffs and barriers to trade for these sectors. As I said earlier, and I will say it once again, trade deals have been very good for this country. We are a small open economy and we depend on them. We exported €316 billion worth of goods and services in the past year, which is a lot of goods and services. Many products coming out of this country go across the world and it is important we remember this.

I want to be clear that the fact of the matter is that as a Government we absolutely fought to achieve the best possible deal for our farmers in terms of the agreement in principle that we see. The deal was negotiated at EU level. As a member state, Ireland raised serious concerns over a long period of time. We had various meetings and we made all the contacts we could. The Minister, Deputy Creed, also outlined this. It is important to say that the agreement as it stands

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at present ensures there will be equivalent standards. The EU sanitary and phytosanitary, SPS, standards will not be relaxed in any way. They remain non-negotiable. The highest EU standards will be applied to all imported goods, particularly food, so there will be no hormone beef and no GMOs will be allowed. I reassure farmers that equivalent standards will be an integral part of this agreement.

With regard to concerns regarding climate change and deforestation, Mercosur, including Brazil, will have to fully implement the Paris Agreement as part of this deal. If it does not, the deal will be void and will fall. It is important to remember this is far from a done deal. It is an agreement in principle. It has to go through the legal process and that will take up to two years. It then has to be voted through by a qualified majority of the Trade Council and then it must go through the European Parliament. As I explained earlier, as a mixed agreement it will have to come back to Dáil Éireann and we will be involved in the final ratification process. I certainly hope this is the case and I will certainly be making the case that it should come back to the Dáil.

The quota for beef will be phased in over six years, so we are talking about a deal that might not be fully felt until 2028. Meanwhile, we are staring down the barrel of a possible no-deal Brexit on 31 October. That is 115 days from now. As everyone in the House is very aware, a no-deal Brexit could deliver a serious shock to our economy. In particular, it would have very damaging consequences for the agricultural sector. It is in this context, with serious immediate challenges such as Brexit facing us, that we need to take a step back and use the time available to examine the Mercosur deal in detail. This is why the Department, in conjunction with the Department of Agriculture, Food and the Marine, will proceed to ensure a comprehensive independent economic assessment is carried out on Mercosur. We believe we have the time and space necessary to do this. I believe the shape Brexit takes and the impact it will have for the agricultural sector will need to be a key consideration of this economic assessment.

The Taoiseach has made it very clear that the Government has an open mind on the deal. As I outlined earlier, there are benefits in certain sectors but there are also negatives. What we need to do is determine overall whether this will be a win or a loss for our economy. We should not lose sight of the fact we have had EU trade agreements with Japan, Vietnam, Singapore

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and Mexico and they have been very positive for our agricultural sector. In particular, they provide for the export of 105,000 tonnes of European beef. They were good trade deals for the agricultural sector. I accept that Mercosur is difficult but what we have to do now as a Government is look at the deal in the round. That is what the economic assessment will do. It will ensure that the Government makes a fully informed decision when deciding what position to take when the ratification process on this deal commences in two years' time.

Acting Chairman (Deputy John Lahart): I thank the Ministers, their hard-working officials, all the Deputies who have contributed to the debate and the very engaged Public Gallery.

Special Educational Needs: Motion [Private Members]

Deputy Margaret Murphy O'Mahony: I move:

That Dáil Éireann:

notes that:

—each and every child has a right to education to enable them to live a full life and to realise his or her potential;

—annually, parents of children with special needs and autism face considerable difficulty securing school places for their children;

—there were 3,568 children awaiting a first assessment of need nationally at the end of March;

—there were over 850 children with special educational needs receiving home tuition while awaiting school placement in 2017/2018; and

—a recent survey of parents of children with special needs conducted by AsIAM found that:

—35 per cent of parents said that they had applied to between four and seven different schools to seek a place for their child;

—54 per cent of parents felt that a lack of school places was the biggest barrier for their child in accessing education, in addition to a further 18 per cent saying that their chief obstacle was a lack of nearby schools or classes in their local catchment areas;

—91 per cent of respondents whose child or children were experiencing exclusion or extended absence from school said they were presently receiving no support from Tusla; and

—recurring problems will increase in the 2018/2019 school year and in Dublin 15 alone there is a shortage of 40 special school places for students with complex needs, including autism spectrum disorder;

further notes:

—the impact of disengagement from school is catastrophic for young people;

—that when a child does have a place, children with disabilities are more likely to be placed on reduced hours;

—that the Education (Admission to Schools) Act 2018 gives the Minister for Education and Skills the power to direct schools to open more school places for children with special needs where there are not sufficient places available; and

—that there has been no investment between 2016-2018 to recruit additional therapists in the Health Service Executive Service Plan under the national policy of ‘Progressing Disability Services for Children and Young Persons 0-18’, which causes extra gaps in education provision;

agrees that:

—each child deserves access to education, and where appropriate, the State must provide education which supports the special educational needs of children;

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—no school takes the decision to reduce a student’s timetable unilaterally; and

—there is currently no formal system in place for monitoring or reporting on the use of reduced timetables; and

acknowledges that the National Council for Special Education has formally advised the Minister for Education and Skills, that there is insufficient special school and special class capacity in Dublin 15, but that further use of the Education (Admission to Schools) Act 2018 to address shortfalls in other areas has not yet taken place; and

calls on the Government to:

—immediately use the Education (Admission to Schools) Act 2018 in areas where there is a need to ensure that every child with a special educational need has that need met before September 2019;

—provide additional support mechanisms for parents to directly engage with Special Educational Needs Organisers, and to provide additional resources if required to ensure that parents concerns regarding school places are met;

—provide teachers with access to further undergraduate training in the area of special education needs;

—provide those who are working in the area of special education with further supports for continuous professional development;

—provide additional resources such as the National Educational Psychological Service and Child and Adolescent Mental Health Services to at-risk children or children in need of assistance to remove the need for a reduced timetable as a response to emotional or behavioural issues;

—introduce legislation governing the use of reduced timetables;

—immediately introduce a mechanism that includes an appeals process to ensure that reduced timetables are monitored, including the reason that a reduced timetable is used, its duration, a plan to support the young person to return to the school timetable and the child’s age, gender and ethnicity;

—engage with schools and teachers representatives to address shortfalls in resources to ensure that schools have adequate provision to provide every child with an education; and

—create a plan to roll out in-school speech and language therapies nationwide.

I am sharing my time. Every child, including children with special needs, has the right to reach his or her full potential. I believe that education is key to realising that right. We must also remember that behind every child looking for a school place is a family, including parents and siblings. These people often have to fight for everything and not just for school places. A written response to a parliamentary question posed by Deputy Thomas Byrne last June advised that “enabling children with special educational needs including autism to receive an education ... is a priority for ... [this] Government”. I really wonder if that is the case.

I know those are reassuring words because every child has a right to an education. In fact,

this right is enshrined in the Constitution and that is the least that every child, including children with a disability, deserves. It is a given, or at least it should be. The reality with this Government, however, paints a somewhat different picture. A survey conducted by AsIAM found that one third of parents who completed the survey confirmed that they had been waiting more than one year for a school place. Nationally, more than 850 children with special needs received home tuition last year simply because there were no spaces for them in schools.

As the Minister is aware, school is not just about education. It is also about the development of social skills and those skills are developed within the walls of the school. In my county of Cork, 156 children were languishing on a list for placement last year. That has increased from 121 since 2015. It is further noted that in circumstances where spaces are provided it is often the case that reduced timetables are introduced as a means of dealing with challenging behaviour. That is not fair. Every child should be entitled to a full day in school, except in those rare circumstances where, in agreement with parents, that is not viewed as a good idea. In most cases, however, children need their full day in school, like other pupils in the class. The reality is that these numbers are likely to be much higher as the practice appears to go unregulated for the most part. We have no records and no data are collected. Imagine that in this day and age we have no way of ascertaining the gravity of this process as it is not monitored.

In fact, many schools make decisions concerning which children are placed on reduced timetables. Significantly, the Education (Admission to Schools) Act 2018, instigated by my party, Fianna Fáil, provides the Minister with powers to compel schools to provide a place within a school to children with special needs. This power, however, has only been used once so far, in Dublin 15. This Act needs to be implemented nationally with immediate effect. I would also like to see more contact between parents and the special education needs officers, SENOs, so that the SENO, the parents and the teachers can be on the same hymn sheet going forward. What chance does a child have to reach his or her full potential when the most basic of starts, that is, an education, is not being afforded to him or her? I hope sincerely that we will receive cross-party support for this motion. I hope that it will allow our forgotten children, often those children who have no voices of their own, to be recognised so that they get what they rightly deserve.

Deputy Fiona O'Loughlin: This is an important Private Member's motion being put forward by Fianna Fáil. It caters for those children and their families who find themselves faced with the most challenges in life. Every year, I and many of my colleagues find that parents of children with special needs and with autism face considerable difficulties securing school places for their children. This has led to the establishment of campaigns such as Enough is Enough - Every Voice Counts. Such campaigns have emerged in the areas of Dublin, Cork and Limerick in response to the difficulties experienced by parents in securing school places for their children.

I have certainly found such difficulties in my constituency of Kildare South. This evening I was reading back over some of the emails I received from parents in recent years and it was absolutely heart-rending and heart-breaking. Parents are unable to find a school place in their own county, let alone within a local school. One parent referred to being offered a place 35 miles from home and that meant a round trip of 70 miles. School is an important setting for socialisation as well as for any academic experience. The whole principle of schooling locally, where children get to know their neighbours, is very important.

We know that there are close to 4,000 children awaiting assessment to get a school place.

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That is a high number of children awaiting such recognition. I have come across situations where children did not have the requisite diagnosis when their names were on the list for a school. Their parents were told, however, that it would not be a problem while the diagnosis was awaited. It then became a problem when the child had the diagnosis, having gone through the whole process of buying uniforms, etc. More than 850 children with special needs across the country were receiving home tuition last year because a space could not be found for them in schools. The amount paid for home tuition for these children has increased by almost a quarter in the last two years. These children and their families are being left behind.

I have raised another situation, with which I am very familiar, with the Minister before. It concerns 12 children in Newbridge who were leaving an autism spectrum disorder, ASD, unit within their primary school but who did not have a place to go to at second level. Some 24 months before those children were due to leave their school we started a campaign and a lobby. Those 12 children left school in June 2018. It took until after the November break in that year to get a place within a secondary school. No home tuition whatsoever was offered during that time. Those children went for almost half a year without any type of school setting. That is absolutely wrong.

Through pressure from Fianna Fáil, the Education (Admission to Schools) Act 2018 gives the Minister the power to compel schools to provide special classes where sufficient places are not available. So far, despite concerns raised by parents across the country, this power has only been used once and that was in Dublin 15. We believe that the Government must be far more active in its application of this power. The problems do not end when a child enters school. While Department of Education and Skills does not collect information on reduced timetables, reduced hours or exclusion, evidence from organisations such as AsIAM indicates that many schools have implemented involuntary exclusions or reduced hours for children with special needs. That is simply not good enough. The Government must act to ensure that these children receive the education they are entitled to. It is simply not good enough to ignore the problem. Schools also must be provided with the resources to vindicate these children's right to an education.

Going back to the experience in my constituency, quite early on in my mandate I conducted a survey of all the schools in the area, especially homing in on this specific situation. I was quite shocked by the results of that survey. It is very important that children of schoolgoing age can get a place in a school close to them or where their siblings attend. Some 15 years on from the Education for Persons with Special Educational Needs, EPSEN, Act 2004, progress has been made with resources and a greater knowledge of what is required in schools for all children, including those on the autism spectrum. I believe this knowledge is being whittled away year on year without the reduction in class sizes, with yo-yoing entitlement of schools to special needs assistants, and with no increase on ASD classes, when quite obviously the demand far exceeds the supply.

The Minister for Education and Skills, Deputy McHugh, has spoken about a range of placement options and supports for children that have enrolled as pupils with ASD, but what about the options for children who cannot enrol? What is their option? Is it to wait until next year? Will there be a place then? How long should a child have to wait until a place becomes available? From speaking to parents and schools, I have found that quite often they have to wait until another pupil leaves the ASD unit. Nobody knows, however, when that is going to happen.

Professor Louise Gallagher, professor of child and adolescent psychiatry at Trinity College

Dublin, has said: “We are running to stand still and I would worry that we are over relying on medication rather than being able to give them the full suite of services.” Professor Gallagher has pointed out that a diagnosis of autism should be getting a child the required services, but in some cases it is actually shutting a child out of services. The lack of intervention with any diagnosed condition compounds the situation.

It is very difficult for parents to face a future for their child that they had not imagined. Sometimes cases are not presented until it is too late and behaviours can become entrenched. Interventions are always going to be more difficult, and we all acknowledge the importance of early intervention. Already parents of children with autism face a journey of having to fight for their children every step of their academic life. A place in a school in their environment must be a basic requirement.

Deputy Mary Butler: I compliment my colleagues on tabling this Private Members’ motion on special education.

Annually, parents of children with special needs and autism face considerable difficulty securing school places for their children. For those who are lucky enough to secure the place, I will focus on the problems some of those children might face when they enter the school system, normally at the age of four or five.

When they enter school the parents and teachers can notice quite quickly that some children may not reach a particular milestone, or that some children may need extra supports, be withdrawn, might not share and might be happier on their own. There is no doubt that we have fantastic teachers and special needs assistants, SNAs, who are trained to recognise these signs straight away. Children with ASD can struggle in mainstream, especially those without a diagnosis.

To the best of my knowledge - I am not sure about DEIS schools - normally most national schools receive funding to carry out two diagnoses per year. Recently I met the principal of a school for children with special needs. I believe he gets funding for more than that but he told me that it was like playing God. One is trying to weigh up the needs of one child against those of another. One is trying to assess whether the family may be able to go ahead and have it done privately. The principal said that he feels that he is playing God in this because he is trying to decide which child is worse and needs the assessment sooner than the other child to get the correct supports. I believe that all Members hear of many of these situations through our constituency offices.

I have received the statistics on children with special educational needs who are seeking an educational placement in a recognised school. The figures for Waterford are just four for last year, so it is one of the best counties in the country for having children placed. I do not have many people coming to me to say they cannot get their child into a specific school, but parents do say that when their child is in school and needs the assessment, they are waiting too long for it. On top of this, some parents try to borrow the money to have a private assessment done. If there is one thing we could focus on, this would be a very good one.

A school that is located as close as possible to the child with autism is very important. A child may have to travel by bus and might have a companion on the bus, but in some instances, especially in rural areas, the child might have to travel for one hour to get to the special school with the autism unit and it could be another hour home in the evening. This puts another two

hours onto the day for a four or five year old. I am aware that we cannot put an autism unit in every national school in the State, but at the same time it is very important to look at geography when we are determining which schools receive these extra supports.

Deputy James Browne: I will be sharing time with Deputy Scanlon. I am glad to have the opportunity to speak on this issue of special needs access to school places, and on the issue of reduced timetables. Every child deserves an appropriate school placement within their community, and this includes children with special needs. All children are equal. Some children learn differently and require teachers who understand them. They require those teachers to have the necessary supports and need more environments that are friendly to their needs. Children with autism, for example, need sensory friendly environments and sometimes they need visual aids. These children equally need an appropriate school placement within their community, and this is true integration and true inclusion.

Every year, however, parents of children with special needs and autism face considerable difficulties securing school places for their children in mainstream schools or special schools. Some children over the age of six still have no place, and six of those children are in my county of Wexford. We are aware of more than 850 children with special needs in the State who received home tuition last year because a space could not be found for them in schools. Similarly, many schools have implemented involuntary exclusions or reduced timetables for children with special needs.

These children and their families are being left behind. I have dealt with numerous children and their families through my constituency office in Enniscorthy. Children are being denied their right to appropriate education, which is discrimination. There is a real underprovision of places. Children who have been diagnosed as requiring places in special classes or special schools are being told there are no places available in their area, and some of the children must travel up to 60 km to access a place. The gap in special needs provision leads to a two-tier educational system.

Similarly, it appears that the practice of reduced timetables is a growing problem. The practice appears largely unregulated. There are no guidelines around its usage and there is no requirement for schools to report on the practice. Department inspectors do not collect widespread data on it. This means that children who need intervention cannot get it because the data are not available to identify where they are. Children end up underperforming, leaving school early and not meeting their potential.

The Government must act to ensure these children receive the education they are entitled to. Schools must be provided with the resources to vindicate these children's rights to an education. Schools that are not going to play ball - effectively, those schools that feel they do not have to provide the necessary supports - should have action taken against them. The Education (Admission to Schools) Act 2018 gives the Minister for Education and Skills the power to compel schools to provide the necessary spaces for these special children and it should be used.

Deputy Eamon Scanlon: I want to raise with the Minister the issue of the rehabilitative training allowance, which I have learned is to be abolished. I have raised the matter also with the Taoiseach. This training allowance is for young people who have a disability and is worth €31.80 a week, for a maximum of four years. I acknowledge the HSE is struggling with a deficit but this is nothing short of scandalous. Rehabilitative training is essential for young people with disabilities in developing independence, and this payment is much-needed money for one

of the most vulnerable groups of people in our society. To these people it means a job to get them out of bed every day to where they will be looked after well and where they feel wanted and supported by other people like them with whom they work. Like the Minister, I have been around the Houses of the Oireachtas for a long time. He and I arrived here on the same day. This is the most mean-spirited cut I have witnessed since then.

I am proud to be a member of a party which is committed to the removal of barriers that prevent people with disabilities from participating fully in society and which recognises that adequate supports and services are required if these people are to live independently. They are entitled not only to dignity and respect but also to the choice to progress to education and vocational and mainstream services. I ask the Minister to use his influence, as I did earlier with the Taoiseach. The Taoiseach stated that he was not aware of the abolition of the fund. I ask the Minister to use his good offices for the sake of people who have no voice. The fund does great work and provides great help for those who benefit and for their parents. It is a reason for them to go to work every week. To do this for a minimum payment of €38 per week is outrageous and I ask the Minister to use his influence to have it reversed immediately.

Minister for Education and Skills (Deputy Joe McHugh): Gabhaim buíochas leis na Teachtaí ó Fhianna Fáil fá choinne an seans labhartha ar an díospóireacht seo inniu, go háirithe leis an Teachta Thomas Byrne fá choinne na hoibre atá seisean ag déanamh ar son na rudaí speisialta fosta. Gabhaim buíochas leis an gCathaoirleach ar an gComhchoiste um Oideachas agus Scileanna, an Teachta O’Loughlin, fá choinne na rudaí cuimsitheacha atá déanta sa choiste fosta. Gabhaim aitheantas leis an Teachta Funchion agus an Teachta Burton fá choinne na oibre atá siadsan ag déanamh sa díospóireacht fosta mar thosaigh an díospóireacht ar na rudaí speisialta ag deireadh na bliana seo caite agus ag tús na bliana seo nuair a tháinig mise isteach i mo phost nua. Tá sé iontach tábhachtach an chomhpháirtíocht agus an chomhobair atá le feiceáil sa Teach seo agus tá sé iontach tábhachtach ar son an ábhair seo.

I thank Fianna Fáil for bringing the motion before the House. It comes here on the back of a great deal of good work that has happened in the House over the seven to eight months since I took up my current position. I thank the other Members who spoke, in particular the spokespersons, Deputies Funchion and Burton, for their continued vigilance on this issue. This is a challenging area. While we may say it is a challenge politically, financially and with respect to resources, it is a particular challenge for the parents of young people with special and unique challenges themselves. They are very bright, capable young people and autistic children and all their parents are looking for is a level playing field, fair play and the opportunity for them to realise their potential. I know that is exactly what everyone will articulate tonight. It is something that has been echoed by those Deputies who have already spoken.

Every time I speak publicly on this issue, we talk about the resources we are applying. We are putting in almost €2 billion out of an overall budget of €11 billion. However, while €1 in €5 is going into special education, there continue to be many things we are not getting right. There is a great deal of work that still needs to be done. There is a communications issue for parents on the ground as to what schools are available and the way the model is established places the onus on parents to do all the running. When one is a parent, a great deal is going on in doing the job of parenthood already without having to do extra work when one’s neighbour may not have to do the same running. That is why I want strongly to pursue the school inclusion model. We have established a pilot scheme and will invest €4.75 million in September to develop a model whereby the HSE will no longer work in parallel to the Department of Education and Skills. I want to see properly inclusive education in the classrooms.

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We will see it in 75 schools in west Dublin, Wicklow and Kildare from September when occupational therapists, speech and language therapists, behavioural therapists, special needs assistants and special education teachers will start to work together to realise the full potential of students with special challenges. It is a challenge. We will evaluate the pilot and it will be up to whatever Government is in office at that stage to decide how to extend it and move forward. Having witnessed the model in practice and seen occupational therapists working together with classroom teachers, it is the way forward. That is not to say we will not get it right on the first attempt. I was at Robertson national school in Stranorlar recently and met a mother whose son is in a wheelchair and is attending the school, which has a great and inclusive model. However, when I started to explain how the pilot would work, she asked about the idea of including a physiotherapist as well. As such, we have to look at the entire cohort and that may include clinical nurses for complex medical challenges. That is where we are looking to go but we are not there yet. The only way we will get there is by working together to figure out a better way. For example, we are spending €207 million on school transport annually, of which 50%, just over €100 million, is applied to transport for children with special educational needs and one of the speakers earlier asked whether we were getting that right. There are students travelling one and a half hours to school, which makes for a three-hour round trip every day and we have to look at how to improve the system for them.

Legislative powers have been provided for and we have an Act that has been invoked in Dublin 15. Having worked with the schools in that area, I am of the view that we will make progress. For example, there were 88 pupils who were not going to get places last April. Since then, we have worked closely with stakeholders, parents and the local education and training board and have managed to follow through and ensure we have a special school in place. A principal has been appointed and the school will be set up in September. It will be at least a start to identifying the need. There are 40 other students on the waiting list and we have written to 18 schools in respect of them. One school has agreed to provide a classroom and we are engaging with two others. Another school has written to us formally today. If we can get those three schools over the line, we will meet the needs of 18 students and will be nearly halfway there. Hopefully, we will have another three schools buying into that opportunity, which is what this is. The schools I visit, such as Coláiste Gleann Lí in Tralee, that have special education at the heart of their learning and teaching are richer for it. Deputies are in and out of schools all the time and will know that. That message has to get out there. I am not a believer in the big stick approach to politics whereby we compel schools to build a classroom and give them a date and timeframe by which it must be done. It is not the way to go because schools will have reasons as to why they are not buying into this model. Those reasons may relate to continuing professional development for teachers and ensuring teachers have the proper training and support to carry out the job effectively. We are trying to meet those schools and to figure out the best way to ensure they get the proper supports. That engagement is ongoing. As far as Dublin 15 is concerned, the legislation has been invoked but there is a process to follow which is fairly detailed. The first part of that process is that the National Council for Special Education writes formally to me. Dublin 15 is the only area in respect of which I have received a formal letter from the council. I am aware that there are challenges in Cork and Kilkenny too. There are challenges in all these different areas. However, we are working on the basis that by September, we will have provided an adequate number of places for the children who are demanding them.

I refer to the legislative proposal for reduced timetabling, in respect of which important work with Tusla is ongoing. It is very important work. Legislation may or may not be required. It is too early to tell but I know that is framed in part of the motion as well.

I am happy to support this motion on the understanding that we continue to make this a proper, all-inclusive conversation. I will do my best in that regard, through the relevant channels, my office and the officials who work with me in respect of this matter. There is no magic wand and no template from which we work because Ireland is actually leading the way. Canada is very much focused on putting special education at the heart of its inclusive education agenda but we are leading the way. When I was in Finland recently, I saw how it is looking at the Irish model. However, we must also think all the time about the parents who feel they are the ones who must push for this. We will do away with the idea of parents having to come up with a clinical diagnosis. This is behind having the school pilot model and looking at preschool through to primary school in order that we have the information as we go the whole way through. The Oireachtas Committee on Education and Skills has been looking at this matter for some time.

Ba mhaith liom mo bhuíochas a ghabháil leis na Teachtaí arís fá choinne na díospóireachta seo. Níl an díospóireacht críochnaithe. Tá an t-ábhar seo iontach tábhachtach do na daoine óga agus do na tuismitheoirí fosta.

Deputy Kathleen Funchion: I thank the Minister for acknowledging my work in this area. As he is aware, it is something I consistently raise and it is an area about which I feel strongly and passionately. I also welcome his honesty and frankness. It was refreshing to hear the Minister go off script and speak from his own experience about the issue. This must be matched with actions but I do welcome that and think it is a positive and welcome development.

Sinn Féin is supporting the Fianna Fáil motion. I thank Deputies Thomas Byrne and Murphy O'Mahony for bringing it forward. On 2 April, Deputy Ó Caoláin and I tabled a Private Members' motion to mark World Autism Awareness Day in which we called for the development of an autism empowerment strategy. This was unanimously supported. Key aspects of that motion involved acknowledging the inequity within our education system for autistic children and the fact that we have created a two-tier system that has led to so many children falling through the cracks. I remind the House, and possibly the Minister, that we are still awaiting the establishment of an all-party committee on autism, as recommended in our motion on 2 April. This is a matter we will continue to raise.

We support the measures in this motion and feel they must be acted on to tackle the challenges embedded in our education system children with additional needs face. Without appropriate training, how can teachers enter classrooms confidently and teach all children equally? Trainee teachers are consistently stating that they do not feel prepared and do not have adequate skills to teach children with additional needs. This should never be the case. A recent report based on a National Council for Special Education, NCSE, public consultation highlighted the fact that there is a great deal of concern regarding the level of training and knowledge of teachers who work with students with autism spectrum disorder, ASD, particularly as knowledgeable and experienced teachers are required to work with such children. There is also great concern about non-experienced teachers being given special classes and resource teaching hours and about the practice, especially at post-primary level, of using resource teaching hours to fill subject teacher timetables, which is completely unacceptable. We fully support the recommendation in the NCSE's report to the effect that an ongoing programme of continuing professional development be designed and delivered for principals and deputy principals to allow them to focus on providing leadership in the context of the education of students with special educational needs in schools.

We have spoken about the Education (Admission to Schools) Act 2018. I understand from

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where the Minister is coming in that regard. However, rather than using an approach that punishes schools which do not implement this, although I get frustrated when I see some of the situations that parents and students face and the complete lack of empathy on the part of certain schools, perhaps we should implement a system of rewarding the schools that strive to be good examples, that are out on their own when it comes to this matter and that go above and beyond because this might lead to other schools coming on board if they realise that there could be a benefit from doing so. It is unfortunate to have to say this but sometimes, that is the reality. There is a lack of urgency when it comes to establishing the number of ASD classes required to meet demand. As a result, children are being left at home and left behind. I raise this issue on a regular basis. In the past two days, figures emerged in my constituency of Carlow-Kilkenny which show that many children are awaiting home tuition, which would indicate that there is no ASD class for them. In the context of social aspects and seeing brothers, sisters and friends going to school, how does a parent explain that to his or her child? It is neither fair nor right. I do not care how often I have to say it. We have created a two-tier system and, as a society, we have nearly accepted the argument that children with additional needs and their parents should be happy to wait and battle for everything and that if they get what they need, even if it is October or November and school has started, that is fair enough and they should be grateful. We need to change that attitude.

I want to touch briefly on today's announcement that, from September, the rehabilitative training allowance, which is worth €31.80 per week per student, is to be scrapped for new entrants. This beggars belief and I cannot understand how anybody could stand over this type of move. The HSE stated:

This decision will bring equity to all persons attending HSE-funded adult day services and will be in line with mainstream vocational training services ... New entrants to training after September 1 will not receive the allowance. They will not be affected as they will never have received this allowance.

However, if people know that allowance is there, they will factor that in. It has been proven time and again that there is a cost involved if one has an additional need or disability. Even if one looks at our public transport system, one can see how people cannot access it if they have additional needs or disabilities. In such circumstances, it is unbelievable that the HSE could make a comment of this nature. I ask the Minister to look at this matter. I know it does not directly fall under his remit but he is a Minister and I ask that he examine this issue and bring the message back so that, one hopes, this decision, which will create financial inequity among school leavers with disabilities and which has been described to him as a slap in the face for school leavers with disabilities who are due to enter training this September, can be reversed. Adult learning improves health and well-being and equality of access to education is vital for health equality and life outcomes. Supports for adult learning are an investment, not a cost.

I also want to mention reduced timetables briefly. I am of the view that everyone, including the Minister, agrees that what is happening in this regard is not acceptable. Where there are difficulties or struggles, it is not right to almost punish a student by telling him or her that he or she can only come into class from 10 a.m. until noon. In many instances, children are leaving early or coming in late and straight away they are labelled or people wonder what the issue with them is or why they are always arriving late. The children then have a fear of going into school and do not want to do so. This creates so many issues. There must be a far better way of dealing with that, possibly through working with NEPS and CAMHS to address issues.

As stated, I welcome the Minister's comments. I am of the view that he has a genuine interest in this matter. We will support the motion.

Deputy Louise O'Reilly: I thank the Deputies for bringing forward the motion. I want to take time to mention something that is nearly working in my own constituency. I am referring to a little boy by the name of Rory Kilduff. Rory has a place in Gaelscoil Ros Eo. He is five years of age and is very much looking forward to being able to go to school. However, he has a condition known as Vacterl syndrome. I will not go into all the details but it means that he needs a thing called a bowel wash. It must happen at 6 a.m. and he needs home-care support to get that. The staff in Gaelscoil Ros Eo have been fantastic so they are ready to take him into school but this is a little boy who will not be able to go to school on time and will miss out and fall behind. We have talked tonight about how being different marks children out and makes their lives more difficult. It makes it difficult for them to fit in. Steps have to be taken to ensure children with additional physical or mental needs can be included and can live their full lives. To be fair to the HSE, it has been working on this case. The child in question needs someone to come to his house at 6 a.m. to provide home care support. I know this does not strictly fall within the Minister's remit. If this little boy cannot get the intervention he needs, he cannot go to school. He already has home help. This is just about changing the time. Like all the kids on his road, he wants to be able to go to school. His mother, Shona, has been advocating on his behalf. I have been advocating on his behalf. To be fair, the HSE has been advocating on his behalf. All we want is for this little boy to be able to go to school in September, to join his peers and siblings and to live a full life.

That is the purpose behind this motion. Nobody is disagreeing with it. A child should not lose out on his or her schooling or fall behind in school just because he or she has additional needs. In this case, we need a small administrative block to be removed to ensure this child can access an education and can live his best life. I am a mother. There are mothers and fathers in the Chamber tonight. We do not want our kids to grow up to be millionaires or whatever else. We just want our kids to be able to live their best lives. That is all Shona wants in Rory's case. I want to help her to achieve that. I know this is not strictly within the Minister's remit. I implore him to use any influence he might have to get us over this logjam.

Deputy Caoimhghín Ó Caoláin: I appreciate the opportunity to speak on this motion. I commend the Fianna Fáil Party on its introduction. Nelson Mandela once said that "education is the most powerful weapon which you can use to change the world". According to the Constitution, Bunreacht na hÉireann, "The State shall, however, as guardian of the common good, require in view of actual conditions that the children receive a certain minimum education". A significant number of children in Ireland are not receiving this minimum education. In some cases, they are receiving no education at all. These are some of the most vulnerable children in the State. Many children with special or additional needs remain unassessed and undiagnosed. They have minimal supports. In many cases they have no supports at all.

It has been said in this House on many occasions that the education system for children with special needs is broken. It is not working. We are failing these children, their families and their educators. We know very well from research that the earlier an intervention can be made in a child's life through multidisciplinary therapies, the higher the chance that he or she can develop his or her intellect and skills and realise his or her potential on a whole-of-life basis. I have attended many meetings with parents of children with additional needs who are simply beaten by the system. They are frustrated and hopeless because they have been unable to secure a supported school place for their children who desperately need such places. It has been pointed out

to me that parents who wilfully prevent their children from going to school are pursued through the courts system, whereas parents in these cases who absolutely wish and hope to have their children educated in an appropriate and supported setting are left to wither. The State has a direct responsibility for the impact such circumstances have on these children, whose physical, social, emotional and mental development is stunted. This motion outlines that 3,568 children were awaiting an assessment of need at the end of March 2019. I received this figure recently in response to a parliamentary question I tabled. There are no figures available for the second quarter of 2019. The only legislative guarantee that is enshrined under the Disability Act 2005 is that a child must be provided with an assessment of his or her needs as a result of his or her disability, in addition to a statement of the services he or she requires. The existence of lengthy waiting lists makes it clear that we cannot get the assessment process right.

The recruitment of an additional 100 therapists was announced as part of budget 2019. At the time, Sinn Féin criticised this measure on the basis that it did not come close to addressing the crisis we were experiencing. In our alternative budget, we called for the recruitment of 600 additional therapists across all disciplines to assess, intervene and end the waiting lists and the exclusion of these children from their best chance in life. I understand from the reply I received to my parliamentary question that just 40 therapists have been recruited. The recruitment process is still ongoing. This is simply not good enough. We are now in the second half of 2019. The failure to deliver what was promised is contributing to a worsening situation. Many of the children who are languishing on these waiting lists - they are locked out of education and having their development inhibited because of lack of supports and services - have autism spectrum disorder.

As my colleague has mentioned, on April 3 last, Deputy Funchion and I marked World Autism Day on behalf of Sinn Féin by introducing a Private Members' motion calling for the establishment of an all-party Oireachtas committee tasked with developing an autism empowerment strategy. The Government made it known that night that it did not agree with such an approach. With support from the campaigning non-governmental sector, the will of the Dáil ensured the motion was passed. Why, three months later, are we still waiting for the establishment of this committee? It is most disappointing for me, for the advocacy groups, for the families and, most distressingly, for the children and adults living with autism that this proposition has not been advanced. It is not good enough. We have given the Minister and his colleagues a framework on which the lives of autistic children can be transformed. It takes the politics out of it and gets us all working together for the better good. I urge the Minister to put his weight behind it and get on with it. Time is of the essence for these children. Every day that is lost is crucial time squandered. I ask the Minister not to let them down again.

Deputy Joan Burton: As we come to the end of this Dáil term and this parliamentary year, I am pleased that regardless of how late it is in the evening, the plight, the difficulties, the challenges, the possibilities and the potential of children and adults with special needs are being discussed again in this Chamber, with a specific emphasis on children and adults, particularly young adults, who are affected by autism and are perhaps on the autism spectrum. Before I make a political point about the economics of this issue, I thank the Minister, Deputy McHugh, for his kind references to Deputy Funchion and me. We have been raising these issues consistently over recent times. The point I would like to make at the outset relates to the budget. The capacity of the Minister for Education and Skills to do the many things the Members of this House are urging him to do ultimately depends on having a sufficient budget to carry out such things. The Minister's colleague and party leader, the Taoiseach, has said on a number of oc-

casions he would like to see tax cuts in the budget that is coming up in October. I am not being party political when I say I think tax cuts would make no sense at this time. The amount that is available for tax cuts is so small that we would not even see the jam or butter being spread on the bread because it would be so thin. Many of us in the House would support the Minister if he were to decide that the best way to make a great leap forward in addressing the issues of children and families affected by special needs and autism would be to agree collectively that the money which could be used for tax cuts, which could be €500 million, should be used instead to fund services for such children. That would allow us, as a society, to make the great leap forward on which we all fundamentally agree.

In recent years, and especially this year, I have been struck by the massive increase in the population of children in my constituency of Dublin West. An increasing number of children is a wonderful thing for any country to have. We are the envy of Europe for this reason. However, we have an increasing number of children with special needs, as well as an increasing number of children affected by autism, partly because of this population increase. We have an increasing number of children with special needs, as well as an increasing number affected by autism. There is nothing as heartbreaking as sitting, as I have at times, with parents of six, seven, eight and nine year olds who have been excluded from school. Last week, the parents of a six year old contacted me because their precious daughter is basically on a two-hour regime in her school, one of the best in Dublin 15, because the additional facilities, be it an individual special needs assistant, SNA, or some other special facility, are simply not available to the school.

I pay tribute to our teachers, patrons and boards of management. People involved in the governance and running of schools have been genuinely open. I am learning more about, for example, people affected by autism and children with special needs. As a society, 30 years ago we moved from a model of large institutions in which children often ended up and were then institutionalised for their adulthood. We rightly broke with that particular model for a long time. That was the right thing to do.

We have reached another crossroads. In the Dublin West constituency, hundreds of parents have been at a series of meetings attended by Deputies Jack Chambers and Coppinger, as well as the Taoiseach, and most local councillors. We have listened to personal presentations by parents whose hearts are often breaking. Their physical capacity to facilitate their precious children is also almost at a breaking point. I can think of few things as heart breaking as the parents who told me that their six, seven and eight year olds were either excluded from school - effectively expelled - or whose hours were cut to just a couple of hours a day. What does it mean to parents who are told that their child will only get two hours?

I commend the WhatsApp groups that parents have set up, as well as the AsIAM organisation. These have been tremendously helpful to many Members. The latter is an organisation of young adults and students who, in many cases, are on the autism spectrum. Their wisdom, their thoughtfulness and the way they have set out what they have to say about their experience has been a learning experience for everybody.

Early intervention does make a difference. During my long time teaching at third level in the DIT, Dublin Institute of Technology, now Technological University Dublin, I encountered many adults who as children were diagnosed as being on the spectrum. Through resourcing, education and other supports, however, they were able to go on through the education system. In many cases, their superb intelligence then became available to the rest of us. I know that this is not everybody affected by special needs. However, it is some people and it is important that

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society should be in a position to celebrate, acknowledge and recognise this.

I am pleased the special school in Dublin 15 will go ahead. There has been tremendous co-operation from the school which will host this special facility. We need to look at our language again. “Special classes” is the right way to describe a facility which a child may use for a period. However, that should be alongside an inclusive model where the child is a full participating member of the broader school society.

I heard about the trek that many parents had to make, some to as many as 14 schools. I am glad we are putting that behind us. What does one say to any parent who has to go to 14 different schools, finding the answer in all of them is “No”? It is difficult if it is their first child. For many younger parents, the last time they were in a primary school was when they went to school themselves.

I welcome the positives and thank Fianna Fáil for raising this issue. The Labour Party will fully support this motion.

Deputy Mick Barry: The Minister made a point in his introduction that provision has been made for up to 15,950 special needs assistants in total for 2019. At the end of May, we had press statements from the Department that there would be an increase of 800 SNAs in the next year. This is only a part of the story, however. Many SNAs at the end of May had their hours cut for next year. Some SNAs lost their jobs at the end of May. In some cases, it was to make way for SNAs on lower hour contracts. One SNA told Cork’s *Evening Echo*:

Many jobs were fragmented to .5 or .88 of a day, meaning people losing up to a fifth or more of their income. On the same day, many newspapers ... said ‘800 new jobs have been created’ with no mention of the job losses. It added salt to the wounds of those [almost 300 SNAs] ... who found out that they had lost their jobs via a website.

Another SNA, Frances Linehan, who works as an SNA in a DEIS school in Cork, told the same newspaper:

Special educational needs organisers, SENOs, are coming in and cutting people’s hours and this is affecting people’s income, as well as the continuity of care for the children in need. Parents are in the dark about this as well – they have no idea that SNAs are being split between so many children within schools.

It is important that the other side of the story is put on the record in this debate.

The Minister mentioned the pilot programme that will begin in September. It will involve 75 schools in the Kildare-Wicklow area, using an inclusion model with SNAs allocated new tasks in the course of their working day and week. This will involve taking on new responsibilities with speech and language, and occupational therapy. This new approach can be positive and I hope it will be. However, it will have to fully recognise the challenges that SNAs will face and the new responsibilities that they are taking on.

Specifically, there needs to be training for SNAs if extra responsibilities are to be taken on and there must be a renegotiation of pay rates. If SNAs take on extra responsibilities, they must be paid fully and properly for same.

There has been an unfortunately long history of SNAs being treated poorly in their job se-

curity, wages and conditions in the workplace. I encourage every SNA to stand up for himself or herself, as so many of them have done, and I encourage them to join a union. More than that, I encourage them that, school by school, area by area and nationally, they should get organised to improve the rights of workers who provide such a vital service to our young people but who have been treated poorly in many cases.

Deputy Michael Fitzmaurice: It is deplorable to see how some children with special needs are treated as they look for occupational therapy services and speech and language therapy. I saw one young child in County Galway put on a panel of 99 children. It was said clearly that 15 children will be taken care of in a year, but we know that if a child is not seen between the ages of two years old and eight years old, there is less of a possibility of helping that child. I encourage every parent to ensure they have an assessment of needs form for their child because when parents go looking for assistance, it is often not even filled out.

We need a root-and-branch review of this. To be fair to teachers, we need to be sure that a large proportion of time in the teacher training colleges is put towards making sure this is addressed. There are some new ideas and the Department should be open to letting parents try out new ideas because I have seen some of those ideas in practice and they have worked out well.

This is not the Minister's fault and I am not blaming him because he has not been in his position for long, but I have said this to teachers before and I will say openly now that I believe that the lack of speech and language therapists, occupational therapists, and all of that means in years to come we will see a "Prime Time" programme on the way those children were, in my opinion, neglected. I have seen parents having to go to the Four Courts to try to get the best for their child and to get some of those services. It is a sad day when that happens. Parents want to help their children and every one of us wants to see our children doing well, especially children with autism, and what is happening currently is not the society we should allow to manifest. We should be there to help those people. I know and understand there are problems with getting speech and language therapists, but we have to address this problem because of the difference between letting a child live a normal and fulfilled life and not giving him or her the start he or she requires.

Deputy Thomas Pringle: As we enter the school holiday season, for some children with autism, nothing will have changed. According to the National Council for Special Education's recently published policy advice on autism in 2017, there was and still is a significant body of children with autism within the community who do not go to school at all and will this month see no difference in their usual day-to-day schedule now that school is out for most other children.

I will read into the record a part of the Minister's speech as supplied because it is very interesting and it seems to just be stuck in there. He said:

In relation to the use of reduced timetables by schools, my Department of Education and Skills has the firm view that all pupils who are enrolled in a school should attend for the full day, unless exempted from doing so in exceptional circumstances. Reduced timetables should not be used as a behavioural management technique or as a de facto suspension or expulsion, nor does any provision exist for the use of reduced timetables for particular pupils. Where schools apply a shorter school day in relation to a child, such arrangements should only be put in place in exceptional circumstances in order to assist a pupil to return to school, for example where a pupil has been experiencing an absence due to a medical or

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mental health related condition. Any such arrangement should be a transitional arrangement, which is designed, for example, to assist the reintegration of a pupil to a school environment. In making such arrangements, school authorities should be mindful of the best interests of the child and of the child's right to a full day in school.

On the next page the Minister goes on to address something completely different.

The Minister is not a bystander in this. He is the Minister who is responsible and he can make these things happen. He has to take control of this and that is what has to happen. It is all right to say these things but the Minister can make it happen and that is vitally important.

While it is unfathomable that there are children in this State who do not have any schooling, there remain persistent reasons behind this statistic. According to the AsIAM survey, in some instances, these students have simply been failed by the State in terms of inadequate levels of autism or special class provision, despite the obligations on the State under the Education for Persons with Special Educational Needs Act 2004 to provide an appropriate school place for every child.

The survey also found that in other instances, students have a school place in theory. They appear on the roll book and, from the point of view of the officials, all is well. The reality, however, is totally removed from this. These students may be reduced to a partial school day by the school they attend, despite the fact that this is illegal. These students may be suspended or expelled, not for negative behaviour in the traditional sense, but literally because they are autistic and go unsupported in school. They may irregularly or almost never attend school due to overarching anxiety or a lack of suitably trained teachers, but they continue to be enrolled as normal. There were more than 850 children with special educational needs receiving home tuition while awaiting a school placement in the 2017-2018 school year, and while these children are receiving an education, they are still excluded from the community and isolated from other children their own age. If those children were asked whether they would prefer to learn at home or with other children, they would undoubtedly say they would want to attend school.

I commend the incredible survey work carried out by AsIAM, which provides much of the basis on which this motion and our contributions work, as it is the most comprehensive policy document on the issue of autism and special needs education to date. There is no single action or solution that will address this crisis, and that is the difficulty the Minister has. The Department of Education and Skills has clearly failed to adapt the school system appropriately to be autism friendly and has allowed for there to be a lack of regulation around how schools treat autistic students and their families.

I echo AsIAM and other organisations which have been calling for reform and ask the Government to address adequately and comprehensively the range of outstanding issues such as the need for more autism classes, improved infrastructure, better teacher training and an obligation placed on schools to be fully inclusive. On the subject of an increased number of autism classes, I am sure everyone here feels like its Groundhog Day as we have been calling for increased classes for many years and still there is a chronic underinvestment in this area. We also need reform in the way statutory services, such as Tusla and the HSE, deliver for children with special needs. These services have failed in their respective roles to provide the support to prevent students falling out of school or to help them to return. Over 91% of parents surveyed by AsIAM said that their child or children were experiencing exclusion or extended absence from school while not receiving any support from Tusla.

Most important, and something which this motion attempts to address, is the issue of waiting lists for children to get their first assessment of needs, with in excess of 3,568 children waiting nationally at the end of March. It has been said that the assessment of needs system is in disarray, with flagrant disregard for the statutory time limits. Proposals to bring in a new operating procedure involving a 90-minute assessment have rightly been met with criticism by therapists, parents and unions.

Better teacher training is needed to ensure that teachers are adequately trained to deal with children and autism related issues. It has been brought to my attention that there may be issues relating to the interview process that schools use, where it has become political in some jurisdictions, depending on who is on the board of management etc. That is failing our children as well and it needs to be addressed. I have been notified that some SNAs have had difficulty getting an interview at all, despite having a degree, adequate experience and everything else. This is always possible with the management structures within our schools. Some teachers may need additional supports to carry out further training, and this should be provided by the Department as well.

I end by echoing the sentiment by Inclusion Ireland that 13 years after the Disability Act 2005 was brought into law, it is time to admit that it has been a failure and it is time to admit that the Government has failed the children of this State by not defending their right to education. They have a right to an assessment of need, not the right to wait on endless waiting lists. They have a right to an early intervention, which is imperative if children are to enjoy positive outcomes and if we are to see children with learning disabilities and special needs start life on a level playing field with children everywhere else.

Deputy Michael Collins: I am delighted to have the opportunity to speak on this motion tonight. It is far too common for issues with special needs education to arise. The assertion from the Proclamation read by our forefathers to cherish all the children of the nation equally is definitely not carried through today. Education is just another aspect that brings unnecessary difficulty in the lives of special needs children and their parents. More than 3,567 children were waiting for assessment of need at the end of March this year. The immense pressure that is left on parents to find adequate education for their children is an added stress for them.

The Government must engage with schools and teachers to address the shortfalls in resources on many fronts. I am on the board of management of my local national school. In particular, there is an extreme shortage of SNAs for our Irish teaching schools and this must be addressed to protect our Irish language and give those with physical disabilities a chance to learn the language.

Integration between children and children with special needs has major benefits in the learning and understanding of every child. Disengagement of special needs children has a catastrophic effect on them and where they have a place in school, it tends to be on a reduced timetable. This simply is not good enough.

Carrying on from that, the Government needs to revise the general capitation grant. The grants cover the day-to-day running costs like heating, lighting, insurance, general upkeep and the purchase of teaching materials. It is totally insufficient to cover the current cost of schooling and forces schools to go out with buckets collecting money on the side of the street. This is not what schools' boards of management should be doing, but they have no choice. The Irish National Teachers Organisation, INTO, has demanded that the Government fully restore the

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primary school capitation grant to the 2010-2011 level of €200 per pupil. The minimal increase of the capitation grant by €9 in last year's budget does not go far enough. The INTO general secretary, John Boyle, said the increase was already spent due to rising insurance and energy costs, and is only a plaster on the wound.

Another issue in primary school education is the pressure that is put on teaching principals who cannot cope with both the duties of a teacher, with homework and all the paperwork that goes with teaching, as well as the paperwork in the role of a school principal. The Government needs to look into this urgently as the workload becomes too great. This is again an issue that disproportionately affects rural schools with a small student population and only a handful of teachers in the school as a whole.

I support Fianna Fáil's motion calling on the Government to ensure that every child with a special education need has that need met before September of this year, so we can truly live up to the Proclamation and cherish all the children of the nation equally.

Deputy Mattie McGrath: I am happy to speak on this important motion and I compliment its authors. It is appalling to note, as the motion does, that nationally 3,568 children were awaiting a first assessment of need at the end of March and that in excess of 850 children with special educational needs were receiving home tuition while awaiting school placement in 2017-2018. Tá an tAire imithe. The Minister is gone now.

Last year, I and my colleagues in the Rural Independent Group highlighted these and similar matters during the debate on our own motion on this issue. I also sought to highlight some of the broader challenges in the provision of SNAs. The lack of job security and an exhaustive application process are among some of the obstacles preventing the full participation of special needs assistants in schools. SNAs are still being treated by the Department as optional extras instead of being seen as vital members of the school teaching staff. The Minister for Education and Skills has left to be replaced by the Minister of State at the Department of Defence, and we know how he looks after his personnel, so we do not have much hope in that area.

Despite all the rhetoric around the Government's commitment to increasing the number of SNAs, it has done practically nothing in facilitating the SNA as a permanent member of staff. They should be an integral part of the school. It is because of this that schools, and in particular, principals and boards of management are telling us that they have to spend a significant amount of time making applications each year for SNA support for their schools. The primary principals are struggling with their workload when they are teaching principals. That is why I again call on the Government to provide job security to SNAs by providing permanent employment contracts.

I am also calling on it to review the SNA supplementary assignment panel arrangements, as substitute work should be taken into consideration to enable all SNAs to gain entry onto the panel. It is absurd that an SNA's service in a substitute capacity, covering for maternity leave, sick leave, career breaks, job sharing, etc., does not count towards obtaining the required one year's service that allows an SNA to become a member of the supplementary panel. That is shameful, downright wrong and a blackguarding of the people. That must change.

At present parents are operating in a vacuum with regard to obtaining certainty around the assignment of an SNA for their child. That kind of stress is totally unacceptable. The children with special needs need these supports and the SNAs must be supported. I hope that the Min-

ister seriously takes on board these suggestions and will move to adopt policies to address the deficits that have been identified in the SNA system.

I am sure people come to the Minister of State's clinics as they come to ours. I hope he will listen. However, he will not listen to the Defence Forces personnel and their spouses. When he tells us stories about ships going into dry dock instead of telling us the real truth of what is going on, I do not expect much here.

Deputy Danny Healy-Rae: I thank Deputies O'Loughlin and Eugene Murphy, and their Fianna Fáil colleagues for providing us with the opportunity to talk on this very important motion this evening. Early assessment of needs is vital. Many families cannot afford to pay for this themselves, are on the public waiting list and have to wait too long. The longer the children are without assistance, their needs increase, especially for autistic children. The July provision is very helpful for autistic children when they are off school. It allows them to develop social skills. Routine is very important for these children. It provides an opportunity for respite for the parents. I hope the Minister of State or someone is listening to me because it is very important. Children with Down's syndrome are being excluded from the July provision, for which they should qualify. It is important for the Government to seek to redress this very sad deficit because these children need assistance and would benefit greatly from the July provision.

Another area of concern for many parents and students is where schools apply to the State Examination Commission for reasonable accommodation for students sitting their junior certificate or leaving certificate examinations and who need a scribe or a reader. Why is the Department cutting back on these reasonable accommodations? The schools are finding it very difficult to get these reasonable accommodations, especially for children with dyslexia or dyspraxia who are suffering because of the Government cutbacks. I am asking the Minister of State to do something about this. It is good to have the opportunity this evening to ask him for this.

There is another idea that is being used in Kerry. The South Kerry Partnership has developed a very important model for children and people who have a deficit and are not fully physically or mentally well. They can benefit from social farming. Children and teenagers are taken out to a farm by farmers who are committed to this and get a few bob for it. It is very good for children and many of them would benefit from nature, seeing what happens when a sheep has a lamb or a cow having a calf, and all that happens on a farm. It is a wonderful idea. It is being developed by South Kerry Partnership and I am asking the Minister of State to explore this because it would help many families.

Deputy Anne Rabbitte: I thank Deputies O'Loughlin, Thomas Byrne and Murphy O'Mahony for tabling this motion. I welcome the opportunity to speak on it. I thank the Minister for Education and Skills, Deputy McHugh, for his responses to my recent parliamentary questions in this field. I was a bit alarmed to think that rules or regulations for the boards of management of single sex schools precluded them from applying for ASD units. I was very comforted that the response said they were not. It is important for any parent with children with autism or varying needs, listening to this debate to realise that their schools are not precluded. That is set out in the Minister's response to me which stated:

Individual school boards of management are responsible for the establishment of special classes. It is open to any school to make application to the National Council for Special Education (NCSE) to establish a special class.

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The following week I asked for a breakdown of where those schools are located in order to build a database of the geographical spread of these schools. There are 131 early intervention schools, 743 primary schools and 322 post-primary schools. Many parents, particularly in my constituency of east Galway, have to travel up to 20 and 25 miles to access the fantastic ASD unit in Carrowbane. It is disappointing that children are displaced from their communities, friends and families. It is a hardship for parents to have to travel such a distance. It is very important that we look at the geographical spread. In Athenry there are two fantastic secondary schools being built. An ASD unit is going into one of them. We should be doing that in every large town where we are developing schools to ensure that when children with ASD and autism make friends they are not discommoded when they go to post-primary and have to try to build up those links again. Parents, teachers and support workers have worked very hard to ensure that there is that level of social engagement. It is disappointing if the school in that parish or community is not available to them that they have to travel.

It is very difficult to get the bus link or route established for people who do not meet the definition of the nearest school. Those are some of the challenges that we face. The Minister of State at the Department of Education and Skills, Deputy Halligan, has responsibility for this. Last year St. Jarlath's school in Tuam presented a challenge. It has been fixed but it took several weeks for children coming from a particular area to get the school run working.

In his opening statement the Minister talked about the preschool sector and how important it was to have that and early intervention. We do not need a diagnosis. We are gathering the information. Since the inclusion of the access and inclusion model, AIM, we know how many children are attending preschool and that there is an uptake of 99.8% in the early childhood care and education, ECCE, model. We know what is being flagged through the preschool officer and the public health nurse and what the children need when they get to national school. That is why it is a bit amazing to think that of the 3,305 national schools only 743 are making the classes available. There is a lot of work to be done there. While I welcome the announcement of the 156 additional classes, I am very conscious that we are not even a quarter of the way to accommodating the needs in everybody's community. I compliment my colleagues on tabling this motion. There will be much comfort for parents to think that this is being debated in the Dáil and that their voices are being heard and we are trying to work to ensure their children are supported.

Deputy Eugene Murphy: We should salute the teachers, the SNAs and parents who do incredible work for children with special needs. I happened to be part of a conversation in recent weeks where an individual said to me that those people expect everything. I told that person that those people, parent or parents, teachers and SNAs go way beyond their call of duty to help to make things better for their children or their pupils. That is only right because according to the Constitution we are supposed to cherish all the children of the nation equally. I acknowledge that there are improvements and things are happening.

I compliment Deputies Byrne, O'Loughlin and Murphy O'Mahony who have done a lot of work on this issue. We need to speed things up and take away the roadblocks because parents of children with special needs have to work their way through a lot of roadblocks. I know several parents of children with special needs very well. The day starts for many of those families at 6 a.m., getting the child or children ready. It is a difficult process, we all know that. They have to get that child onto a bus. I know of one case where the child spends a certain number of days at home and two or three days in care. The transport is provided from the home but not from the centre to the school. That type of thing should not be happening. It is deeply frustrating and

upsetting to parents of children with special needs. Schools cannot put special classes in place for those children if they do not get the finance. I know of parents who drive 18 or 20 miles to a school to ensure that their child with special needs is facilitated. We need more units and to try to keep children in their own communities.

Some parents recently had to go to court about July provision. While they did not win their case, the court made it quite clear that special provisions were to be put in place to assist the parents of Down's syndrome children. The goalposts have changed and we as legislators have to deal with this issue. Many of those special needs children need that provision during the summer months. Parents say they slip back a long way if they do not have that type of provision. As far as I am aware autistic children have that provision but Down's syndrome children do not. It is important that we pass the motion and that we vigorously pursue the issue. Some 900 children last year had to receive home tuition because they could not secure places in schools and the figure is rising. We must rectify that. It is great to have home tuition and I welcome the funding for it, but I am sure we would all agree it is better for children to mix with other children and be part of a national school process. We need to do much more and recognise that the matter must be dealt with. If we are to treat all the children of the nation equally, we will have to work harder and, if necessary, put more funding in place to ensure that all children will be provided for, if possible in their local school.

Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe): I share Deputies' views that children with special educational needs should be supported to access the education system. The education system is for every child, irrespective of his or her level of needs or ability. As a Government, we fully recognise the importance of an inclusive and all-embracing education system and never is it more important than in the case of children with special educational needs. Government policy on supporting children with special educational needs aims to ensure that all children with special needs can have access to an education appropriate to their needs. Policy is to provide for inclusive education and to ensure the maximum possible integration of children with special needs in ordinary mainstream schools. Where pupils require more targeted intervention, special class or special school placements are also provided.

Significant levels of financial provision are made each year to ensure that all children with special educational needs can access education. The Department of Education and Skills spends approximately €1.9 billion, or almost 19% of its total educational budget annually, on making additional provision for children with special educational needs. The main supports the funding provides for are more than 13,400 special education teachers in mainstream schools providing additional teaching support for pupils with special needs, more than 15,000 special needs assistants supporting care needs, 125 special schools and more than 1,450 special classes in mainstream schools, an assistive technology scheme to provide assistive technology supports and equipment, and special school transport arrangements.

Teacher training and continuing professional development, CPD, in the area of special education are also an important component of ensuring that children with special educational needs can be supported in schools, as has been reflected in the motion. There have been substantial developments in recent years, both in initial teacher education, ITE, and in CPD for serving teachers, to support teachers' knowledge and understanding of the specific needs of children with special educational needs. In fairness to Deputy Rabbitte, she highlighted that while there have been significant developments over the years, we need to go further, as other Deputies have also noted. Inclusive education, including the education of children with special educa-

tional needs, is already a mandatory part of the standards for ITE. The Teaching Council's accreditation process for ITE programmes is the mechanism through which the council can satisfy itself that its standards are being met through a given ITE programme.

A range of additional training and supporting educational provisions are also provided to schools by the support services of the National Council for Special Education, NCSE. The remit of the NCSE is to develop schools' capacity to support students with special educational needs and to promote a continuum of educational provision that is inclusive and responsive. The NCSE support services provide additional professional development supports for teachers who teach children with special educational needs. In this way, the NCSE fulfils a vital role in enhancing the quality of teaching and learning in the area of special needs provision. CPD and other in-school supports provided by the NCSE are designed to enable teachers to adopt evidence based approaches to teaching students in special and mainstream classes and special schools. The focus of professional development is on enhancing teachers' understanding of the nature of the special educational need and the learning and teaching implications for each individual student and teacher; enhancing teachers' use of a variety of interventions and teaching approaches for students based on the assessed needs of students and taking account of empirical research; and enabling teachers to assess, plan and implement effective and differentiated teaching strategies with a view to meeting the needs of students through individualised planning.

Where a child experiences challenges that affect his or her education, schools may also seek support from the National Educational Psychological Service, NEPS. NEPS works with schools through the DEIS continuum of support framework. The NEPS model of service works through a problem-solving and solution orientated consultative approach to support schools to meet the needs of individual pupils. NEPS sanctioned psychologist numbers have grown from a base of 173 whole-time equivalent posts in 2016 to 194 posts at present, of which 186 psychologists are in place. This represents the highest number of psychologists employed in NEPS since the service's inception in 2000. The Government remains firmly committed to the maintenance of a robust and effective educational psychological service. As part of budget 2019, the Minister announced the provision of an additional ten psychologist posts to NEPS from next September, bringing the overall number to 204 posts. Recruitment for 2019 and 2020 is under way to fill both existing vacancies and provide for new posts to realise the target of 204 posts.

The motion calls on the Government to engage with schools and teachers' representatives to ensure that schools have adequate provision to provide every child with an education. Section 20 of the Education for Persons with Special Educational Needs Act 2004 provides that one of the functions of the NCSE is to advise the Minister for Education and Skills on matters relating to the education of children and others with disabilities and to consult voluntary bodies and stakeholders in doing so. Under A Programme for a Partnership Government, the Minister for Education and Skills also committed to consulting stakeholders. The NCSE has published a number of policy advice papers in recent years that have made recommendations aimed at developing a better educational services for children with special educational needs. Policy advice reports include the NCSE policy advice on supporting students with special educational needs in schools, published in 2013; the report of the working group on a proposed new model for allocating teaching resources for pupils with special educational needs, published in 2014; and the comprehensive review of the special needs assistant scheme, published in 2018. In developing such policy advice papers, the NCSE consulted widely with stakeholders, disability representative bodies and parent bodies. In bringing forward proposals for the implementation of the recommendations contained in these reports, the Department of Education and Skills also

consults widely with education partners and stakeholders.

Following consultations with education partners, a new model for allocating special education teachers to mainstream schools was introduced from September 2017. Under the new allocation model, schools are provided with a total allocation for special education teaching support based on the school's profile. Schools are front-loaded with resources to provide supports immediately to those pupils who need it without delay. This means children who need support can have that support provided immediately rather than having to wait for a diagnosis. It also means that under the new allocation model, children do not have to be labelled with a particular condition to qualify for extra teaching assistance. It gives greater freedom to schools to give extra teaching help to the pupils who most need it, irrespective of their diagnosis. As recommended by policy advice, the new allocation model moved from a diagnostic based allocation process to a needs based process, whereby schools will allocate resources from a set profiled allocation based on the individual needs of pupils. The Department will also consult education partners in respect of the implementation of the recommendations contained in the comprehensive review of the special needs assistant scheme.

To further support schools, schools will also receive a 5% increase in capitation from September 2019. Over the course of the school year 2019-2020, an additional €10 million will be allocated to primary and post-primary schools, of which €4 million will be allocated in 2019. This increase is the beginning of the process for the restoration of capitation, which is one of the actions included in the Action Plan for Education 2019.

Tonight's motion also called on the Government to create a plan to roll out speech and language therapies in schools nationwide. Speech and language therapy services are currently provided for children who require this service by the Health Service Executive. However, a demonstration project to provide in-school and preschool therapy services has also been taking place over the course of the 2018 and 2019 school year. The project has been developed by the Departments of Education and Skills, Children and Youth Affairs and Health, along with the Health Service Executive, and it is being managed and co-ordinated by the National Council for Special Education. The purpose of the project is to test a model of tailored therapeutic supports by providing speech and language and occupational therapy within educational settings. This innovative pilot will complement existing HSE-funded provision of essential therapy services.

I thank everybody for their contributions and for raising these matters. It has provided an opportunity to outline to the House the Government's commitment to ensuring children with special educational needs are provided with every opportunity to fully participate in and benefit from the education system. I confirm the Government will not be opposing this motion.

Deputy Niamh Smyth: When we speak about special educational needs, we know early intervention is critical to the success of any work done with young children. Due to the appalling waiting times that parents experience for a crucial assessment of needs, pupils tend to fall behind, feel excluded and, in some cases, be confined to reduced timetables. It appears the use of reduced timetables is a growing problem, although this practice appears to vary across the country. Some principal teachers opt to impose a reduced timetable as a response to a child's challenging behaviour when there is a lack of available learning supports for the student and others must use it as a disciplinary method. We know this happens throughout the country.

A survey conducted by AsIAM indicates that half of parents of children with autism have been waiting for more than a year for a suitable school place and that hundreds of children are

being excluded from school altogether. This online survey, which received 300 responses, indicates that a third of parents have been waiting one or two years for a school place, with one in ten waiting between two and three years and 7% of parents waiting for more than three years for a suitable place. The practice of reduced timetables appears to be largely unregulated and there are no guidelines. There is no requirement for schools to report on the practice and the Department's inspectors do not collect widespread data on it. This means the real scale of the use of reduced timetables is unknown. In some cases, parents have withdrawn their children from a school in the absence of appropriate supports. Some children are on partial school days and have even been advised to seek home tuition instead. Others have been suspended or expelled from school. We all know of such cases in our constituencies. These children are invisible, and for the most part, as they do not show up on official statistics, they are being left out of the education system. Children end up underperforming, leaving school early and not coming close to reaching their potential. They are, effectively, left behind. Teachers end up teaching pupils of different academic status with no cohesion whatever.

The fact there are no data available on the practice of reduced timetables is particularly worrying. Nobody is monitoring the issue and therefore there are no targeted resources or interventions. I listened attentively to the Minister of State talking about the HSE's intervention in the critical assessment of need. He mentioned speech and language and occupational therapy, as well as physiotherapy. We meet parents in our offices and clinics on a daily basis who are exasperated and frustrated about this. In some cases they are in trouble with the school authorities. The school may not be able to cope because of a lack of support and the parents get into trouble because children do not meet the designated number of days on which they must attend school. It comes down to the important assessment of need and not having the required interventions in place.

I disagree with much of what the Minister of State said towards the end of his contribution when he argued the HSE is rolling out sufficient schemes to provide speech and language therapy. That is not my experience on the ground and my feelings are probably echoed by a number of my colleagues across the House. These children are not getting the interventions and they are being left behind. Parents are struggling to either get these children to school or keep them there because these crucial supports are missing. We speak about autism and learning difficulties but needs are not being met.

This is an opportunity to commend the work of special needs assistants, SNAs, throughout the country. They work tirelessly and are completely committed to the very special work they do. They are poorly treated in terms of job security and permanent contracts; they do not have these and can only aspire to getting them. It is very difficult for them and they suggest they are undervalued and do not have sufficient job security. There is a problem because qualified SNAs cannot get contracts or jobs despite feeling very passionate about the work they do. Those people are worth their weight in gold in communities as not everybody can do the job. Those who go for that training deserve the support and recognition in the form of proper contracts for a very specialised job in the education system.

I highlight the work of the Holy Family school at Cootehill, County Cavan, which is an exemplary model of a school dealing with special education. It has had to do its work against a backdrop of very poor resourcing until now. It is fortunate as it will get a new school building but it is an exemplary model of special education delivery that anywhere in the country could look to. Bailieborough community school is another secondary school that has provided an autism spectrum disorder unit relatively recently and at least it allows those students to feel part

of the mainstream community comprising their friends and siblings. I ask that the Government try to replicate that model of special education across the country.

Deputy Fiona O'Loughlin: I thank my colleague, Deputy Thomas Byrne, for his work on the motion and all the Deputies who contributed to this very important debate tonight. As the Minister, Deputy McHugh, said earlier, special needs education has expanded much in recent years, which is to be welcomed. Despite that growth, there are still very significant hurdles to be overcome.

Much of the work of the Committee on Education and Skills in recent months has centred on barriers to children receiving a full education, including socio-economic grounds, minority backgrounds and the particular challenges of special needs education. There is certainly wide political agreement that these barriers should be removed and every child must have their rights vindicated. This motion, which Fianna Fáil was pleased to bring forward tonight, aims to ensure that the Minister for Education and Skills would have a more hands-on approach over the coming months in the run-up to September. I acknowledge that the Minister has met teachers and written to schools in Dublin 15 but the matter of special needs school places has not been tackled as the national issue it is swiftly becoming.

I acknowledge the comments from the Minister of State, Deputy Kehoe, in his response about recognising that the inappropriate use of reduced timetables by schools has an adverse effect on a child's education. It is for this reason that the development of guidelines and a mechanism for monitoring the use of reduced timetables are now being fast-tracked by the Department. It is welcome and was one of the recommendations made by the committee last week in a report we sent to the Minister. We absolutely appreciate that he has taken on board what the committee has recommended in that regard.

The powers under the Education (Admission to Schools) Act should not be seen as a last resort to be deployed in the weeks before the school term begins, as the Minister, Deputy McHugh, said. Fianna Fáil believes those powers should be used when it has become clear there is upcoming demand that would not be met by schools without intervention. This would allow schools the time required to place the full suite of measures in place that are needed by children. In the case of children with special needs, the requirements can be complex and putting them in place within a limited deadline would add extra complication to the process. The Minister must be willing to step in when the problem starts, not when it has got to the point where it can no longer be ignored, as was the case in Dublin 15.

Every year, Deputies of all parties and none spend the month of September addressing the issues which inevitably arise as parents strive to ensure their children receive an education. Some of this could be avoided by working in the coming months to address the problems before they arise and I hope the Minister adopts this approach.

There is one remaining aspect of the motion I want to address and that is the development of the plan to see in-school speech and language therapies delivered nationwide. Far too often, we focus on maintaining what we have rather than being ambitious for the future. I welcome the pilot project that the Minister has announced as a response to our motion relating to the provision of speech and language therapies which will have numerous advantages in our schools and I look forward to that being rolled out and seeing the response for it.

I am going to give the last word to a mother, Ms Elaine Sears, who contacted me some time

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ago about her child, Daragh, who could not get a place in a primary school. She said that Daragh is a very capable and happy boy who loves learning and being around other children and having him in school is very important for his communication and developing social skills. He has autism. He is different, not less, and he deserves to have an education that is not going to be a daily struggle for him and his family.

Question put and agreed to.

The Dáil adjourned at 10.50 p.m. until 9.30 a.m. on Wednesday, 10 July 2019.