



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Déardaoin, 18 Meitheamh 2015

Thursday, 18 June 2015

Chuaigh an Ceann Comhairle i gceannas ar 9.30 a.m.

*Paidir.
Prayer.*

Ceisteanna - Questions

Priority Questions

Beit Collection

1. **Deputy Seán Ó Feargháil** asked the Minister for Arts, Heritage and the Gaeltacht her views on the sale of paintings by the Alfred Beit Foundation; the action her Department can take on any sale; and if she will make a statement on the matter. [24010/15]

Deputy Seán Ó Feargháil: In the past few weeks, since the media began to publicise the fact the Alfred Beit Foundation intended to sell quite a number of significant art works, including pieces by Rubens, there has been extensive public reaction and growing public concern about the fact that these art works, if sold, will pass out of the country and that the proceeds will be used to maintain Russborough House on an ongoing basis which many see as an unsustainable action. We would like to hear what the Minister intends to do about the matter.

Minister for Arts, Heritage and the Gaeltacht (Deputy Heather Humphreys): The sale of these paintings is a matter for the committee of management of the Alfred Beit Foundation which owns and operates Russborough House. My Department has no function in the administration or sale of these art works. However, I did meet on Tuesday night with the chairperson of the Alfred Beit Foundation and two other trustees. I asked the chairperson if it would be possible to delay the sale or consider withdrawing the paintings from auction to provide some time in which to explore all other possible options that would involve my Department and the Office of Public Works. The trustees declined to either delay or cancel the sale, citing the fact that they would incur a liability of £1.4 million sterling for breaking an agreement with the auction house handling the sale, with which they entered a contract several months ago. I was only informed last month of the decision on the sale, several months after the foundation had entered into an agreement with the auction house to have the paintings sold. The fact remains that my

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Department does not have the discretionary funds necessary - believed to be in the order of €12 million - to buy the paintings. I will, however, continue to see if other possible options can be explored. This will be very difficult, given that the sale is to proceed next month.

Deputy Seán Ó Fearghail: I am concerned about the Minister's response. First and foremost, we understand from media reports that the Department was aware as far back as 2013 of the difficulties at Russborough House, although Deputy Heather Humphreys was not Minister at the time, and that Government aid was sought. What we are looking at is a situation in which, to meet the ongoing demand for about €1 million per annum, it has been decided to sell, if not the family silver, art works which were intended to be retained at Russborough House. There is a lot of public confusion about what the position is between the Alfred Beit Foundation and the State. It would be useful, therefore, if in the course of this debate we were to clarify for the public that the 17 masterpieces bequeathed to the National Gallery of Ireland are in it and secure. None the less, there continues to be public concern about the works retained at Russborough House. It cannot continue selling art works in order to maintain the house. I put it to the Minister that she does have a responsibility in that regard.

Deputy Heather Humphreys: The Alfred Beit Foundation met the former Minister for Arts, Heritage and the Gaeltacht a number of years ago. I am not aware that the specifics of the sale were discussed in 2013, but I want to be very clear that I was only informed of the decision last month. That was the first time I met the chairperson of the foundation, several months after it had entered into an agreement with Christie's to have the paintings sold. During my meeting with the chairperson on Tuesday evening I made it clear that it would have been preferable if the trustees had come to me before making their decision to sell the paintings. The fact that they are now in an auction house in London makes this, as I said, a very difficult situation to unravel. Regardless of this, the fact remains that the Alfred Beit Foundation is an independent trust and I cannot instruct it on how it should do its business. I draw the Deputy's attention to what it stated in a press release yesterday:

The Alfred Beit Foundation (ABF) is the owner of the relevant paintings at the centre of the current sales; these paintings were not left to the State by the Beits ... Before any sales plans were made, the perilous financial situation at Russborough...

The trustees went through the position in great detail. They told me they had a masterplan and that this was part of it. We have to acknowledge the great work they have done in the past 40 years in terms of what they have provided in Russborough House and that they work very closely with the community.

Deputy Seán Ó Fearghail: I do not live that far away from Russborough House and I am well aware of what goes on there. I agree with the Minister that a great job has been done. However, the position is unsustainable, given that the cost of running Russborough House is €1 million per annum and the shortfall is of the order of €400,000. Rather than wringing our hands, An Taisce has come forward with a proposal that offers a solution to break the impasse. I recommend it to the Minister and ask whether she will take seriously the proposal made by Russborough House - to bring together the National Gallery of Ireland and all those interested in the art works to form a formal proposal to save the art works remaining in Russborough House.

On the art works in Christie's, I put it to the Minister that were she to engage directly with the Alfred Beit Foundation and, on foot of a commitment from the Government to provide on-

going support - it must be remembered that the foundation has received a lot of Government funding to date - were she and the foundation to approach Christie's, I am sure a negotiated settlement could be arrived at whereby the art works could be recovered, brought back to the State and kept at Russborough House, as intended by Sir Alfred and Lady Beit.

Deputy Heather Humphreys: As I have to be clear, I will repeat the point: the Alfred Beit Foundation is the owner of the relevant paintings at the centre of the current sales. I had a meeting with it and asked if it could approach Christie's to delay or postpone the sale. It was clearly said to me that it could not do so because if it did, it would incur a penalty of £1.4 million sterling for not proceeding with the sale as agreed. It stated to me that it was part of a masterplan and that it had not happened overnight. There are representatives of An Taisce and a number of organisations on the board of the Alfred Beit Foundation.

This has been discussed for the past two years, as the chairperson explained to me. They have looked at many different options. This was not an easy decision for them.

We must be thankful that we have 17 of the old masters' paintings in the National Gallery. Sir Alfred Beit donated those to the State, and that is clear.

Deputy Seán Ó Fearghail: Otherwise they probably would be sold as well.

Deputy Heather Humphreys: They are safe. They are in the National Gallery.

Deputy Seán Ó Fearghail: I know that they are safe.

Deputy Heather Humphreys: They are safe. He donated those to the State. That is what we must be clear about. We own those.

The Alfred Beit Foundation itself is responsible. Its memorandum and articles of association, which I have gone through in great detail and which Sir Alfred Beit himself, and his good wife, Lady Beit, signed, clearly states that it may "sell, lease or otherwise deal with or dispose of the whole or part of the property or assets of the Foundation". We must respect the trust that was set up by Sir Alfred Beit.

I met two trust members, including the chairperson. They do this on a voluntary basis. As the Deputy will be aware, they give a lot of their time to the running of Russborough House.

National Monuments

2. **Deputy Sandra McLellan** asked the Minister for Arts, Heritage and the Gaeltacht if she will provide a detailed update on the Government's purchase of Nos. 14-17 Moore Street in Dublin 1. [24222/15]

Deputy Sandra McLellan: I ask the Minister for a detailed update on developments since the Government's recent purchase of Nos. 14-17 Moore Street. Where do matters stand as there seems to be a delay in the progress?

Deputy Heather Humphreys: My primary function in this case arises from the preservation order that was placed on Nos. 14-17 Moore Street under the National Monuments Acts in 2007 in order to protect No. 16 as the site of the final council of war and final headquarters of the leaders of the 1916 Rising. After extensive deliberations, ministerial consent was given to

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the owners of the national monument in April 2014 for the creation of a 1916 commemorative centre in the monument buildings, involving the full repair and restoration of the structures, both internally and externally.

Proposals that subsequently went before Dublin City Council late last year would have allowed the exchange of two modern 1990s buildings at Nos. 24 and 25 Moore Street, currently used as a cleansing depot, in return for full ownership of Nos. 14-17 being transferred to the city council. The transfer would have been accompanied by NAMA funding to cover the full cost of the restoration project and the construction of the proposed commemorative centre. I was disappointed that Dublin city councillors rejected these plans, which I believe provided a real opportunity to have the restoration work completed and the commemorative centre open in time for the centenary of the Rising in 2016.

Following the decision of Dublin City Council and in order to ensure the long-term future of the national monument, I secured Government approval for its acquisition by the State. This will bring the national monument into public ownership and will also facilitate the safeguarding and restoration of the buildings, and the development of the proposed 1916 commemorative centre to be run as a public facility. My Department is now engaged with the monument owners and other relevant parties with the aim of concluding the transfer of the property into State ownership as quickly as possible. My Department is also examining options for how best the restoration of the buildings for use as a commemorative centre can be effected, with a view to having it open to the public at the earliest possible date.

Deputy Sandra McLellan: Dublin city councillors recently passed a motion that five more buildings be added to the register of protected properties based on their significance at that period. A report was to be prepared for the local authority to assess the suitability of the buildings before they can be added to the protected list.

As the House will be aware, Nos. 14-17 Moore Street are protected under national monument status. An additional 13 buildings have been recommended for inclusion on the list by experts at the Department of Arts, Heritage and the Gaeltacht as national inventory of architectural heritage. Buildings suggested for protection at the recent Dublin City Council meeting were included in the 2012 Miles battlefield report. In what way will 1916 buildings now deemed worthy of being added to the list of protected structures by Dublin City Council be made presentable for the centenary celebrations and is there a date set for the proposed Dublin City Council Moore Street forum on the future of the area, described by the National Museum as the most important historic site in modern Irish history?

Deputy Heather Humphreys: First, my priority is to acquire the monument, secure the buildings, restore them and develop the monument as a public commemorative facility in time for the centenary celebrations in 2016. I understand that there have been meetings with Dublin City Council and that it has plans to look at the wider issues around that area. That is a matter for Dublin City Council because under the Planning and Development Act, Dublin City Council, as both the local government and planning consent authority, is the most appropriate entity to manage the ongoing development of this important inner city area. Already sections of Moore Street, on the auxiliary lanes, are within the current O'Connell Street architectural conservation area, designated in July 2001, and the O'Connell Street area of special planning control adopted by Dublin City Council in September 2009.

My role, as Minister for Arts, Heritage and the Gaeltacht, is to assess what is best for the

national monument itself in accordance with the terms of the National Monuments Acts. That is reflected in my recent recommendation to Government for the State to have the national monument restored as a publicly-owned 1916 commemorative centre. I do not have any powers under the National Monuments Acts to create a historical quarter in Moore Street. The reality is that the properties around the national monument are in private ownership, they are not subject to my remit under the National Monuments Acts and the redevelopment plans for the area have received fully planning permission from An Bord Pleanála.

Deputy Sandra McLellan: The Oireachtas adopted the preservation order. The Members of the Oireachtas are therefore the guardians of the national monument and, as such, are entitled to know the details of the planned purchase, the price of the purchase, how it was valued and by whom, etc. When will the details of the proposed purchase of the 1916 national monument be made available for consideration by Members of the Oireachtas? Will there now be a survey of the national monument buildings and their newly discovered 18th century cellars by suitably qualified staff and experts, and in a way that the 1916 national monument be made presentable for the centenary celebrations? Can the Minister explain what will happen to the €5 million of NAMA funding set aside for its restoration?

Deputy Heather Humphreys: My Department is engaged with the monument owners and other relevant parties with the aim of transferring the property into State ownership as quickly as possible. The Department is also examining options for how best the restoration of the buildings for use as a commemorative centre can be effected with a view to having it open to the public at the earliest possible date. In that context, I have set up a project steering committee comprising of all the stakeholders, including the Office of Public Works, to oversee the delivery of the project as speedily as possible and in accordance with overall best practice.

As Deputy McLellan will appreciate, there are fundamental matters to be dealt with before there is any question of getting the work started. The national monument is in the ownership of a private entity, the loans of which are under the control of NAMA. The Deputy can be assured that the intention is to have the restoration work completed and the commemorative centre up and running in the shortest possible timeframe. I cannot say at present how long that will take but all options are being looked at with a view to delivering the project with the minimum of delay. I will be consulting with the relatives. I will also be consulting with the traders on Moore Street because it will affect them as well. I hope that it will be completed in time for the 2016 commemorations and we will be doing everything to ensure that happens.

National Cultural Institutions

3. **Deputy Catherine Murphy** asked the Minister for Arts, Heritage and the Gaeltacht the additional funding that will be made available to the National Library and the National Museum to bring safety and security standards up to international best practice; and if she will make a statement on the matter. [24085/15]

Deputy Catherine Murphy: In tabling this question I am asking the Minister to address the issue of the collections in the National Library, the National Archives and the museum. It is not about the buildings but about the collections.

Deputy Heather Humphreys: Both the National Library and the National Museum are statutory independent bodies. While my Department provides funding to these national cultural

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institutions, the management and board of each institution are responsible for all operational matters, including storage, security and conservation. Accordingly, I do not have a statutory function in respect of such day-to-day matters. It is the responsibility of the management and the board of each institution to determine the spending priorities for their individual institutions, based on the resources available to them, and the need to ensure the appropriate security and protection of collections. I am aware both institutions give the security issue the highest priority. Where incidents have arisen, they have brought in appropriate expert advice to assist them.

I am also aware of the challenges facing the National Library and the National Museum, as well as other cultural institutions, following the significant reduction of resources available to the Exchequer as a result of the economic crisis. In this regard, I was pleased at the conclusion of the most recent Estimates processes not only to have ensured there would be no reduction in funding for the arts and culture areas of my Department for 2015, but also to have secured an additional €2 million in funding for the national cultural institutions. This included increased allocations in 2015 of €600,000 for the National Library and €800,000 for the National Museum. I was also pleased to recently approve a new post in the National Library for a security and facilities manager, which will be key to managing and planning the storage and security of the library's collection.

The overall funding secured for 2015 gives more certainty to the institutions, allowing them to continue to deliver on their core objectives, including the protection and conservation of their collections. I will continue to keep the issue of investment in the library, museum and other cultural institutions under review in the light of the resources available to my Department.

Deputy Catherine Murphy: These cultural institutions do not have an independent means for raising money except through philanthropy. Often, there more is said in that regard than is actually delivered.

Recently, I had the benefit of making a comparative visit to the National Library, the National Archives and the Public Record Office of Northern Ireland in Belfast. I was quite shocked at the lack of protection against fire or flood in the National Library. Its collection is housed over five floors without a solid floor between them. If a fire started in the basement, the collection would be wiped out in less than one hour. In the Public Record Office in Belfast, the firebreak between storage facilities would delay a fire spreading for six hours. The 1922 fire in the Dublin Public Record Office wiped out 700 years of history. Have we not learned from that mistake? It is critical that there is a full understanding of the real risk posed to our valuable and irreplaceable national assets.

Deputy Heather Humphreys: I appreciate the Deputy's concerns about the fire hazards in the National Library. An audit of safety and security of the library's collections was carried out sometime ago and outside personnel were brought in to examine it. I accept there is a need for further investment in this regard. As the economy continues to improve, I hope we will be able to increase investment in our cultural institutions. Unfortunately, we came through an economic crisis and funding was cut. As matters improve, it is my intention that we will provide further funding to our cultural institutions.

We need to be very mindful of any fire risks in the library. I will speak to the library's management about this and raise the Deputy's concerns with them. There are arrangements in place to protect the collections.

Deputy Catherine Murphy: I know this is a legacy issue and was not created on the Minister's watch. There has been a general neglect over decades, along with a general absence of understanding of the value of these collections and the protection they require. It is in marked contrast to the storage facilities in the Public Record Office in Belfast. In the Dublin National Archives, many files are stored on pallets when the ideal situation is they should be in enclosed fireproof shelving units.

I am sure the people in the cultural institutions are doing their best with what they have. However, there has to be an acknowledgement that these are invaluable collections and need to be treated as such. It is an urgent matter from that point of view.

Deputy Heather Humphreys: There are significant plans in place to have the National Archives building converted with the right conditions to preserve these important records. While the work has not started, the capital investment has been approved for it.

It is important that these archival materials and documents are kept safe. The Public Record Office of Northern Ireland, PRONI, has been in place a lot longer and has had much investment over the years.

Irish Music Industry Promotion

4. **Deputy Seán Ó Fearghaíl** asked the Minister for Arts, Heritage and the Gaeltacht the measures she is taking to promote the Irish music industry; the other Government Departments she liaises with to advance this agenda; and if she will make a statement on the matter. [23870/15]

Deputy Seán Ó Fearghaíl: This question is posed in the context of the Deloitte report launched by the Minister earlier this year which recognises the importance of the music industry in employing in excess of 11,000 people and worth €470 million annually to the economy. The report sets out several critical initiatives that should be taken to promote the sector. My question aims to establish what the Minister is doing to implement the report's recommendations.

Deputy Heather Humphreys: The Government appreciates the importance of the cultural and creative industries to Ireland, including the music industry. My Department provides significant support to the industry through its funding of the Arts Council, through capital supports for the development of arts and cultural infrastructure and through other financial and policy supports. I was particularly pleased the Government introduced a 25% increase in the income ceiling for the artists' tax exemption for 2015. This important measure recognises the invaluable contribution which artists, including songwriters and composers, make to society and to the music industry.

Last year, in response to a proposal from the Irish Association of Songwriters, Composers and Authors, a grant of €50,000 from my Department's capital budget was awarded for the purpose of introducing a digital music system to be available to all Irish musicians and to Irish broadcasters. This system will assist in directing royalties to Irish musicians.

I intend to publish a Culture 2025 discussion paper shortly, which will be an important step in opening up the debate around how we should shape the future of the arts in Ireland. It will

include the music industry.

Deputy Seán Ó Feargháil: I thank the Minister for the positive initiatives to which she referred to in her reply. Has the Minister given consideration to the proposal by Deloitte to establish a music office, similar to the Irish Film Board? She referred to IASCA, the Irish Association of Songwriters, Composers and Authors, which is doing particularly good work and how funding from the music distribution system is important.

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I understand from IASCA that, on foot of the creation of a digital transmission system, it is important to ensure a certain level of airplay is available for Irish musical work. Over the years, this issue has been a cause of significant concern. While we now listen to The Script, Hozier, The Coronas and other bands on radio, other young and emerging artists are voicing concern about the lack of airplay they receive. Has the Minister engaged with her opposite number in the Department of Communications, Energy and Natural Resources to identify what can be done to ensure a platform is given to young and emerging artists?

Deputy Heather Humphreys: I acknowledge there is an issue with the level of airplay. This matter has been raised previously. While the concerns the Deputy raises do not fall within the scope of my Department, I am anxious to support the music industry in whatever way I can and I would be pleased to work with the Departments of Jobs, Enterprise and Innovation and Communications, Energy and Natural Resources to address these issues in so far as is possible.

I will invite the submission of suggestions as part of the Culture 2025 policy, and if Deputy Ó Feargháil has any ideas on the music industry, I will be pleased to hear them. My Department does some work in the area of music through Culture Ireland and provides significant support for Irish bands and music groups to travel abroad and promote their work on the international stage. I am conscious that the music industry is wide and complex and I hope to highlight it further, perhaps through the Culture 2025 policy. I accept, however, that more work needs to be done on it.

Deputy Seán Ó Feargháil: Notwithstanding the Minister's response, does she envisage her Department reaching some form of an agreement with the Minister for Communications, Energy and Natural Resources that would at least encourage greater airplay for the music of young and emerging artists?

Another recommendation made by the Deloitte report commissioned by the Irish Music Rights Organisation was to establish a music industry task force. Does the Minister have any views on that proposal?

The Minister did not answer my question on establishing a music Ireland office.

Another issue to emerge recently has been the idea of providing additional training for music professionals, not least in business. We have seen the value of successful artists to the country and its promotion abroad. I will never forget, in the aftermath of the Riverdance performance, a meeting I had with senior executives from Hewlett Packard at which they indicated to me that the dynamism and ingenuity evident in the Riverdance experience had prompted them to decide that Ireland must be a wonderful country in which to operate.

Deputy Heather Humphreys: I fully concur with the Deputy that successful artists provide

significant value to the country. I intend to publish a discussion document on Culture 2025 in the next week or two and the Deputy's suggestions should feed into this process. While the establishment of a music Ireland office would be a good idea, it would involve a number of Departments given the complexity of the music industry, which covers issues such as technology, copyright, broadcasting and live performance. Having said that, I agree that we need to focus on the industry and in that context I was pleased to launch the recent Deloitte report on the sector. I am very conscious of its importance to the country.

Music is a special part of our culture and an important element in the cultural offering that attracts people to visit the country. It should be viewed in a more holistic manner, which will mean having Departments work together in this area. Culture 2025 policy is good forum in which to start the discussion.

Wildlife Protection

5. **Deputy Sandra McLellan** asked the Minister for Arts, Heritage and the Gaeltacht if she is aware that upland habitats are being destroyed at an alarming rate and that the national parks are at huge risk; and if she will outline the measures her Department is taking to protect them. [24223/15]

Deputy Sandra McLellan: Is the Minister aware that upland habitats are being destroyed at an alarming rate and placing national parks at risk? What action is her Department taking to protect the national parks?

Deputy Heather Humphreys: While some environmental damage to our uplands has occurred in recent years, much of it as a result of illegal burning, as evidenced by the recent spate of fires in various parts of the country, it is important to note that some improvements have occurred. The serious overgrazing that resulted in many western uplands being stripped of all vegetation has now ceased and the hills in question have substantially recovered from this threat.

With regard to fires, my Department continues to work closely with An Garda Síochána, the fire services and the Department of Agriculture, Food and the Marine, as appropriate, to investigate the causes of wildfires which have affected a number of our designated sites and national parks and, where evidence is forthcoming, to pursue appropriate enforcement under the Wildlife Acts or other legislation.

In so far as national parks are concerned, departmental staff are vigilant when conditions exist that could result in fires. The Deputy will appreciate that, given the sheer scale of property involved, covering hundreds of square kilometres, the remote locations of much parkland and the sporadic occurrence and dynamic nature of recent fires, it is very difficult to fully discourage and prevent unauthorised burning. In addition, it can be difficult to identify those who deliberately set fires in remote areas without concern for the consequences. In this regard, I encourage members of the public, including landowners and recreational users, to act responsibly at all times, be mindful of their own safety, the safety of others and the need to protect property, both publicly and privately owned, and appreciate the value of our natural heritage, particularly in our national parks, nature reserves and designated sites.

Deputy Sandra McLellan: In a recent interview, the Minister maintained that fires were

not an issue for the Department, except where they occurred in Killarney National Park. In recent months, fires have also occurred in the Wicklow Mountains National Park and many of the upland areas that have been scorched are within special areas of conservation and special protection areas. These are our most important biodiversity areas. They are managed by the National Parks and Wildlife Service, an agency of the Department. It has been well-documented that extensive and devastating fires have raged throughout the country this year. Does the Minister agree that wildfires will only be brought under control when the Department of Agriculture, Food and the Marine stops single farm payments to those responsible? Does she acknowledge that, as Minister with responsibility for heritage, she and her Department have a duty to protect our upland habitats?

Deputy Heather Humphreys: To clarify the Deputy's first point, when I spoke about this issue on a local radio station in Kerry, I was speaking specifically about County Kerry. I am aware that fires also occurred in other locations that fall within special areas of conservation and special protection areas, which come within the remit of my Department.

Significant environmental damage is caused by illegal burning, which has become more acute in recent years, as evidenced by a recent spate of fires in various parts of the country. Under section 40 of the Wildlife Acts, burning of vegetation on uncultivated land is prohibited, without exception, from 1 March until 31 August, primarily as a means of protecting nesting and breeding birds and preventing forest fires. There is no evidence, however, that these dates are a cause of widespread fires. There may well be a link between at least some of the burning and other clearance of vegetation to ensure land is eligible for the basic payment scheme beginning this year. The scheme is administered by the Department of Agriculture, Food and the Marine. While land eligibility is primarily a matter for that Department, my Department has raised concerns about ecological and other risks posed by inappropriate burning arising from eligibility issues under the basic payment scheme. I understand my colleague, the Minister for Agriculture, Food and the Marine, Deputy Simon Coveney, has pursued options for farmers with marginal lands to meet the requirements of the direct payment regulations. A guidance booklet has been issued by his Department to address the issue of land eligibility in Natura 2000 sites and burning in the wider countryside.

Deputy Sandra McLellan: On the gorse fire epidemic, County Kerry is one of several counties that have been experiencing the fires of late. It is one of the worst affected areas, with a 700% increase in the number of gorse fires in the county in the first quarter of 2015 compared with the same period last year. Given that increase, it is abundantly obvious that the current legislation is not working.

How is the Minister planning on identifying culprits for these actions and what system is she putting in place to prevent further deliberate fires? How does she plan to penalise and prosecute those responsible, or does her Department identify more with the farming community than with the protection of natural habitats?

Section 40 of the Wildlife Act makes it an offence to burn gorse between 1 March and 31 August. What is the Minister's position on the farmers' lobby to change that start date back to 15 April?

Deputy Heather Humphreys: We work very closely with the Garda, which is investigating the issues around the fires in Killarney National Park. Where evidence is forthcoming, the Garda is tasked to pursue appropriate enforcement under the Wildlife Act or other legislation.

My Department is one of a number of agencies represented on the inter-agency gorse fire group, which explores issues surrounding wildfires. An Garda Síochána is also represented and has responsibility for leading any potential criminal investigations into wildfires. My Department co-operates fully with the Garda and any other investigations that may be initiated by other statutory bodies.

I am carrying out a review of section 40 of the Wildlife Act and have received many submissions from many different organisations. I asked my officials to prepare a report and the working group is to report back to me with a range of proposals. Once this process is complete, I intend to make a decision on the matter and will launch a public awareness process for all stakeholders, including local authorities, landowners and members of the public.

I had a meeting with Wicklow Uplands Council earlier this week. I was very impressed by what it wants to do in terms of the protection of the uplands habitats in County Wicklow. It is trying to bring in all the stakeholders and wants a management plan on how to protect the uplands. We need to strike the balance that protects our biodiversity and also allows farmers to continue to make a living off the land. This can only be achieved through co-operation with stakeholders and perhaps with controlled burning within a management plan. We must comply with our obligations under the habitats directive. They have come together in County Wicklow and are looking at it in a more holistic way. That is the way we should all be going. When people take opposing views, we end up with the extreme of every argument. The best results come from working together to produce managed plans to do something. I agree the fires can cause terrible damage and have done so in Killarney National Park.

Other Questions

An Ceann Comhairle: The Deputy is not present in the House for Question No. 6.

Question No. 6 replied to with Written Answers.

Film Industry

7. **Deputy Terence Flanagan** asked the Minister for Arts, Heritage and the Gaeltacht if she will provide an update on her plans to grow the Irish film industry; and if she will make a statement on the matter. [23548/15]

Deputy Terence Flanagan: This question concerns the Irish film industry and what plans and measures the Minister's Department has in place to grow it. I note that in the Action Plan for Jobs there are three relevant action points in this respect, and that action point 173 in particular talks about increasing the film industry by 1,000 new jobs this year. Will the Minister comment on this?

Deputy Heather Humphreys: I thank the Deputy for raising this. Before I answer his question, I would like to take the opportunity to pay tribute to the late Bill O'Herlihy. Bill was the chairman of the Irish Film Board and I had the pleasure of working with him since my appointment as Minister. He was a true gentleman and a superb advocate for the Irish film industry. He was utterly committed to the role and had so many ideas and suggestions for the industry. We travelled together to the film festival in Cannes, where we met Pinewood Studios

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and discussed plans for Ireland. Bill was so looking forward to an exciting future for the Irish film industry. His presence will be greatly missed. I will personally miss him as a source of sound advice and would like to express my sympathies to his wife, Hilary, and to his daughters and all of his family.

The Government recognises the value of the audiovisual industry in its contribution to the economy and to employment and will continue to take measures to support the industry. Primary responsibility for the support and promotion of film making in Ireland, in respect of both the indigenous sector and inward productions, lies with the Irish Film Board. This includes assistance with locations for the making of films. In 2015, I approved a provision of €14.6 million for the film board, which maintained its funding at the same level as in 2014. The allocation of resources from within that provision is a matter for the film board, as the statutorily independent agency responsible for the promotion and development of the Irish film industry.

The other primary mechanism by which the Government supports the film industry is through section 481 of the Taxes Consolidation Act 1997 - the film tax relief scheme. This scheme has undergone a number of improvements which took effect in January this year. These changes have been very well-received and were developed following consultations between my Department, the Irish Film Board, the Department of Finance and the audiovisual industry. The intention is to ensure Ireland remains competitive in attracting film projects. The film tax relief scheme has been extended to the end of 2020 and I am confident this will increase the attractiveness of Ireland as a destination for film investment and allow the audiovisual production sector to maintain existing jobs and create new ones. In this regard, Departments and public agencies are often key in assisting film companies in providing locations and other supports for film-making.

An interdepartmental group comprising officials from my Department and other relevant Departments and agencies was also established recently to examine and report on recommendations to increase foreign and domestic investment in Ireland's film and TV sound stage studio infrastructure in the face of growing demand for audiovisual content across multiple platforms. This builds on the process commenced last year by the Irish Film Board, which sought expressions of interest in this regard. The group has been meeting regularly since its first meeting in January of this year and its work is ongoing.

Deputy Terence Flanagan: I thank the Minister for her response and acknowledge the great role played by Bill O'Herlihy in improving the psyche of everyone. His contribution to the film industry was certainly second to none.

The tax reliefs available for production companies under section 481 have contributed greatly to more productions taking place here. I acknowledge the great work the Irish Film Board has been doing under its CEO, James Hickey. It is massively committed to increasing the number of films shot in Ireland, which plays a huge role in attracting foreign visitors.

I note that the film board received €16 million in 2011, €13 million in 2012 and €12 million in 2013. I do not have the figures for 2014 and 2015. Could the Minister lay those figures before the House?

I also wish to comment on increasing the number of full-time equivalent people working in the industry, which is action 173 in the Action Plan for Jobs. Could the Minister comment further on that?

Deputy Heather Humphreys: The figure for the Irish Film Board in 2015 is €14.6 million.

There is great excitement about the potential of our film industry. We had a good meeting with Pinewood Studios. Ireland is seen as an attractive location for the industry. We have made it clear that we want to work with the indigenous and international industries. It is not just direct jobs that are provided, as there is a significant spin-off in terms of tourism. People see the landscape and want to visit Ireland because films have been shot here.

There is a target of 1,000 jobs in the industry. There are good opportunities for the film industry this year and the tax relief is proving positive. We are pleased with section 481. It is attractive.

Deputy Terence Flanagan: I thank the Minister for her response. Regarding the Irish Film Board and its remit, I note that the board is more than 20 years old. Will the Minister consider reviewing its work to determine whether it can take on an expanded role?

I acknowledge the Minister's comments on the 1,000 jobs. She mentioned that an expert group would be established to consider increasing the amount of investment in our film industry's infrastructure. When will that group report and will the Minister lay its report before the Houses?

Deputy Heather Humphreys: The group has met a number of times. An interdepartmental group comprising officials from my Department and other relevant Departments and agencies, it is to examine and report on recommendations. It has not yet produced a report on how to maximise the opportunities that the film industry can provide in Ireland, but as soon as it does, I will be happy to publish that.

The CEO of the Irish Film Board is Mr. James Hickey, who has a great knowledge of the film industry. I was impressed by his international contacts when I was in Cannes to speak at an Irish film industry event. Making contacts at an international level is beneficial, as the large number of co-productions is useful. The film "The Lobster" won the Jury Prize at Cannes. It received funding from the Irish Film Board and represents a great boost. The well known Irish actor, Mr. Colin Farrell, starred in it. Its producers, Mr. Ed Guiney and Mr. Andrew Lowe, were present. The Jury Prize was a major award to receive. Cannes presented significant opportunities. I was impressed by the contacts and level of knowledge that Mr. Hickey had and by how we punched above our weight, as we do in many fields. It was encouraging.

Deputy Terence Flanagan: I thank the Minister.

Turf Cutting Compensation Scheme Relocation Options

8. **Deputy Denis Naughten** asked the Minister for Arts, Heritage and the Gaeltacht the number of bogs where full relocation has been completed in the past 12 months; and if she will make a statement on the matter. [23541/15]

Deputy Denis Naughten: Eighteen years after the signing into law of the EU habitats directive and the restriction of turf cutting on special areas of conservation, SAC-designated bogs, a succession of Governments have failed to deliver on the relocation of turf cutters. Some 781 turf cutters have sought relocation. At the current rate of progress, it will take 276 years to complete the process. There has been an abject failure on the part of the National Parks and Wildlife

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Service, NPWS, to deliver alternative turf banks for those who wish to continue cutting turf. Senior management within the Minister's Department should be relocated.

Deputy Heather Humphreys: Relocation is a complex process. It involves investigating suitable sites for turf quality and quantity, determining the infrastructure-drainage works required, establishing the number that can be accommodated on the site and the cost and feasibility of land purchase or lease, and meeting possible planning and environmental impact assessment requirements.

Notwithstanding this complexity, progress in relocating turf cutters to non-designated bogs is being achieved in a number of cases and arrangements have been made as regards the Clara bog SAC in County Offaly, where 25 qualifying turf cutters have been accommodated on Killerranny bog, and Carrownagappul and Curraghlehanagh bogs SACs in County Galway, where 23 qualifying turf cutters have been accommodated on the Islands and Killasolan bogs. A further seven qualifying turf cutters from Carrownagappul and Curraghlehanagh bogs are being accommodated at Cloonabricka bog in County Galway where turf cutting is scheduled to commence next year. Works have been undertaken on Lemanaghan bog in County Offaly with a view to facilitating 12 qualifying turf cutters from the Moyclare bog SAC.

Progress has been made to relocate a small number of individual turf cutters to bog plots in counties Westmeath and Galway. Potential relocation sites have been identified for each of the remaining raised bog SACs where relocation may be required. When relocation sites have been assessed as suitable, my Department has been seeking expressions of interest from turf cutters with a view to them moving to those sites.

For a number of these SAC sites the relocation sites identified may not be suitable or have the capacity to cater for the number of turf cutters who may wish to relocate there. In such cases, and in the context of the finalisation of the national raised bog SAC management plan, my Department is considering the available options in terms of relocation and the provisions of the EU habitats directive. Under Article 6.3 of the directive, consent could only be given to cut turf on a raised bog SAC where it can be shown that such cutting would not have an adverse effect on the site. Under Article 6.4, consent could only be given for imperative reasons of overriding public interest.

The figures that I have supplied relate to the past 12 months. I will provide the Deputy with further figures shortly.

Deputy Denis Naughten: I thank the Minister for her response. The totals to date are similar to the figures that she has given for the past 12 months. I am sure that, like me, she has been speaking to staff on the ground. It has been clear since the outset of this process that senior management is intent on ensuring that turf cutters are removed from SAC-designated bogs without being provided alternatives. While the relocation has become a priority under this Government's term, is it not the case that the only successful relocations to date have resulted from the facilitative work of a former Deputy, Mr. Paul Connaughton Snr.-----

Deputy Heather Humphreys: No.

Deputy Denis Naughten: -----and that the Minister's Department and its senior officials have singularly failed to achieve any scale of relocation?

Deputy Heather Humphreys: This Government has put in place more resources and made

greater efforts to resolve the issue of protecting Ireland's SAC raised bogs than any previous government. It is a complex issue in some areas. Progress has undoubtedly been made. Some 3,091 applications have been received under the cessation of turf cutting compensation scheme for SAC raised bogs. Of these, 755 applications, or less than 25%, have indicated an interest in relocating to non-designated bogs. Forty-eight applicants have been accommodated on non-designated bogs, with a further seven scheduled so far to be accommodated next year. My Department has written to approximately 300 turf cutters seeking expressions of interest in relocating to specific non-designated bogs. Of the 755 applicants interested in relocation around 355, or 47%, have been relocated, are scheduled to relocate next year or have been provided with the possibility to relocate to a suitable specific non-designated bog.

Deputy Denis Naughten: There is absolutely no doubt but that this Government has provided more resources in this regard than any previous Government. The Department has forked out €11 million in annual payments, turf deliveries and once-off payments. The reality for the cohort of turf cutters who want to continue, however, is that the vast majority of them have yet to be relocated 18 years down the road. I accept that relocating turf cutters is a complex process, but is it not the case that until this Government took office virtually nothing was done, other than the issue in Clara, to facilitate relocation? The Department sat on its hands concerning it.

Is it not the case also that even when one has gone through this complex process, the Department digs in its heels and is not prepared to purchase the bogs required to facilitate relocation? There have been a number of examples where the Minister's Department has balked at the very last minute from purchasing specific bogs that would facilitate relocations.

Deputy Heather Humphreys: If the Deputy could bring that matter to my attention privately I will certainly raise the issue of the specific bogs he is talking about, which we did not proceed to purchase. I would be interested to hear about those and I will follow that up.

I have asked my officials to treat relocation as a priority. I have to acknowledge, however, that sometimes it is very slow work. I wish to acknowledge the work of the former Deputy, Paul Connaughton, in this respect. I have been down to visit that bog and much work has been done there. Mr. Connaughton has worked closely with my Department and the success of the project can be attributed to the great work he has put into it. I have been down there to see it for myself at first hand.

We must refocus and see our bogs as a great asset. The EU considers them to be worthy of designation and we must see them as an asset in terms of biodiversity and tourism. We should consider developing more cycle-ways and walking paths. Some 9 million Germans take cycling holidays annually, so we should regard our bogs as a great asset in that context. We should develop them as a recreational amenity that will bring benefits to bogland areas.

Commemorative Events

9. **Deputy Seán Kyne** asked the Minister for Arts, Heritage and the Gaeltacht the progress of the plans for Ireland 2016; if she would report on stakeholders, including the public and local authorities, in terms of preparations and engagement; and if she will make a statement on the matter. [23842/15]

Deputy Seán Kyne: My question concerns the ongoing progress of the plans for Ireland

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2016. I ask the Minister to report on stakeholders, including local authorities, in terms of the preparations for this important commemorative event.

Deputy Heather Humphreys: Planning is well underway with all stakeholders, including members of the public and local authorities, for next year's 2016 commemorations. A widespread public consultation process has been underway for a number of months in order to encourage and facilitate the involvement of both national and local, ground-up, initiatives in the wider Ireland 2016 commemorative programme.

The community participation strand of the programme is being led by local authorities across the country. Each local authority has appointed a steering committee and a dedicated Ireland 2016 centenary programme co-ordinator to support engagement and facilitation within local communities. The purpose is to generate awareness of the national programme and to develop and deliver a plan for a suitable programme of events and initiatives to take place at a county level, in line with the national plan for Ireland 2016.

A series of public meetings in each county has been taking place to facilitate this. I think we are at No. 77 at this stage. Meetings have also taken place with other key Departments, agencies and interested parties. My Department's Ireland 2016 project office is engaging with bodies such as the national cultural institutions, the Arts Council and the Heritage Council to ensure that a comprehensive and diverse programme for 2016 is developed.

My Department is also engaging actively with representatives of the various relatives' groups, as well as with individual relatives, to hear their views on the overall programme and to ensure that they will have a central role in a number of the key State events.

I am conscious that many of the events of 1916 took place in Dublin, but I did not want the 2016 commemorations to be Dublin-centred. That is why we are so appreciative of the engagement we are having with local authorities which have partnered with us in a positive and constructive way. I am very happy about that.

Deputy Seán Kyne: I thank the Minister for her reply and I acknowledge the progress that is being made. I also acknowledge the part played by the Minister, her Department and Mr. John Concannon in his role concerning Ireland 2016. In Galway, groundworks have commenced on Pearse's Cottage which is one of the flagship projects, and the only one outside the capital, to be included as permanent reminders of the events of the 1916 Rising. In Galway the city and county councils have a number of State and ceremonial events planned, including historical reflection, youth and imagination, an teanga beo, and cultural expression. They hope to finalise the commemorative programmes by October.

What involvement will the Minister's departmental team have concerning schools? Is her Department engaging with the Department of Education and Skills, or is it being done through local authorities? It is hugely important to get children involved in this commemoration because they will remember these events for the rest of their lives. It is wonderful to instil in them patriotism and a love of history. This is a very important decade, which includes the 1916 centenary.

Deputy Heather Humphreys: I absolutely agree with the Deputy that it is so important to involve children in our commemorations. Children will be central to the 1916 commemorations and in this regard we have been working jointly with the Department of Education and Skills. I wish to acknowledge the latter Department's huge contribution to this project. That

Department has a rich programme for the primary, post-primary and third-level education sectors. My Department's Ireland 2016 project office has been working closely with the Department of Education and Skills to ensure that the programme reaches every school in the country. Key events and activities taking place in schools will include a presentation of the national flag and a copy of the Proclamation by a member of the Defence Forces to every national school in the country. Our work will continue with the Thomas Meagher Foundation, which has been engaged in the provision of the national flag to secondary schools around the country.

We will ask children to write a new proclamation for a new generation in their own schools. This will reflect the values, hopes and aspirations of the 2016 generation. We are asking them to look at the Proclamation, examine it and understand it, as well as studying the signatories. A special Proclamation day will take place in all educational institutions on 15 March 2016. It is envisaged that it will include raising the national flag and be followed by a reading of the Proclamation.

An Ceann Comhairle: Thank you, Minister. I am sorry for cutting across you but we have a time limit.

Deputy Seán Kyne: I thank the Minister for her supplementary reply. It is wonderful to see that there are concrete plans for our schools and that is very welcome. The Minister mentioned 77 meetings, but how will they feed back to the plans? Will it be done directly through local authorities or through her Department? What engagement does she foresee?

Deputy Heather Humphreys: The idea behind the local authority meetings was to get as many people involved in 2016 as possible. Local authorities are the best way to reach out to the whole country. Each local authority will put together a draft plan which will be presented next month to myself and the Minister for the Environment, Community and Local Government, Deputy Alan Kelly. They will continue to work on that and their final plan will be produced later this year, possibly in October. We are leaving it up to each local authority to decide on themselves. I believe it is better to get buy-in from the local communities. This is a from-the-ground-up initiative; it is not the case that a project team or my Department is telling people what they should be doing. We want people to come up with their own ideas on how they want to best commemorate 1916, reflect on the past 100 years as well as ambitiously look forward to the next 100 years. It is very much the case that plans will come from each county and I am looking forward to seeing them. We have given the local authorities all the details of our national plan. We are looking forward to seeing their plans in due course.

Irish Language

10. **Deputy Terence Flanagan** asked the Minister for Arts, Heritage and the Gaeltacht if she will provide an update on the lifting of the derogation for the Irish language to be recognised as an official language in the European Union; and if she will make a statement on the matter. [23547/15]

Deputy Terence Flanagan: Will the Minister provide an update on the lifting of the derogation on Irish? It is not being used as an official or working language of the European Union at present. That is a shame. There is an opportunity to create 180 jobs and it is something the Government should be actively pursuing. Will the Minister indicate who will make the decision regarding the lifting of the derogation and when that decision will be made?

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Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Joe McHugh): I thank the Deputy for putting down the question. The Irish language was given full official and working language status in the European Union from 1 January 2007 under EU Regulation No. 920/2005. The regulation included a partial derogation to be reviewed every five years, with the first period lasting until 31 December 2011. Following a review, the partial derogation was extended for a second period, until 31 December 2016, under EU Regulation No. 1257/2010. Under the terms of the derogation in place since 2007, only legislation adopted under the ordinary legislative procedure, formerly the co-decision procedure, must be translated into Irish.

To achieve the required timelines a decision is required by Government in 2015 on the optimal approach to the derogation, following which the Council of the European Union will review its operation. A unanimous decision by Council is required before the end of 2015 on whether to extend, amend or end the derogation. The action agreed by Council will then be implemented from 1 January 2017. Officials from my Department and the Department of the Taoiseach have been actively engaging with the EU institutions and other relevant stakeholders for some time to formulate the optimal approach to the derogation. In this context the legislative and non-legislative services currently provided through Irish as well as the potential to expand these services are under consideration. Preparatory work on a draft regulation is under way in advance of the matter being brought to Government.

In logistical and reputational terms it is important to note that the approach adopted by Ireland to the derogation is seen to be a balanced and rational response that will have regard to prevailing circumstances and challenges, particularly in respect of issues such as the timely recruitment of the requisite personnel and the actual usage of Irish in the EU institutions.

Deputy Terence Flanagan: This is an issue I have pursued with the predecessor of the Minister of State. I raised a Topical Issue on the matter on 28 November 2013. The then Minister of State said that the issue would be raised and a decision would be considered in early 2014. Yet, here we are all these months later and no final decision has been made. Can the Minister bring any hope to people who have undertaken studies and courses in respect of providing career opportunities for translators and those who want to work in the European institutions and do the necessary work to translate all official and working documents in the European Union into Irish? There is no point in us having Irish recognised as an official and working language if we are not implementing the decision in practice. It is all about jobs, ultimately. That is what the Government's focus is on. There is potential for up to 180 jobs. What is the bottleneck in respect of making a decision? Who will effectively make that decision?

Deputy Joe McHugh: I will take the last question first. Deputy Flanagan asked who makes the decision. This requires a unanimous decision of the Council of the European Union. As I said earlier there is active engagement between the Department of the Taoiseach and my Department. My officials are working hard and engaging with the EU institutions. There is almost a trilateral negotiation going on. Ultimately, it will be a decision by the Council. It has to be decided before the end of 2015 in order that whatever approach is being adopted can be implemented on 1 January 2017.

There are legislative and non-legislative services as well as potential services. That is happening all the time at the moment. Some 50 staff are working within different institutions in the European Union. There is potential for expanding more job opportunities. Deputy Flanagan mentioned a figure of over 180 potential jobs. That is accurate. There is major potential here.

The strong message we should be sending out not only within the public domain but into our schools, including our primary schools and to the people who are going to do the junior certificate and consider languages, is that there is potential here.

There is the question of competency and credibility around having the three working languages. It is not simply a case of having Irish and English. People need three working languages and there are challenges around that. We need to be and we are actively engaging with the Department of Education and Skills around promoting the use of other or foreign languages within the European Union. That is where the potential is. I agree with that. In terms of the derogation-----

An Ceann Comhairle: Thank you. I will let you back in again.

Deputy Terence Flanagan: I very much accept the bona fides of the Minister of State in trying to pursue this issue and have it dealt with. I appeal to the Minister of State to prioritise this in the coming months and to try to push this on as much as he can to ensure that there is hope and career opportunities for Irish speakers who want to pursue and undertake this work. I call on the Minister of State to ensure a decision is made on this sooner rather than later. I understand the Taoiseach will ultimately make that call. Am I correct in saying that?

Deputy Joe McHugh: I will again take the last question first. Ultimately, it will be a unanimous decision by the Council at European level. Active engagement is under way between Department of the Taoiseach officials and my officials. That is in preparation at the moment but, ultimately, it will require a unanimous decision by the Council at European level.

Reference was made to the timeframe. The Official Languages Act dates from 2003. Following that there was a heavy investment of money into courses in 2006. I understand approximately €12 million has been invested in that time in training up people. We need to invest more. There will be decisions. There will be news on that in the not-too-distant future in respect of whether we look at further investment in the training of people in the required competencies and whether we make decisions in respect of interpretation, translation or the very skilled competency of lawyer linguistics. Many competencies are required. A further €1 million has been invested this year.

There will be further expansion and further investment. The Government sees the opportunity. It is not only an opportunity in terms of jobs. Jobs are important, but this is about following through on the 2007 official recognition of Irish as an official working language at European level. There is potential here to grow the language and to ensure that we have a mature and credible approach to the right road. The options available are to extend, amend or keep the present scenario. No decision has been made on that yet.

Written Answers follow Adjournment.

Houses of the Oireachtas (Appointments to Certain Offices) Bill 2014: Order for Second Stage

Bill entitled an Act to amend and extend the Staff of the Houses of the Oireachtas Act 1959 and the Houses of the Oireachtas Commission Act 2003 and to provide for related matters.

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I move: "That

Second Stage be taken now.”

Question put and agreed to.

Houses of the Oireachtas (Appointments to Certain Offices) Bill 2014: Second Stage

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I move: “That the Bill be now read a Second Time.”

I am happy to introduce to the Dáil the Houses of the Oireachtas (Appointments to Certain Offices) Bill 2014. Members of the Houses of the Oireachtas will be aware that the Houses of the Oireachtas Commission came into being on 1 January 2004 under the terms of the Houses of the Oireachtas Commission Act of 2003. The commission is the governing board which oversees the provision of services to the Houses of the Oireachtas and its Members by the parliamentary administration, the Houses of the Oireachtas Service. The commission has a very extensive range of responsibilities. They include the payment of the salaries of Deputies and Senators, the salaries of Irish Members of the European Parliament and the salaries of the staff of the Oireachtas Service. The commission is also responsible for the payment of the salaries of the secretarial assistants working for non-officeholding Members, the travel allowances for which Members are eligible and the payment of pensions to former Members.

Since its establishment, the commission has overseen the smooth running of services to both Houses and introduced a number of significant improvements in the services provided for Members and the wider public, including arranging for the televising of proceedings of both Houses and committees. The commission is a statutory corporate body and independent in the performance of its functions. It is accountable to the Houses of the Oireachtas and has responsibility for ensuring value for money is achieved. It considers and determines policy on the Oireachtas Service and oversees the implementation of that policy by the Secretary General of the service.

The commission is composed of 11 members under the chairmanship of the Ceann Comhairle. The Cathaoirleach of the Seanad is an *ex officio* member. There are also seven ordinary members, four from the Dáil and three from the Seanad who are appointed by the Members of each House, and one representative of the Minister, who would be a Member of one of the Houses. The final position on the commission is allocated to the person who, as stipulated in the Houses of the Oireachtas Commission (Amendment) Act 2009, “for the time being holds the office of the Clerk of Dáil Éireann and (who) may also be referred to as the Secretary General of the (Oireachtas) Service”. The Act states the Secretary General is to be the chief executive of the Oireachtas Commission and the officer accountable for the accounts of the commission for the purposes of the Comptroller and Auditor General Acts 1866 to 1998.

The Clerk of the Dáil post encompasses functions as set out in Dáil Standing Orders, as well as specified functions as set out under the electoral Acts and related legislation. The Clerk of the Dáil is the chief procedural adviser to the House and the Ceann Comhairle and the registrar of political parties. He or she is required to carry out specific functions related to the Dáil, Seanad, presidential and European election process and is *ex officio* a member of the Constituency Commission, the Referendum Commission and the Standards in Public Office Commission. Under section 15 of the commission Acts, the person who holds the position of Clerk of the Dáil is also Secretary General of the Houses of the Oireachtas Service. He or she has been specifi-

cally allocated a very extensive range of administrative duties under the Houses of the Oireachtas Commission legislation. These duties include the following: managing and controlling the staff and administration of the Oireachtas Service; implementing and monitoring the policies of the Oireachtas Commission appropriate to that service and delivering outputs as determined by the commission; providing advice for the Oireachtas Commission and the Ceann Comhairle on the performance of their legislative functions under the Houses of the Oireachtas Commission Acts; providing advice for the commission on any matter connected with the responsibilities of the Oireachtas which would give rise to expenditure on the Oireachtas accounts; examining and developing means that will improve the provision by the Oireachtas Service of cost effective services; subject to the Civil Service Regulation Act 1956 and the Public Service Management (Recruitment and Appointments) Act 2004, managing matters related to appointments, performance, discipline and dismissals of staff below the grade of principal officer, or the equivalent, in the Oireachtas Service; assigning responsibility for the performance of the functions for which the Secretary General is responsible to members of the staff of the Oireachtas Service of an appropriate grade or rank in order to ensure coherence of policy across the service; and ensuring appropriate arrangements are put in place to facilitate an effective response to matters pertaining to both the service and other branches of the public service.

Under the commission Acts, the Secretary General is the chief executive of the commission. Acting in all capacities represents a formidable series of procedural, electoral, administrative and governance tasks for the leading official of the Oireachtas Service. Certainly, the service and the Oireachtas as a whole were very fortunate to have been served by the outgoing Clerk of the Dáil, Mr. Kieran Coughlan. Kieran, with whom I worked very closely, was appointed Clerk of the Dáil in the early 1990s, having already served in the Oireachtas Service for some considerable period before that. He was able to provide a hugely valuable source of knowledge and experience during the years, especially during the bedding down of the commission following its establishment under the Houses of the Oireachtas Commission Act 2003. His tenure came to an end in 2013 and it was necessary for detailed consideration to be given to how the resultant vacancy should be filled.

Under the current legislative arrangements, the Clerk of the Dáil is appointed by the Taoiseach on the recommendation of the Ceann Comhairle, following consultation with the Oireachtas Commission. Where the Ceann Comhairle, following such consultation, is satisfied that no member of the staff of the Houses of the Oireachtas is suitable for appointment, he or she may recommend for appointment a person who is not on the staff of the Houses. If the Ceann Comhairle, after consultation with the commission, fails to recommend a person for appointment, the Taoiseach has the power to nominate a person from within the staff of the Houses for appointment and, with the concurrence of the Dáil, appoint that person. Where the Taoiseach is satisfied that no member of the staff of the Houses is suitable, he or she may nominate a person who is not on the staff of the Houses. It can be seen from this arrangement that, in the first instance at least, eligibility for appointment as Clerk of the Dáil is confined to existing staff of the Houses of the Oireachtas and that other persons are excluded from the process, unless no member of the staff of the Houses is considered suitable.

The previous Government had indicated its desire to change this arrangement. On Second Stage of the Houses of the Oireachtas Commission Bill in 2009 the then Minister of State at the Department of Foreign Affairs and Trade who was piloting the Bill stated the following:

The distinct role of the Civil Service staff and senior management structures of the Oireachtas is specifically recognised in the Staff of the Houses of the Oireachtas Act, 1959.

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These structures have served both Houses extremely well and remained in place following the establishment of the commission in 2003. However, significant changes in Civil Service management systems have taken place in the 50 years since the Staff of the Houses of the Oireachtas Act, 1959 came into force and it is accepted that the configuration in that Act, particularly in terms of senior management structures, needs to be modernised. In that regard, the Minister is committed to ensuring, in co-operation with the commission, that the administrative structures of the Oireachtas do not become out of step with Civil Service norms in terms of adapting flexibly to the needs and demands of modern management practices.

The Government is in full accord with that viewpoint. It agrees that the current arrangements for the appointment of the Clerk of the Dáil are out of kilter with the general arrangements for the system for senior appointments, notably the TLAC system. This system incorporates nomination by boards comprising a majority of members from the private sector with specific skills in management and human resources and provides opportunities for new blood to be introduced into public service organisations. This is the way the appointment of all Secretaries General and senior appointments are now made across the Civil Service. The Government is of the view that the Clerk of the Dáil should be appointed through a professionally organised and independent competitive selection mechanism, as that in place in the wider public service, to ensure the best possible person is selected from as broad as possible a pool of talent to lead the Oireachtas Service into the future. This stance is in complete accordance with the thrust of Government policy in recent years and, particularly, contents of the Civil Service renewal plan published by the Government last year. That plan referred to the need for continuous improvement and adaptation to change on the part of the State's administrative system. It indicated that public service organisations needed, in an era of increased demand for services and reduced staff numbers, to maximise performance levels, keep structures and processes up to date and be continually open to external ideas and trends.

In the context of the Oireachtas Service, the drive to attain such goals will be a major responsibility for the incoming Clerk of the Dáil. The new postholder will be expected to play a key role in providing procedural advice and expertise for the Ceann Comhairle and Members of the Dáil; overseeing the sittings of the Dáil, in particular the provision of critical support services for the Dáil; dealing with parliamentary reform and ongoing procedural developments; managing staff performance and underperformance; raising morale and productivity among staff; creating opportunities for staff to develop their talents; strengthening strategic planning capacity; assigning the appropriate staff to the right areas in order that they can encourage and develop excellence and drive the modernisation process in the Oireachtas Service and, overall, ensuring the Oireachtas Service has a strong culture of leadership, excellence and continuous development.

11 o'clock

In that light, the Government decided that heads of a Bill should be prepared to provide for the appointment of the Clerk of the Dáil by the Oireachtas Commission on the recommendation of the Ceann Comhairle following an open competition organised by the Top Level Appointments Committee, TLAC, which will make recommendations for appointment to the Ceann Comhairle. At the same time, in the context of the relationship between the Executive and the Legislature, the Government was most anxious that due weight would be given to the views of the Oireachtas as a whole on what was being proposed. Accordingly, in the course of last year, I referred this proposal to the Oireachtas Joint Committee on Finance, Public Expenditure

and Reform for its consideration. In due course, the committee reverted to the Government, indicating that it did not wish to record conclusions or recommendations on the draft heads. On that basis, the Government has proceeded on the lines set out in the draft Bill. I would be very happy, of course, to hear, as I say, with a very open mind, the views of others of these matters which are within the purview of the Houses as opposed to the Government. I will take careful note of views expressed.

I will go through the Bill very quickly. The first section deals with amendments to the Staff of the Houses of the Oireachtas Act, 1959. The first subsection defines the 1959 Act. The second provides that the Clerk of the Dáil shall be appointed by the Oireachtas Commission on the recommendation of the Ceann Comhairle; this recommendation shall be made by the Ceann Comhairle from among the persons selected by the Top Level Appointments Committee; and the selection shall be based on an open competition, that is to say, one not confined to persons who are civil servants. The subsection also provides for a similar arrangement to be used in the event of the TLAC system being replaced at some time in the future by another system.

In addition to the Clerk of the Dáil post, the Government proposes that arrangements following the enactment of the Bill for the filling of three other posts in the Oireachtas Service - the Clerk of the Seanad, the Clerk Assistant of the Dáil and the Clerk Assistant of the Seanad - be altered. The rank of the officers concerned, not more than the equivalent of principal officer, is appreciably lower than that of the Clerk of the Dáil and the involvement of the TLAC, therefore, would not be appropriate. Rather, under the third subsection, the appointment will be made by the Oireachtas Commission on the recommendation of the Ceann Comhairle or the Cathaoirleach of the Seanad, as the case may be. It is envisaged that the Clerk of the Dáil will have a crucial input into the deliberative process before the recommendation of either the Ceann Comhairle or the Cathaoirleach of the Seanad is made. This is in norm in what happens in Departments, where there is normally an input from the Secretary General in appointments below him in the Department.

Section 1(4) provides for the imposition of a time limit on the tenure for persons appointed to the posts of Clerk of the Dáil, Clerk of the Seanad, Clerk Assistant of the Dáil and Clerk Assistant of the Seanad following the enactment of this legislation. Subsection (5) provides for the exemption of existing postholders from the arrangements which I have outlined. The posts of Clerk of the Seanad and the Clerk Assistants of both Houses are filled.

This constitutes the major part of what is a short Bill. There are a number of other items included in it which I wish to bring to the attention of the House.

Section 2 is a technical provision which amends section 13(3)(b) of the Houses of the Oireachtas Commission Act, 2003 which provides that a statement of Estimates of the commission shall be furnished by the Secretary General to the Minister for Public Expenditure and Reform not later than 30 days before the presentation by the Minister to Dáil Éireann of the Estimates of the receipts and expenditure for that year. It is proposed that the 30 day provision be removed to allow time for the Oireachtas Service to submit Estimates much closer to the budget in the light of the reduced interval between the end of the summer recess and an earlier budget day which now must, in accordance with the European semester, be in mid-October. In 2013 and 2014 the changing of the date of the budget from early December to mid-October compelled the Oireachtas Service to finalise the next year's Estimate during the summer, in advance of the half-yearly figures becoming available. It made a strong case to me in that regard. The service will, therefore, benefit from the opportunity to finalise its figures in September-October,

when current year expenditure trends are much clearer.

Section 3 provides for the performance by a designated official of the duties of the Secretary General of the Oireachtas Commission in his or her absence or when the post is vacant. This fills a lacuna in the existing legislation, where such statutory power is not provided.

Section 4 provides for the repeal of the provision in the Public Service Management (Recruitment and Appointments) Act, 2004 which excluded the TLAC as an element of the appointment process to appoint the Clerk of the Dáil. I advise the House that this section will be the subject of a technical amendment on Committee Stage.

Section 5 contains standard provisions dealing with the Short Title, construction and citations. I commend the Bill to the House.

Deputy Seán Ó Fearghail: Ar an gcéad dul síos, ba mhaith liom leithscéal a ghabháil ar son an Teachta Seán Ó Pléamonn. Eisean an saineolaí ar an ábhar agus ar an reachtaíocht seo ach ní féidir leis a bheith i láthair. I wish to make it very clear that anything we may have to say about this legislation in no way reflects on the Ceann Comhairle or the previous or acting Clerk of the Dáil. The Minister referred to the former Clerk of the Dáil, Mr. Kieran Coughlan, who in my estimation was one of the finest public servants I had ever met and who gave this House very distinguished service for many years in a quiet, calm and collected way. Equally, it has to be said that since his departure Mr. Peter Finnegan and Mr. Michael Errity and all of the Clerk Assistants have distinguished themselves in the quality of the work they do in a quiet and dignified manner.

Over two years ago, on 15 May, a Topical Issue was raised by Fianna Fáil in this House on the need to amend the legislation governing the appointment of senior management in the Houses of the Oireachtas. In that debate the points were made that there was serious concern about the delay in bringing forward amending legislation to the Houses of the Oireachtas Commission Act to modernise the senior management structures in the Houses of the Oireachtas, in particular, the method of appointment of staff. Modernising legislation was promised as far back, as the Minister said, as 2009 and also in 2012. In his initial reply the Minister agreed and made a commitment. He said, “I believe the objective in filling top posts in the Houses of the Oireachtas Service should be to employ professionally organised and independent competitive selection mechanisms such as those that exist throughout the wider Civil Service to ensure the best possible person is selected from as wide a pool of talent as possible to lead the parliamentary service in future.” At the time, it became clear that there was a different opinion on how this position should be filled. In his final reply the Minister gave an indication as to why the legislation would be delayed for more than two years when he said:

I am old-fashioned in these matters. As a matter of courtesy I believe I should explain my position. It has been the subject of discussions between services in the Department of Finance, as was, and the Department of Public Expenditure and Reform, as is, and the official services here. I have held preliminary discussions with the Ceann Comhairle. I wish to conclude that process and then bring legislation to Government and, I hope, to the Houses speedily. I imagine it will not be challenging legislation.

We all know that there was then a stand-off, which was reported widely in the press. The Minister finally published draft heads of the Bill in February 2012 which were considered by the Joint Committee on Public Expenditure and Reform in March 2015, as the Minister said.

The draft heads, however, remain unchanged and are the same as those included in the Bill before the House. The submissions to the committee were not taken on board and they included the recommendations made by the interdepartmental group consisting of the Minister's officials and Oireachtas Service officials, to which he made reference when replying to the Topical Issues debate in 2013. The group recommended a flexible approach in order that the Clerk of the Dáil role could still be combined with the chief executive officer functions or kept separate, depending on need. Fundamentally, the top position should be filled on a CEO skills set basis and through an open competition.

The 1959 officers of the House category should also be removed to allow for full mobility and integration among senior management, while retaining Clerk functions on a more flexible basis of assignment. The Bill is unchanged and minimalist, and is not fit for purpose for a parliamentary administration for the 21st century. It keeps the 1959 appointments structure where the officer of the House positions are now in the gift of the chairman of each House, except for the Clerk of the Dáil position, which now goes to the top level appointments committee, TLAC. The Bill does not include the integrated senior management structure as proposed in the interdepartmental parliamentary services reform group, PSRG. It is not very reforming and is disappointing in its under-achievement.

The key question is why the chairman of each House has been given the power to appoint officers of the House, other than the Clerk of the Dáil, without a competitive process, thereby creating two streams of advancement for a civil servant in the Oireachtas, one by competition and one by favour of the chairman. Why has the Ceann Comhairle been given such a prominent role in both the nomination and appointment process of the top civil servant in the Oireachtas Service, the Clerk of the Dáil? Would the best practice espoused by the Commission for Public Service Appointments, which has the Ceann Comhairle as *ex officio* chair, not dictate that there should be clear water between the nomination and appointment processes? Such a potential conflict was thought unwise when the 1959 Act was going through the Houses, so why has that wisdom been abandoned at this point when it has served us well over the years?

Why is there no provision in the Bill to cater for disagreement on the nomination or appointment of a candidate? Even the 1959 Act had such a provision. What happens if the Ceann Comhairle does not agree with any of the recommendations made by the TLAC board, refuses to nominate any of them and the appointment process is stalled? Why have party and group leaders been excluded from being consulted in the appointment of the Clerk of the Dáil? There was an informal arrangement under the 1959 Act, but Members are excluded under this Bill. Given the issues raised, how will the recruitment of a Clerk of the Dáil provided for under the Bill meet the Minister's commitment to "have the chief executive of the service selected from as wide a pool as possible in line with top level appointments in the Civil Service generally"?

We have a common purpose here. We all want to see the best person appointed to this role in the future. What is at issue is the methodology to be used to achieve that objective. In the past, those appointed to the role have distinguished themselves in the quality of the service they have given. We share a common objective to have people appointed in a fair, open and transparent manner so the honourable service of the past can be continued with distinction into the future.

Deputy Aengus Ó Snodaigh: I dtús báire, labhróidh mé beagán faoin duine a bhí sa phost roimhe seo, an tUasal Kieran Coughlan. We remember the work Kieran did in his quiet, mild manner. When we were first elected to the House one of the first people we met was the then Clerk of the Dáil and a relationship with him grew. It was not political in any sense. He was

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a classic civil servant and I still do not know what his political views are. In many ways, what the Minister is asking us to do today is to put in place an appointments system which will put somebody like him in that position in the future, somebody who can rise above the party political rows and arguments we have and the party political demands we will make and work according to the rules that are set out.

The Minister outlined the responsibilities of those who take up the role of Clerk of the Dáil and Clerk Assistant. It is an onerous job. What we are discussing today is ensuring that we have a mechanism in the future that we can stand over and that is not party political in any sense. That is where some of my problems with the Bill lie. The intention is to ensure that it will never be in the gift of a political party in the future to appoint somebody of such importance. The job is important. The Minister listed a number of the duties involved. I will not repeat them but the tasks we are giving are onerous. The Minister only listed seven of them, but there are many more and I will refer to some of them later. The advantage Kieran had, as well as those who have undertaken his role since then without being appointed to it, is that it cannot be said that any of them is political. One could not do one's job if somebody in that position was partisan.

The problem I have is that a large onus is now being put on the Houses of the Oireachtas Commission. I have argued with the Minister, as I argued in the last Dáil, that the Houses of the Oireachtas Commission does not fully reflect the membership of the Dáil or Seanad. It also does not fully reflect the services of the House. I have tabled amendments to deal with this. The staff should be represented, even in an *ex officio* role. The political parties should be reflected in the Houses of the Oireachtas Commission. For example, my party does not have a representative on the commission, nor does the Technical Group. More than half of the Opposition in the Chamber is not represented on it, so we do not have a role or voice in this matter, in the duties that have been given or in everything else the Houses of the Oireachtas Commission must do.

When I see an appointment that is party political, I am happy to point that out and have done so in the past. Given the role we are discussing, I do not believe that will ever happen again. Ireland has grown up and we will ensure that the holders of the four positions listed in the Bill are reflective of Kieran, that is, proper civil servants who do not reflect their political views, regardless of what they are, in their daily work and the onerous tasks they undertake. They are chief executives or Secretaries General of the Houses of the Oireachtas Commission.

It is strange that they can appoint their second in command, the Clerk Assistant. It might be appropriate that this appointment should be through the same process as the process for appointing the Clerk of the Dáil, rather than the Clerk appointing whoever is to replace him or her if they are out sick. The Clerk Assistant's job is to take on the full role in the event of the Clerk of the Dáil being indisposed. It is an onerous position.

We have changed the way in which the Houses of the Oireachtas are run. The experiment of setting up the Houses of the Oireachtas Commission as a separate company with chief executives is working well, albeit that there are major problems associated with the running of the Houses. There are staff and cost issues. We need to get it across to the public that this building or institution costs money, whether they like it or not. If one wishes to have a democracy, one has to invest. One must invest in the best possible equipment required to carry out one's duties. The number of duties has been increasing.

When I first became a Member, most of the mail that came to me was in an envelope. I am not here that long but most of the mail I get now is e-mail. This represents a change. I am

thankful that the Houses of the Oireachtas have managed to keep step but sometimes naysayers on the outside say those within are looking after themselves, with new computers or by spending money on Oireachtas TV, for example. I am not one of those who will ever shy away from ensuring the vast majority of the public can gain access to information on what is happening in the Houses as quickly as possible. We should allow as much access as possible, although I sometimes complain about too much public access to Members by the public. One would probably prefer never to see some of the e-mails one gets.

We all have a job. Ultimately, when we enter this Chamber on Tuesday, Wednesday and Thursday, and nowadays on Friday, we want it to work well. The person taking this on will be the Clerk of the Dáil. I find it strange that there are other very highly paid personnel in the Houses whose functions I do not fully know to this day. If one were to stick by the list of duties and responsibilities of the Clerk of the Dáil, one would believe they would be out of a job. The Minister turned around and said the duties are to manage and control staff - I believed that was the superintendent's job - in addition to administration, providing advice and managing staff performance and underperformance. I am not taking away from the duties. They reflect how onerous the position is. There is a list of nine key duties, but there are more, including creating opportunities for staff. These duties are onerous, which means the Clerk should have the overall running of this institution in the palm of his or her hand. The Clerk must ensure he or she delivers a functioning Parliament. This is not just an institution; it is a Parliament. We have to have the tools required to deliver the legislation that is required and reflects the issues that arise in modern society, both at home and abroad. Staff should have a comfortable workplace and their hours should not be too onerous. There are occasions when we, as politicians, demand that they be here at the drop of a hat. We might have signed up to that. They might have signed up to it but sometimes I doubt that they understood fully that they had to be here at 12 o'clock at night or whatever. Thus far, I have not heard of major chaos arising but there are problems. I hope problems can be managed through the Houses of the Oireachtas Commission with gusto when the Clerk of the Dáil is appointed. There is a greater demand on us, as I stated.

We need to ensure the process of appointment to the position is as robust as possible. I do not have an alternative to the Ceann Comhairle being the final---

Deputy Brendan Howlin: Recommender.

Deputy Aengus Ó Snodaigh: One might consider the committee or Minister in this regard but, wherever one looks, somebody will contradict one. There needs to be some reflection on all the various components of the Houses of the Oireachtas in the making of the appointment. Nothing would be worse than having someone's disgruntlement with an appointment causing tensions that should never arise between a Clerk and Oireachtas Members.

With regard to the Houses of the Oireachtas Commission, I would argue with the Minister. Maybe he can reflect on it. If there is future legislation to change the Houses of the Oireachtas Commission, the Minister should ensure its members reflect the party composition of the Houses. In the past, it was argued there is a cost. I am a firm believer there should not be a major cost associated with having Oireachtas Members on a committee. Many of us are on several committees and there is no major remuneration, if any. It is part of our duties. In this regard, parties with more than a certain number of Members get paid. We are recognised in terms of leaders' allowances. In some ways, one is already paid in that part of one's duty is to service institutions in which one is serving. Perhaps we could increase the membership on the commission by three to five people, or perhaps not. However, at the very least, the composition should

reflect the party membership. In theory, the members are directors of a company. Anybody who understands company law will understand directors of a company are not serving their own interests but those of the company primarily. In theory, one leaves one's politics at the door of a commission meeting and serves the company. This might need to be reflected in any changes made to the Houses of the Oireachtas Commission. The commission works well, and did in the past in terms of some of the committees. We work collegially on most of the committees. It is really only on legislation that Members divide on party grounds. Some of the Labour Party Members have been more forceful in arguing with the Minister on social protection than I have been. However, when there is legislation, they are whipped in a certain way. By contrast, in a company or the Houses of the Oireachtas Commission, the directors are not whipped in a certain way. The issue before the commission members is the running of the Houses and we must determine the best possible arrangement.

My main gripe is that this matter is out of our hands in some ways. It is a pity the legislation has taken this long because a very capable person has been in a position for too long without having had the opportunity to put his name forward for the full position. He might not wish to do so. There are others who are sitting in the background waiting. It should not have taken this long. It is not major legislation and we should have been able to pass it much quicker.

Deputy Shane Ross: I am sharing time with Deputy Finian McGrath.

I am in two minds about this Bill. It is laudable that it is intended to have an open competition for the position of Clerk but the essence of the Bill represents a missed opportunity, more of the same and a failure to modernise. I wish to preface my remarks by joining previous speakers in saying that anything I say about the appointment to positions in the Civil Service, particularly the position of Clerk, in the past, present or future, in no way reflects on any individuals. As was the case with the two previous speakers, I did not get an opportunity when he was leaving to pay tribute to the previous Clerk of the Dáil for the extraordinary work he did. I knew him better during his period as Clerk of the Seanad when he was an extraordinarily able, very helpful, Member-friendly but firm guide to people when they needed help. I remember how on one occasion I looked to him for sympathy after I was kicked out of the Seanad and got none, which was perfectly justifiable in the circumstances as I was out of order. I realised at the time that he was utterly fair and he was certainly the finest civil servant I have come across in my 35 years here in terms of knowledge, experience and impartiality. He served taoisigh and Members well, which is an extraordinary combination. The unanimous support for that is a tribute to him here today.

My problem with the Bill is that it was the opportunity we expected for some modernisation of appointments in the Civil Service, particularly in this House. Perhaps it is because we do not have time to investigate it but during my time here, I have always been completely boggle-eyed by how appointments are made. I still do not know how the appointments of the Superintendent, the middle grades in the Library and Research Service or the ushers are made. I am not saying that anything is wrong. I just do not know. There is no process. People are not told. They just happen. They appear and go.

Deputy Brendan Howlin: Open competition through the Public Appointments Service.

Deputy Shane Ross: That may be the case. It is something that should be far more transparent because when it is shrouded in this sort of mystery, one wonders how the appointments are made. This Bill is certainly underwhelming in that it does not fulfil the promises made to

make appointments in this House more transparent, radical and modern. The very odd two-year delay in making these appointments and bringing this Bill forward makes one wonder whether there was some strange, behind-the-scenes political tussle about who made the appointment of the Clerk. This should have happened automatically and immediately. Certainly, the fact that there was a vacancy for so long is a reflection of the kind of paralysis that seizes politicians and the tensions that arise when such a key appointment is to be made.

Whereas there is obviously an aspiration, intention and achievement in the appointment of the Clerk, the other appointments dealt with in this Bill leave much to be desired and do not address the difficulty of having a two-tier system. There is no radical reform in this Bill and presumably, the radical reform of the way appointments are made in this House has now been buried. Having promised so much in the Dáil in May 2013 and even more expansively in correspondence to the Houses of the Oireachtas Commission, the Minister has failed in this Bill to deliver his commitment to “ensure the modernisation of the senior management structures of the Houses of the Oireachtas Service”. Instead, we have a sticking plaster to an outmoded structure of Clerks and Clerk-Assistant appointments under the Staff of the Houses of the Oireachtas Act 1959, with which the Minister will be familiar. As he promised in May 2013, the Minister should have repealed the 1959 Act and taken the opportunity to put in place a more flexible, modern and integrated management structure to ensure the Houses of the Oireachtas Service can meet the challenges of supporting Parliament in the 21st century.

The Minister has claimed that this Bill strengthens the independence of Parliament as the Taoiseach, in effect, the Government, is removed from the appointments process. While any proposal that furthers the independence of Parliament would be welcome, especially as it would be so rare, the Minister knows full well that this will not be achieved in this Bill regardless of the spin that is put on it. For the first time ever, the Chairman of each House will have a dual key role in both nominating and appointing candidates to the Clerk and Clerk Assistant positions in either House. The Minister knows that allowing the Houses of the Oireachtas Commission formally to carry out the appointment is not as transparent or accountable as he would like us to believe in that the Ceann Comhairle is the Chair and the Cathaoirleach is the Deputy Chair of that body. In effect, the appointment process will amount to no more than a rubber-stamping of the appointment of the Ceann Comhairle or Cathaoirleach’s nominee. Surely this is unheard of in terms of public service recruitment. Why should the Houses of the Oireachtas Service be unique in the public service in that a senior public appointment can be made by a politician without any competition, as will be the case under this Bill in the case of the positions of Clerk Assistant of the Dáil and Clerk and Clerk Assistant in the Seanad? What does this say to us about how the Minister would like this place administered? The fact that the Clerk’s position is embedded within an open competition in this Bill clouds the fact that those other positions will still be appointed in a totally unacceptable way.

The Bill creates twin-track promotion, one by the standard public service competition and the other on a nod from the Chairman of either House without any requirement to have a competition on merit. How will such a twin-track system motivate hard-working officials here in the Houses of the Oireachtas Service and talented people outside that the Minister wants to attract to come to work in Leinster House when these senior jobs could be open to the old-style political favouritism of an officeholder?

Retaining appointments of officers of the Houses under the 1959 Act means that an integrated management system, which is standard best practice in any modern public service organisation, is near to impossible. What is the point in having a CEO if half the senior staff

are not open to being moved by him or her to another position on a need and skills basis? In effect, the Bill has turned the public service management system on its head rather uniquely for the Houses of the Oireachtas Service but not elsewhere where the Minister espouses modernisation, flexibility and mobility. The Minister compounds this lack of flexibility and mobility by retaining the mandatory link between the more senior position of Clerk of the Dáil and CEO-Secretary General functions. In doing so, the Bill has binned the flexibility approach, as recommended by the interparliamentary group consisting of officials from his Department and the Houses of the Oireachtas Service, which proposed that the most senior position be recruited on the basis of a CEO skill set and competencies. The Ceann Comhairle of the day could assign clerk functions to that of CEO or not as the case may be, allowing for flexibility without requiring further primary legislation to change the management structure.

In summary, the lack of transparency and accountability in having the same officeholder involved in both nomination and appointment of candidates, the twin-track promotion retaining 1959 positions, not breaking the mandatory link between the Clerk and the CEO and the inherent lack of flexibility and mobility at the most senior level all make the Houses of the Oireachtas Service more beholden to politicians than it ever should be. Leinster House is the one place above all others where there should be clear water and distance between the Oireachtas administration and the political world of the Members. Neither is too well served if the lines of demarcation are blurred. An unhealthy culture can result leading to lack of professionalism and below optimum levels of performance. The Minister's Bill means that the Houses of the Oireachtas Service is seriously out of kilter with other public service bodies which have that independence and proper accountability for administrative matters that is enshrined in the Public Service Management Act 1997, which is some considerable time ago and is reflected in Houses of the Oireachtas Commission Acts but which will be rendered almost toothless under this Bill.

It is most regrettable that the opportunity has been lost in the Bill to put in place a modern, progressive organisation and build on the modernisation programmes under the auspices of earlier commissions, under which the appointment to the top post of the CEO was seen as the culmination. The Bill, if implemented in its current narrow form, will represent a lost opportunity and a sad reflection on the Minister's claim to be reforming which I am sure he made genuinely at the time. I know that there have been political difficulties which have involved a political compromise which should not be the motivation behind a Bill such as this. The Bill will not do it and the Minister has turned his back on modernisation of the Oireachtas under the fig leaf that he is strengthening the independence of Parliament by removing the Taoiseach from the appointment process and providing for open recruitment at the top level by the Top Level Appointments Commission, TLAC, which was involved in the appointment of the previous Clerk of the Dáil in 1990. There is no great innovation. The only real change is that persons outside Leinster House can be recruited and the flawed appointment system under the Bill means that that must be a very remote possibility as it would be unattractive to do so. There is one benefit, but the system has not been tackled; the old ways are still being followed.

The Bill should be amended on Committee Stage to break the mandatory link between the Clerk of the Dáil and the Secretary General and CEO functions and to repeal the 1959 Act, as originally proposed and accepted by the Minister. If he insists on retaining that structure and the politicisation - with a small 'p' - consequent on it for appointments to these posts, at the very minimum, the nomination of a clerk of either House should be on foot of a competition based on merit to ensure standard recruitment practices to fill the senior positions in Leinster House across the board. The Bill is selective as its benefits only apply to one post and one person. It

should not have been selective but should have attacked the gamut of appointments across the board in Leinster House and used the same worthy principles used in the headline to the Bill.

Members are entitled to be assured that the Oireachtas Service is a modern, flexible organisation which is more than capable of responding to challenges that we, as Members, face and that this institution is relevant in this republic in the 21st century. I echo the sentiments of Deputy Aengus Ó Snodaigh. I am not qualified to say whether the Oireachtas Commission is doing a good job because I do not know enough about its meetings. I have never been to one of them. I regret deeply that the consultation process on the running of this House and the appointment of the Clerk of the Dáil does not include the smaller parties or any member of the Independent group. The appointments should be independent and non-political. Let us not pretend that the commission is non-political because anywhere one finds a group of politicians together, one will find political decisions being made. There may be no Whip, but, in effect, political decisions are made. It is a great pity that in the making of these appointments there will not be at least an input from and consideration given to a large body of Members to give them the stamp of independence. It would certainly be worthwhile trying to include those parties in political opposition because we all wish to see the House being run properly and well and not politically at Civil Service level. I, therefore, ask the Minister to table an amendment to the Bill which he has said is subject to amendment to include those who have the interests of the House at heart, even if they have political differences with the parties in power, in the consultation process for the making of appointments which are so important to the running of the House. I would extend this beyond the running of the House to include the entire Houses of the Oireachtas. Those of us who are Members should be consulted because the appointments should not in any way be political.

Deputy Finian McGrath: I am grateful for the opportunity to speak about this legislation. I welcome the debate which is part of the broader debate on Dáil reform. There is an urgent need for the Oireachtas to become more relevant to the people, as well as more modern and efficient. In the past four years, in particular, the people have been looking for leadership on this issue, as part of the overall reform of the Oireachtas, politics and the country generally. It is important that we all become involved in this task. The bottom line is that it is not enough to talk about reform and introduce legislation, we also have to ensure we will see action, accountability and, in the context of this legislation, a quality public service.

The main objective of the Bill is to ensure the Clerk of the Dáil or Secretary General will be appointed through an open competition rather than internally. That is welcome as a positive statement of intent and a worthy part of the reform agenda. Under the existing legislation, an external candidate may only be appointed if no internal candidate is deemed suitable. This is at variance with the TLAC system for senior appointments which incorporates nomination by boards comprising a majority of members from the private sector with specific skills in management and human resources. The Bill also provides for the appointment of the Clerk of the Seanad and the Clerk Assistants of the Dáil and the Seanad by the Oireachtas Commission on the recommendation of the Ceann Comhairle or the Cathaoirleach of the Seanad, as appropriate. We must ensure these decisions are implemented quickly and efficiently.

I have been very annoyed by the slow progress of reform generally and at the delay in the appointment of a Clerk of the Dáil. We have some excellent people working here. I take the opportunity to pay tribute to the fantastic work done by the former Clerk of the Dáil, Mr. Kieran Coughlan, and his team. He was Clerk of the Dáil when I came into the House in 2002 and both he and his staff provided very professional support and advice for many years. I also commend

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Mr. Peter Finnegan and Mr. Michael Errity and the current staff for their valuable work in recent years and keeping the show on the road.

On the issue of reform, several Deputies have referred to the fact that members of the Technical Group and Sinn Féin are not part of the Oireachtas Commission. This should be changed immediately and at least one or two members of these groups should be members of the commission. Irish politics has changed and that change must be reflected in Parliament. The consultation process should be developed further to ensure we will have inclusion when appointing public servants.

I am very supportive of the Bill's objective to ensure the Secretary General or Clerk of the Dáil will be appointed by way of an open competition. There have been significant developments in the efficiency and modernisation of the public service in the past four years. I have my disagreements with the Minister on many issues, but I agree with him strongly on the issue of reform of the public service. Many very positive reforms have taken place, although wider society seems to believe nothing has changed. I am fed up listening to derogatory comments about public servants and claims that there has been no change in the public service in the past four years. There has been an unprecedented level of reform in the workplace in the public sector in recent years. Productivity has been boosted by providing for additional working hours, but this is rarely mentioned. We have seen new shared services being developed and the re-deployment of staff, as well as a 10% reduction in staff numbers. There have also been major reforms of the sick leave and annual leave regimes. That reality is never reflected in the broader society. The attacks on the public service are appalling and unacceptable. From my political point of view I will stand by public servants and the public service. Equally, I encourage all to join in the reform agenda.

Up to now, the duties of the Clerk of the Dáil, who is also the Secretary General of Houses of the Oireachtas Service, were managing and controlling the staff and administration of Oireachtas services; providing services to the Houses of the Oireachtas Commission; providing advice to the commission with respect to any matter connected with responsibilities of the service; examining and developing means that will improve the provision of cost-effective services; and dealing with the to the Civil Service Regulation Act 1956 and the Public Service Management (Recruitment and Appointments) Act 2004. There was also work on appointments, performance and discipline. The new Secretary General will be expected to play a role in providing advice and expertise to the Ceann Comhairle and Members of the Dáil; overseeing the sittings of the Dáil; dealing with parliamentary reform and ongoing procedures; managing staff; raising morale; creating opportunities; strengthening the planning capacity; and ensuring the Houses of the Oireachtas Service has a strong culture of leadership. That is what is on the agenda. That is a very difficult and important position. It can play a crucial role in Irish society on this issue. That is why I strongly support the idea of getting someone of the highest standard. There are people in the public service with the requisite skill and expertise. We need to get the best person for the job and let him or her get on with it. However, it is frustrating that over the past four years we have not got on with it.

I would strongly support any amendments. If people have constructive amendments, they should table them and let us see what they are about. We have a mandate from the people from the 2011 general election when we all knocked on the doors promising change and reform. We need to be part of that process.

I welcome the debate. There are very positive aspects to the legislation and I look forward

to amendments being tabled. The bottom line is that we need to fill these positions and do so openly and transparently. We need to ensure they are very efficient and the right person gets the job so that they can get on with running the Houses of the Oireachtas and make an important contribution to modern Irish society.

Acting Chairman (Deputy Olivia Mitchell): I call Deputy Timmins who has 20 minutes if he wants. We need to adjourn at 12 noon.

Deputy Billy Timmins: Am I the last speaker?

Acting Chairman (Deputy Olivia Mitchell): At this moment, you are the last speaker.

Deputy Billy Timmins: I will try to complete my contribution before the adjournment.

This is relatively uncontentious legislation. I join the previous speakers in paying tribute to the staff of the Houses of the Oireachtas. Sometimes I wonder how they can bear to sit in the Chamber and listen to the utterances of many Members of the House.

I know we are all familiar with the left and right hand side of the brain, but here obviously the left ear takes in all the things being proposed and the right ear takes in all the reasons it should not happen. I often wonder if we should switch the position of the Cathaoirleach over to this side of the House so that he or she can get both sides of the brain working. I commend them on sitting there. Sometimes I find it very difficult to listen here to some of the speeches on some aspects of legislation. On the side I am on now it is in the negative and on the far side it is the positive. When the roles are reversed the same thing happens.

This brings me to the issue of appointments in general. Notwithstanding that Fianna Fáil has been in power for the greater part of the State's history, no political party has been immune from interfering with political appointments, cronyism or whatever. It is important to have mechanisms to allow people to see that appointments are open and fair. A number of years ago in a previous appointment I had, I was sitting on an interview board for the position of general operative in the Department of Defence. There were more than 20 applicants, every one of whom was suitable for the job. However, in order to ensure we got the two people we were recommending we had to identify approximately 20 as unsuitable and only two as suitable because historically, we had learned that if we identified them all as suitable, the Minister of the day would end up picking the individuals, which was okay for the people who were selected, but very unfair for people who might have been more suitable for the job.

We have evolved and developed. However, it is important to have accountability at every level of Government. While we have the Top Level Appointments Committee, I am concerned we do not have the transparency we should have, with regard to top-level appointments or any appointments. I am a great believer in ministerial accountability. The public must have transparency and be able to point the finger at someone. We can appoint people to all the bodies, including bodies such as the NRA and Fáilte Ireland, and take control away from this House. By taking control away from the House we are taking away answerability to the public.

We have seen a classic example in recent days. There is great disquiet among the public and indeed in Government over what is happening with the sale of the Alfred Beit Foundation assets. We cannot get the full details. There is an onus on the Government to protect our culture and heritage, yet we have no accountability over the sale of a gift that was left to the State. It is important to ensure we always have accountability.

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I agree with the Top Level Appointments Committee being involved here, but I am not sure we need a Secretary General of the Houses of the Oireachtas. I believe the two-pronged approach of an administrative CEO to oversee the administration of it and an operational Clerk of the Dáil to look after that side would have been satisfactory. It is also important that they can work in conjunction with the Ceann Comhairle. While this is no reflection on the current Ceann Comhairle, I believe the Ceann Comhairle should be elected by secret ballot.

There is a separate issue that I had not intended raising on the floor of the House relating to role of the commission in the administration of the Houses. When I was a member of a political party I did not pay much attention to this because I was looked after, so to speak. The Minister previously dealt with legislation on the allocation of funding for people who had resigned the party Whip which remains with Government parties which I believe is inherently unfair. The Minister did not accept an amendment for whatever reason.

However, there is a matter that I find disturbing. I have raised it privately and it was not my intention to raise it on the floor of the House. I refer to the administration of office accommodation in the Houses, which comes under the control of the Government Chief Whip. I will table a Report Stage amendment given that I cannot do it on Committee Stage because I do not have any representative to table it for me unless the Committee Stage is held here on the floor of the Dáil. I will propose that the control of office accommodation should go to the Ceann Comhairle. It is not my desire to demonstrate how people in this House - some of whom are former members of the Minister's party - have been treated unfairly.

The first half of this year was dominated by two political issues - water charges and equality. I am a strong advocate for and supporter of equality. Within this House, some Members are being actively discriminated against by the Government. It is a small issue and not one about which the public would be concerned. I will be tabling an amendment so that the control of office accommodation in the Houses should lie with the Ceann Comhairle. When I move and speak in support of that amendment if the Minister wants me to demonstrate how I believe we have been treated unfairly, I will be happy to do so but I do not have a desire to do it. I can send on the information privately.

I pay tribute to Mr. Kieran Coughlan, the former Clerk, and to all the staff. Notwithstanding all the talk about openness and transparency in these various bodies, appointments commissions for senior civil servants and whatever, in the final analysis we must have ministerial accountability. Everything needs to be open to the public through raising the issue with the Minister on the floor of the Dáil. I ask the Minister to look at the issue. I would rather not have to table an amendment to give control of office accommodation to the Houses of the Oireachtas Commission. I would prefer the Minister to do it or look after it. However, if he does not, we will table an amendment.

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I want to give due regard to all the speakers and thank all the speakers. As I would like to take some time to respond, I move the adjournment of the debate.

Debate adjourned.

12 o'clock

Leaders' Questions

Deputy Barry Cowen: I want to ask the Tánaiste about the changes being applied by the Government to the beef genomics programme. This represents a bad deal for farmers. Lest the Tánaiste is not aware of it, it is being talked about across all counties in the country as a bad deal for farmers. There is serious concern about the current structure of the programme, which has serious implications for productive farmers, many of whom have told me that this scheme is unworkable and needs to be changed. Farmers continue to highlight that the scheme is over-complicated and will impose excessive costs on participants and that the conditions attached to the scheme are turning away potential applicants.

The Minister for Agriculture, Food and the Marine, Deputy Coveney, has put in place a rule that will bar any new applicants to the scheme following the close of applications, even if desirable changes are made to the scheme in the future. The draconian rule which provides that all payments made over the lifetime of the programme will be clawed back should a farmer withdraw from the scheme is totally unreasonable and will have a negative impact on farmers who are forced to withdraw from the scheme due to a change in personal circumstances. Farmers should also be allowed to make application to the scheme based on the size of their suckler cow herd this year rather than for 2014, as proposed, as this places an unnecessary limit on those who want to expand their herd size into the future.

The outstanding issues in regard to the six-year rule, the star ratings and the overly bureaucratic nature of the scheme need to be urgently addressed. Can the Tánaiste confirm that she is aware of the farmers' concerns and will she ask Government to request the Minister, Deputy Coveney, to take on board the concerns of farmers and agri-organisations in relation to this scheme? Will she further confirm that the Minister will, at least, return to Brussels and attempt to renegotiate a better deal?

The Tánaiste: I am aware that the Minister, Deputy Coveney, who is dealing with this issue directly, met recently with the IFA in, I think, Claremorris, County Mayo.

Deputy Dara Calleary: He was almost ran out of it.

Deputy Ann Phelan: That is not what we heard.

An Ceann Comhairle: The Tánaiste without interruption, please. This is Leaders' Questions.

Deputy Ann Phelan: The meeting was attended by more than 1,000 people. It was a constructive meeting.

The Tánaiste: It was a well attended meeting, with in excess of 500 in attendance. As such, it was not that private a meeting. I understand there was a fairly robust and detailed debate-----

Deputy Mattie McGrath: The Government got a wake-up call.

An Ceann Comhairle: Quiet, please.

The Tánaiste: -----on the issues which are very important for farmers. I realise, with all the changes taking place within farming, particularly for young farmers who have large investments and big commitments, either in terms of the acreage they own or acreage they may be leasing or renting, that there are big decisions facing family farms and farm companies. It is important that the Minister engages fully with farmers and addresses their concerns and that is what he is doing.

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In regard to the changes that came into effect this year in the farming sector and future changes in terms of how these issues are dealt with, anybody who reads the farming press in detail will know how complex an area this is. When Deputy Cowen and I were campaigning in the Carlow-Kilkenny by-election this was certainly an issue farmers wanted to talk about. As I said, it is an important issue. The Government is engaging with the farmers and, in particular, the Minister, Deputy Coveney, is meeting farmers. The Minister of State, Deputy Phelan, is focussing, in particular, on rural communities, on which these changes will also impact.

If Deputy Cowen has proposals around more detailed consultation processes I am sure the Minister, Deputy Coveney, will be happy to look at them. As Minister for Agriculture, Food and the Marine, Deputy Coveney has always been available to the farming sector. He continues to engage with small and large groups of farmers and with farmers on an individual basis. As Deputy Cowen is aware, because of his continued dialogue with the IFA and other farm organisations on a range of issues there is a strong social partnership between the farming community, the farming organisations and the Government.

If the Deputy has proposals he would like to make, let us hear them.

Deputy Barry Cowen: I thank the Tánaiste for her answer, about which I will not get too excited. The meeting to which the Tánaiste referred was attended by approximately 1,000 people.

The Tánaiste: So, the Deputy did know about it.

Deputy Barry Cowen: The Minister was asked to go back to the drawing board.

The Tánaiste: I thought the Deputy did not know about it.

Deputy Barry Cowen: Every farming organisation is at the end of its tether in regard to this issue. They have briefed Deputies on it here in the Oireachtas and at public meetings in their constituencies. The time for talking is over in terms of farmers putting forward suggestions. Their suggestions have already been made. I would have thought the Tánaiste, as a member of Government, would be aware of those suggestions and that she might have been privy to conversations at the Cabinet table in regard to this issue, if there were any. Clearly there were no such conversations because the Tánaiste is not too well informed on this issue.

Lest the Tánaiste is not aware of them, I will again put on the record the suggestions made by the farmers, which information might be helpful to her when attending future meetings on farming issues. They have suggested a rolling reference year, a mid-term review and a reduction in genomics testing and costs and that in terms of qualification, eligible calves and weanlings be included along with heifers and cows. All they want is more flexibility to make the scheme work.

It appears that the Tánaiste, most definitely, and some of her colleagues are ignoring this issue. Has consideration been given by the Government to any of the reasonable proposals put forward by farmers? Can the Tánaiste confirm today that some action will be taken to alleviate the concerns of farmers throughout the country? Will she also confirm that there has been no discussion on this issue at Cabinet or Government level and reassure me, this House and the people I represent, particularly the farming community, that the Government will take seriously the current concerns expressed by farming organisations on behalf of their members throughout the country? Will she come back to me at a future date with a more reasonable answer?

The Tánaiste: I am still not clear on what Fianna Fáil is suggesting in regard to this issue.

Deputy Barry Cowen: We are representing farmers.

The Tánaiste: The Deputy summarised some of the points made by the farming organisations. Rather than throwing around suggestions, Deputy Cowen might outline Fianna Fáil's view on the matter.

Deputy Dara Calleary: The Tánaiste does not have any views.

Deputy Finian McGrath: The Tánaiste is in government.

The Tánaiste: The Deputy may not be aware of it but I generally meet the farming organisations, at least a couple of times a year.

Deputy Mattie McGrath: Put on the wellies.

An Ceann Comhairle: Quiet, please.

The Tánaiste: Deputy Mattie McGrath is always praising the Department of Social Protection in regard to the rural schemes-----

An Ceann Comhairle: Sorry, Tánaiste, you have only 20 seconds remaining.

The Tánaiste: -----and, particularly, in regard to farm assist.

Deputy Mattie McGrath: Put on the wellies.

The Tánaiste: I am very *au fait* with the importance of €52 million to the incomes of farm families. If Deputy Cowen has serious proposals to make on behalf of Fianna Fáil-----

Deputy Bernard J. Durkan: Hear, hear.

Deputy Ann Phelan: Hear, hear.

The Tánaiste: -----the Minister will give them serious consideration.

(Interruptions).

The Tánaiste: In the meantime-----

An Ceann Comhairle: Sorry, Tánaiste, can you speak through the Chair and do not address Members.

(Interruptions).

An Ceann Comhairle: Quiet, please. We have to move on. I call Deputy Mac Lochlainn on behalf of Sinn Féin.

Deputy Pádraig Mac Lochlainn: The remarkable RTE documentary aired last Monday night exposed the full extent of collusion between British state forces and Unionist paramilitaries in the decades of the conflict. It was not just a case of a few bad apples; it was systemic. Agents of the British state controlled and armed Unionists and loyalist paramilitaries for all of those years. All parties in the House have called on the British Government to open the files on the Dublin and Monaghan bombings. The Tánaiste tells us that the Taoiseach has raised this

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issue with the British Government but that it is not for turning. The British Government has also failed to honour its commitments in the Weston Park agreement and to have a proper and full independent investigation into the murder of Pat Finucane. The Tánaiste tells us that the Taoiseach has raised the matter with the British Government but that it is not for turning. For how long will the Government tolerate this? If the British Government presided over the murders of human rights lawyers and elected representatives in Scotland, can the Tánaiste imagine this being tolerated?

I raise the case of Councillor Eddie Fullerton. He was a much loved and respected member of Buncrana Urban District Council and Donegal County Council and assassinated in his home on 25 May 1991. His family has since been failed by the sheer apathy of those in power in this state. However, thanks to the tireless efforts of his family, we now know that an RUC special branch car took his killers across the Border that night. We also know that two of the guns used in the massacres at Castlerock and Greysteel were used in the murder of Eddie Fullerton. Incredibly, when these weapons were found, the Garda failed to interview those in custody.

An Ceann Comhairle: Can we have a question, please?

Deputy Pádraig Mac Lochlainn: Will the Tánaiste and the Taoiseach meet the family of Eddie Fullerton, listen to their serious concerns and act on them once and for all?

The Tánaiste: The RTE documentary, with other BBC “Panorama” programmes and the recent book, *Lethal Allies*, confirm that collusion between security forces and paramilitaries was endemic during the Troubles. Our position is that the people responsible must be brought to justice. That is also the Labour Party’s position. The families of the victims deserve nothing less. The family of Councillor Fullerton and all other families on both sides in the Troubles deserve nothing less. The Government has consistently called on the British Government to face up to its responsibilities in regard to what happened in the past.

The Deputy mentioned Weston Park which dates back to 2004. He knows the history of what has happened since. A framework for achieving what we are talking about is contained in the Stormont House Agreement. The leader of Sinn Féin and the Deputy First Minister were present at the Stormont House discussions and I believe that Agreement provides a framework for us. The Smithwick report dealt with issues of Garda collusion with the IRA, for example, in the deaths of two RUC officers. When that report was published, my predecessor, the then Tánaiste, Deputy Eamon Gilmore, took a leadership role in dealing with the past. We all need to be careful in making attempts to rewrite the past. The debate on collusion in the Assembly earlier this week and in these Houses on Tuesday shows that we need to look at this as a conflict which involved two sides and address what paramilitaries on both sides did. That is the reason I refer again to the Stormont House Agreement as offering a way forward taking into account the needs of victims’ families on both sides.

Deputy Pádraig Mac Lochlainn: The Tánaiste is right that all families deserve the truth. The difficulty is that the British Government and the British state have never accepted full responsibility for their full role in controlling, arming and directing Unionist paramilitaries throughout the decades of the conflict. That is the responsibility of the Government which is co-guarantor of all of the Agreements, from the Good Friday Agreement through to the Stormont House Agreement. Therefore, it is its responsibility. Can the Tánaiste imagine any other European jurisdiction where if a much loved elected representative was murdered by agents of another state, the government would pretty much sit on its hands for 24 years and accept it,

despite the overwhelming evidence? Again, will the Tánaiste and the Taoiseach meet the family of Councillor Eddie Fullerton, listen to the latest update on their investigations and serious concerns and act on them? Furthermore, will they look at the Dublin and Monaghan bombings and the case of Pat Finucane? Will they tell the British Government it must take full responsibility for its part in the conflict? Other groups have accepted responsibility and apologised for the hurt and pain they inflicted during those terrible years. The one party that is missing from the equation is the British Government. It is the responsibility of the Taoiseach and the Tánaiste to make it live up to its responsibilities and get to the truth for the families who are asking for it.

The Tánaiste: The Government has consistently called on the British Government to face up to its responsibilities in regard to what happened in the past. We have made it absolutely clear that an inquiry into the murder of Pat Finucane should take place. We have also said time and again both here and elsewhere that the Ballymurphy families should have the investigation they seek. The Government has made this clear on numerous occasions.

To return to the broader issue, we are all, undoubtedly, committed to a peaceful future for everybody on the island. In that context, I recommend the mechanisms in the Stormont House Agreement - the historical investigations unit and the independent commission on information retrieval - which are all part of a number of initiatives that need to be taken to allow the cases of families who lost members or were involved in other events to be investigated.

Sinn Féin also has a role to play, as does the broader republican movement. The families of the disappeared also need justice. The IRA must also face up to its role in covering up child abuse. The republican movement must address that issue. Máiria Cahill, for example, is entitled to justice for what happened to her. We should use the mechanisms available to move all of these issues forward, issues which have deeply affected people affected by the Troubles.

Deputy Pádraig Mac Lochlainn: Will the Tánaiste meet the family of Councillor Eddie Fullerton?

The Tánaiste: I will certainly talk to the Taoiseach about that matter. On the murder of Councillor Fullerton, we have continual discussions on the issues involved. Sinn Féin also has a responsibility. The IRA, too, has a responsibility to face up not only to the issues related to the disappeared but also to the issues of child abuse and specifically those raised by people such as Máiria Cahill and Paudie McGahon who have sought justice for what paramilitaries did to them.

Deputy Ruth Coppinger: The human rights of women and girls are violated on a daily basis because of a constitution that treats them like child-bearing vessels. In the past week these words have been spoken about Ireland by the secretary general of Amnesty International. They were not about a Third World country or a member state of the European Union but about a state which, ironically, had just the first popular vote ever on same-sex marriage and had one of the most restrictive abortion bans in the world. It is with regret that, despite many pressing issues, I have to use Leaders' Questions to bring this matter to the floor of the Dáil. We have fewer women here than in the Afghan Parliament, for example, and also fewer women among those who will bring these issues to the Tánaiste's attention. What will she do about the ongoing denial of women's human rights? A total of 7 million people are intervening in this country for the first time ever in an Amnesty International campaign, following a detailed booklet and report produced by it on this country. What is the Tánaiste's response to the report and doctors such as Peter Boylan who told Amnesty International, "We must wait until women become sick

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enough before we can intervene. How close to death do you have to be? There is no answer to that.” What is the Tánaiste’s response to women such as Lupe who was carrying a foetus with no heartbeat for 14 weeks and who had to travel to her home country of Spain to receive proper medical treatment? More generally, what is the Tánaiste’s response to the many women forced to raise money to travel abroad and to those having abortions in their bedrooms with the abortion pill? The Amnesty International report is made much worse when another UN committee dresses down the country for a second time in two years and calls Ireland a developing country because of the unique relationship between church and State.

An Ceann Comhairle: The Deputy should ask a question, please.

Deputy Ruth Coppinger: Despite the best efforts of some to muddy the waters, the United Nations clearly stated Savita Halappanavar would now be alive if there was abortion in this country for health reasons. My question is whether the Tánaiste will now admit that the Government and the Labour Party, in particular, made an error of judgment following that tragedy in 2013. Instead of the conservative option that the Government took, of restricting and criminalising women, it could have allowed a referendum to repeal the eight amendment on the grounds of being necessary to protect women’s health. In the light of the fantastic vote on marriage equality, the overwhelming desire is for social progress in this country. Will the Tánaiste do what she can in this regard? She cannot guarantee being in a future Government, but the Government could hold a referendum on this issue in the autumn.

The Tánaiste: On Amnesty International’s report, I had an opportunity to meet at length in my office its secretary general, Mr. Salil Shetty, together with its officials, including the head of Amnesty International in this country, Mr. Colm O’Gorman. They presented the report to me, which I understand they also presented to a number of other members of the Government, including the Minister for Health. The report is extensive and the Deputy will be aware that it contains a number of recommendations. However, she must bear in mind that it seeks to address an issue everyone would like to see addressed, namely, fatal foetal abnormalities, in order that women who are carrying a much loved baby but who have been advised that the baby will not survive pregnancy would have an option of dealing with the issue. Many women who find themselves in this situation may wish to carry the baby to full term, while others will not. It is important that women have choices in that regard. That formed a significant part of the report.

Amnesty International also presented the report to the Dáil. There is less understanding internationally and the fact must be respected that the Irish people in a free vote, as was the case in all recent referenda, chose in their wisdom, whether the Deputy agrees with it, to insert the eight amendment into the Constitution. Therefore, the legal advice to the Government is that when the people express their view in a referendum, as they chose to do, the majority position prevails. I believe the Deputy disagrees with the legal advice, from what she said previously. She should remember that in the previous referendum on gay marriage 62% voted in favour, but there were also many people who expressed their disagreement with the proposition, as was their right. That is called democracy. If there is to be any change in the matters which fall within the remit of the eight amendment, it must be done by way of a further constitutional referendum to be put to the people. In that event, we must clearly set out, in a way that takes into account the best interests of women and babies, the framework with which we wish to replace it. Unlike the marriage equality referendum, this is not about inserting extra words into the Constitution but about removing from it a particular framework which was included by the people in their wisdom 30 years ago and replacing it with an alternative framework.

It is going to take a great deal of detailed work in the Labour Party. Speaking as leader of the Labour Party, we have had extensive discussions within the party and an extensive motion at conference dealing with the issue, but in terms of the medical and legal experts with whom we have spoken, including Dr. Boylan and other eminent doctors, we have a lot more work to do. However, it is an issue we are committed to addressing, as per our conference motion. The Government has addressed the issues we agreed to address in the programme for Government, namely, the X case and the A, B and C case. We will shortly receive some reports, as set out in the legislation, from the Minister for Health on current practices.

An Ceann Comhairle: I thank the Tánaiste. She is over time.

Deputy Ruth Coppinger: The Government did not know about the cases that have come up since it came to power. The programme for Government can change. The Labour Party had no problem in changing its policy on many other issues such as water charges and cuts to child benefit. The Tánaiste met Mr. Salil Shetty, but fatal foetal abnormality is not the only issue that needs to be addressed. A very small section of women are affected by the position. We need full-scale change. I do not know what the dilemma is for the Tánaiste. The matter is simple. We should delete a wording that should never have been inserted in the Constitution in the first place. The Tánaiste referred to the decision of the people in a free vote. The Government reran the referenda on the Lisbon and the Nice treaties; therefore, the notion that something cannot be put to the population for a second time is ludicrous.

An Ceann Comhairle: Will the Deputy, please, put her supplementary question?

Deputy Ruth Coppinger: Some 32 years later, one would have to be 51 years old to have voted in that referendum in 1983 and thus not even of child bearing age. If one were to distil all of the poll findings, they would show a majority in favour of holding a referendum. In fact, Labour Party supporters are most supportive, in that 80% of them are in favour.

An Ceann Comhairle: This is Question Time.

Deputy Ruth Coppinger: Does the Tánaiste agree that young people have also changed their opinion and that they are the ones most impacted on? I cannot believe the Tánaiste is citing what happened in a referendum 32 years ago. It is ironic that she has singled out lone parents for attack since she came to power, given that the Government prohibits abortion. I will happily present her with a petition against the attacks on lone parents. Will she consider the position in which she is putting women because the single biggest group living in poverty includes lone parents?

The Tánaiste: It is rather unfair of the Deputy to single out lone parents in the context of abortion.

Deputy Ruth Coppinger: The Tánaiste singled them out.

The Tánaiste: I note that young people from primary and secondary schools are in the Visitors Gallery. The Constitution provides the legal basis on which the Dáil rests. It is appropriate that every Member of the Dáil should have respect for the Constitution which dates back to the 1930s. I doubt if there are that many people alive or serving in this House who voted on the Constitution. The vote took place in the early 1930s in a plebiscite.

Deputy John Halligan: With the help of the church.

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The Tánaiste: The Deputy needs to indicate that the Socialist Party has some respect for the rights of the people of Ireland, whether or not she agrees with what the people of Ireland decide, if she is a democrat.

Deputy Ruth Coppinger: I do not agree with what was decided.

The Tánaiste: It is the right of the people, and whether or not she agrees with what the people decide on the eighth amendment, she should show some respect for their decision.

Deputy Ruth Coppinger: Minority rights matter.

The Tánaiste: I met Amnesty-----

An Ceann Comhairle: Sorry, we are over time.

Deputy John Halligan: Archbishop McQuaid.

An Ceann Comhairle: Would you please allow the Tánaiste to complete a sentence?

The Tánaiste: I met Amnesty at great length and we are having the Amnesty recommendations and report examined. Some of the proposals in the document do not reflect a complete understanding of the Irish Constitution and of its primacy and primary role in the future in changing issues in this area. The Labour Party has already had a very open and democratic debate and discussion on it. We voted against the eighth amendment to the Constitution and argued and recommended that people should not have agreed to the eighth amendment. However, we accept the verdict of the people until we have a situation in which we can put an alternative to them. The Socialist Party is very careful not to say what its alternative would be. If Deputy Coppinger wants a debate, she should set out what her alternatives might be.

Deputy Ruth Coppinger: To repeal it, to delete it.

The Tánaiste: She needs to set out her alternatives.

Deputy Ruth Coppinger: I have done so many times.

The Tánaiste: She has not set out any alternatives.

Deputy Ruth Coppinger: If the Tánaiste thinks she is gaining any votes she is wrong. She is alienating women.

An Ceann Comhairle: This is a debating Chamber, not a shouting Chamber. Deputies have to speak through the Chair.

Deputy Ruth Coppinger: It would be nice if the Tánaiste answered a question occasionally.

Order of Business

The Tánaiste: It is proposed to take No. 7, Houses of the Oireachtas (Appointments to Certain Offices) Bill 2014 - Order for Second Stage and Second Stage; No. 1, Children (Amendment) Bill 2015 [*Seanad*] - Second Stage (resumed); and No. 6, Urban Regeneration and Housing Bill 2015 - Second Stage (resumed), to be taken not later than 3 p.m. and the order shall not

resume thereafter.

It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 5.30 p.m. today and shall adjourn on the conclusion of Topical Issues which shall take place not later than 10 p.m.; the sitting shall be suspended at 2.30 p.m. for 30 minutes; and any division demanded on the Second Stage of No. 6 shall be postponed until immediately after the Order of Business on Tuesday, 23 June 2015.

An Ceann Comhairle: There are three proposals to be put to the House. Is the proposal for dealing with the late sitting agreed to?

Deputy Barry Cowen: It is not agreed. I would like to raise two issues regarding what is proposed, if it is in order. I object to the late sitting and to the fact that Topical Issues are to come before the House at such a late hour.

Deputy Mattie McGrath: Midnight.

Deputy Barry Cowen: It shows disregard for the importance and relevance of the issues in the eyes of those who wish to bring them before the House. I ask the Government to respond to this point.

The Tánaiste: The proposal was agreed by the Whips. The problem arises from the significant loss of time there has been. The Deputy is a spokesperson in the area to which the legislation relates and it is very important. It deals with site tax, which has been generally welcomed, particularly by people involved in local authorities. It also deals with the reservations regarding social housing and the adoption of mechanisms in the law which will ensure money will not be handed over in lieu of building social housing. They are very progressive and important developments and I am surprised the Deputy, as a spokesperson in the area, would not wish to debate them today.

Deputy Barry Cowen: I spoke at length the day before yesterday and raised many concerns about the Bill.

The Tánaiste: I mean the Deputy's party.

Deputy Barry Cowen: I would have thought-----

An Ceann Comhairle: I have to put the question. The question is: "That the proposal for dealing with the late sitting be agreed to."

Question put and declared carried.

An Ceann Comhairle: Is the proposal for dealing with the suspension of sitting agreed to? Agreed. Is the proposal that any division demanded on the Second Stage of No. 6 be postponed until immediately after the Order of Business on Tuesday, 23 June 2015 agreed to?

Deputy Barry Cowen: It is not agreed. I agree with the relevance and importance of the legislation, if not with much of the content in it. While I accept and support some elements of it, we will be forced to vote against it in the event that the Government rejects amendments we might put forward to improve the legislation. The Tánaiste referred to the relevance, importance and necessity of the legislation, despite the fact the site tax is not proposed until 2019. However, the Government will defer the vote until next week. I thought the Government used

this privilege only on Friday sitting days.

Deputy Emmet Stagg: Fianna Fáil invented it.

Deputy Barry Cowen: This is Thursday. The only reason for it is to allow backbenchers to return to their constituencies to campaign. Does this signify we are on an election footing or are there more bottle banks to be opened today that I am unaware of?

Deputy Mattie McGrath: Tomorrow, they are turning the sod for a building that is already built in Carrick-on-Suir.

The Tánaiste: We are interested in opening the rebuilding of the country and the fact so many people are returning to work after the mess in which Fianna Fáil left them. Fianna Fáil's cavalier attitude to housing and construction is part of the reason the country collapsed. We have recovered it and we have people back at work.

Deputy Barry Cowen: Not one house has been built in my constituency in four years. This is the Government's legacy.

Deputy Bernard J. Durkan: What was Fianna Fáil doing when it was in government?

An Ceann Comhairle: Deputy Durkan, do not raise your blood pressure. It is not good for you.

Deputy Jonathan O'Brien: I concur with Deputy Cowen-----

An Ceann Comhairle: I am sorry, only the acting leader of a party can speak. While I have no doubt about Deputy O'Brien's potential, Deputy Mac Lochlainn is acting leader at the moment.

Deputy Pádraig Mac Lochlainn: I will take over from my very able-----

An Ceann Comhairle: If you do not agree with the proposal, you can vote against it.

Deputy Pádraig Mac Lochlainn: It is a very unhealthy precedent. Although the Friday sitting votes roll over to Tuesday's sittings, to do the same on a Thursday smacks of a plan to let the Government team go home and keep us here. It is bad practice.

Question put: "That any division demanded on the Second Stage of No. 6 be postponed until immediately after the Order of Business on Tuesday, 23 June 2015."

<i>The Dáil divided: Tá, 67; Níl, 39.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Bannon, James.</i>	<i>Aylward, Bobby.</i>
<i>Breen, Pat.</i>	<i>Boyd Barrett, Richard.</i>
<i>Burton, Joan.</i>	<i>Broughan, Thomas P.</i>
<i>Butler, Ray.</i>	<i>Browne, John.</i>
<i>Byrne, Catherine.</i>	<i>Calleary, Dara.</i>
<i>Byrne, Eric.</i>	<i>Collins, Joan.</i>
<i>Carey, Joe.</i>	<i>Collins, Niall.</i>
<i>Coffey, Paudie.</i>	<i>Coppinger, Ruth.</i>

<i>Collins, Áine.</i>	<i>Cowen, Barry.</i>
<i>Conaghan, Michael.</i>	<i>Daly, Clare.</i>
<i>Connaughton, Paul J.</i>	<i>Flanagan, Terence.</i>
<i>Conway, Ciara.</i>	<i>Fleming, Sean.</i>
<i>Coonan, Noel.</i>	<i>Halligan, John.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Healy, Seamus.</i>
<i>Costello, Joe.</i>	<i>Keaveney, Colm.</i>
<i>Creed, Michael.</i>	<i>Kelleher, Billy.</i>
<i>Daly, Jim.</i>	<i>Mac Lochlainn, Pádraig.</i>
<i>Deasy, John.</i>	<i>McConalogue, Charlie.</i>
<i>Deering, Pat.</i>	<i>McGrath, Finian.</i>
<i>Doherty, Regina.</i>	<i>McGrath, Mattie.</i>
<i>Dowds, Robert.</i>	<i>McGuinness, John.</i>
<i>Durkan, Bernard J.</i>	<i>McLellan, Sandra.</i>
<i>Farrell, Alan.</i>	<i>Mathews, Peter.</i>
<i>Ferris, Anne.</i>	<i>Murphy, Catherine.</i>
<i>Fitzgerald, Frances.</i>	<i>Murphy, Paul.</i>
<i>Fitzpatrick, Peter.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Hannigan, Dominic.</i>	<i>Ó Cuív, Éamon.</i>
<i>Harris, Simon.</i>	<i>Ó Fearghail, Seán.</i>
<i>Hayes, Tom.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>Howlin, Brendan.</i>	<i>O'Brien, Jonathan.</i>
<i>Humphreys, Kevin.</i>	<i>Pringle, Thomas.</i>
<i>Keating, Derek.</i>	<i>Ross, Shane.</i>
<i>Kehoe, Paul.</i>	<i>Shortall, Róisín.</i>
<i>Kenny, Seán.</i>	<i>Smith, Brendan.</i>
<i>Kyne, Seán.</i>	<i>Stanley, Brian.</i>
<i>Lawlor, Anthony.</i>	<i>Timmins, Billy.</i>
<i>Lynch, Kathleen.</i>	<i>Tóibín, Peadar.</i>
<i>Lyons, John.</i>	<i>Troy, Robert.</i>
<i>McCarthy, Michael.</i>	<i>Wallace, Mick.</i>
<i>McEntee, Helen.</i>	
<i>McFadden, Gabrielle.</i>	
<i>McGinley, Dinny.</i>	
<i>McHugh, Joe.</i>	
<i>McLoughlin, Tony.</i>	
<i>Maloney, Eamonn.</i>	
<i>Mitchell, Olivia.</i>	
<i>Mitchell O'Connor, Mary.</i>	
<i>Mulherin, Michelle.</i>	
<i>Murphy, Dara.</i>	
<i>Nash, Gerald.</i>	
<i>Neville, Dan.</i>	

<i>Nolan, Derek.</i>	
<i>O'Donovan, Patrick.</i>	
<i>O'Reilly, Joe.</i>	
<i>Penrose, Willie.</i>	
<i>Perry, John.</i>	
<i>Phelan, Ann.</i>	
<i>Quinn, Ruairí.</i>	
<i>Rabbitte, Pat.</i>	
<i>Reilly, James.</i>	
<i>Ring, Michael.</i>	
<i>Ryan, Brendan.</i>	
<i>Shatter, Alan.</i>	
<i>Stagg, Emmet.</i>	
<i>Stanton, David.</i>	
<i>Tuffy, Joanna.</i>	
<i>Walsh, Brian.</i>	

Tellers: Tá, Deputies Emmet Stagg and Paul Kehoe; Níl, Deputies Jonathan O'Brien and Pádraig Mac Lochlainn.

Question declared carried.

Management Fees (Local Property Tax) Relief Bill 2015: First Stage

Deputy Sean Fleming: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Finance (Local Property Tax) Act 2012 to make provision for a partial exemption of property tax payable by a relevant owner whose property is located in a managed estate on which the owner of said property is liable to the payment of management fees and to provide for related matters.

I thank you, a Cheann Comhairle, for giving me an opportunity to introduce this legislation today. This Bill is designed to amend the Finance (Local Property Tax) Act 2012 to make provision for a partial exemption of property tax payable by a relevant owner whose property is located in a managed estate on which the owner of the said property is liable to the payment of management fees and to provide for related matters.

Essentially, we are talking about managed estates and many people are familiar with this issue. It concerns estates where there is a management company and where the management fee has been paid. I must stress that aspect at the outset because there are many disputes about the payment of fees in many estates where there is a management company. I am proposing that this Bill should only apply to owner-occupier dwellings or housing units in estates where there is a management company. Where the management fee has been paid in full, such a person should be exempt from having to pay part of their local property tax in the relevant year. The amount would be equal to one third of the management fee, or €300, or one third of the local property tax, whichever is the lower.

In the Dublin area, I would estimate the average local property tax at €350. In the majority of situations, this might provide a relief of €100, €110, €120 or €130. It is not big money but it is a recognition for people who are paying management fees, so they will not be caught and have to pay double. The CSO estimates that there are probably 177,000 homeowners in this category. The maximum possible cost of this legislation would be €15 million out of the local property tax. In most cases, it could be over €100. There might be exceptional cases depending on the management fee and the value of the local property tax in a particular area where it could be higher, but the figures I quoted would cater for the average situation. This would grant recognition to people in estates who are now paying on the double. That is because in such estates - many of which include apartments, housing units or a combination of both - it was regularly a condition of the planning permission granted for such a development that there would be a management company in place.

The management company manages the estate, including the public areas such as roads, footpaths and lights. It is not just concerned with green areas, including flowers and other landscaping issues, but also shores, drains and surface water drainage. If these matters were not dealt with by a management company and the State took charge through a local authority, the council would have to pay for such work to be carried out. Therefore that work is being paid for by tenants or residents in those areas through the management company. They are paying the full local property tax so in this case there is an element whereby people are paying twice.

In these situations, people who sold housing units in those areas got the money but the developer might choose to have a permanent stream of income from that development. He or she might have set up a management company to oversee that and collect the money to have a permanent stream of income. That should be recognised and people should not have to pay twice for that work. This creates an incentive for some management companies and the people who own them not to have their estate taken in charge because they will lose that line of income if the local authority takes over the estate. In some cases, therefore, there is a financial incentive to maintain management companies in an area. As I said earlier, it can also be a condition of the original planning application which people have to follow.

This Bill represents one small measure concerning the local property tax. The legislation was rushed so I would also like to see the proposed revaluation date for next year being abolished.

I o'clock

We have introduced the tax. There was much disquiet about it, but it seems to be operating and has a high compliance rate, primarily because of the Revenue powers. I believe the Government will frighten people and put them off if it starts to discuss a revaluation date next year or the following year. We should let the tax bed-in for a long number of years before we revisit that area.

This is a small step for a particularly unfair burden for a particular group of people. We have included in our legislation people whose houses and properties were affected by pyrite. They should also have an exemption along the lines I have just mentioned, that is, up to one third of the local property tax, until such time as all the remedial work has been completed. After that they should pay the full rate. This is a small measure recognising the double payment in these cases. I call on Members to support the Bill.

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An Ceann Comhairle: Is the Bill being opposed?

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): No.

Question put and agreed to.

An Ceann Comhairle: Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

Deputy Sean Fleming: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Parental Leave (Amendment) Bill 2015: First Stage

Deputy Peadar Tóibín: I move:

That leave be granted to introduce a Bill entitled an Act to provide for paid bereavement leave.

Cuirim an Bille seo os comhair na Dála. Cuirfidh mé in iúl don Teach na sonraí atá sa Bhille. As the Minister is aware, there is no legislative provision for bereavement leave. While the public sector provides for such leave and employers in the private sector often take a compassionate approach when a member of staff loses a family member, there remains a grey area in law. This is not helpful to the employee or employer. It appears that employers who provide bereavement leave do so on the basis of the *force majeure* provision in the Parental Leave Act. *Force majeure* provides an entitlement to specified and limited leave in the event of a family crisis but does not give an entitlement to leave following the death of a family member.

Few greater crises can arise in a person's life than the loss of a family member. When a death occurs employees are understandably unsure of what their leave entitlements are, particularly in employments in the casual or temporary sectors. This is a deeply unjust position to place employees in during what is, for most people, a deeply distressing and difficult time in their lives. To my mind, providing for limited paid bereavement leave is the compassionate and responsible measure for legislators to take. It also rebalances the equilibrium of rights and responsibilities of employees and employers. It is wrong that such a basic entitlement should be within the gift of individual employers. Employees who have lost a family member should not have to negotiate a short number of days for bereavement leave.

Ireland's employment market is becoming increasingly casualised and there are employers who do not give bereavement leave. Moreover, when it is given, in some instances it can remain unpaid. My Bill provides for leave on the grounds of bereavement. An employee would be entitled to leave with pay from his or her employment owing to the death of a spouse, child, parent, grandparent, brother, sister, a person in respect of whom the employee is *in loco parentis* or persons in other classes already prescribed under *force majeure* provisions. The Bill will provide that when an employee takes bereavement leave he or she shall, as soon as is reasonably practicable thereafter, confirm that he or she has taken such leave and the notice shall specify the dates on which it was taken. It will contain a statement of the facts entitling the employee to bereavement leave. Bereavement leave shall not exceed three days in any period of 12 consecutive months or five days in any period of 36 consecutive months.

It appears that private sector employers are already taking a steer from the *force majeure* provisions in the Parental Leave Act. I have simply replicated the provision with the intent that providing a statutory right to paid bereavement leave will be in step with responsible employers and raise the bar for those who do not currently give paid bereavement leave to their staff. This legislation seeks to formalise a practice that is already in place in many sectors and an entitlement that employees should have.

Is am nó tréimhse uafásach deacair é d'aon chlann, nó i saol aon duine, nuair a chailleann siad duine a bhí siad mór leo, go háirithe duine den chlann. Is daoine iad seo a bhíonn siad i dteagmháil leo gach uile lá. De ghnáth, déanann an fostóir an rud ceart. De ghnáth, faigheann daoine am chun déileáil leis an mbrón agus leis an uaigneas a bhaineann leis an gcailliúint sin. Ach uaireanta ní bhíonn sé sin i gceist. Freisin, ní cheart go mbeadh ar dhaoine idirbheartaíocht a dhéanamh le fostóir agus iad i lár ghéarchéim saoil. Ba cheart don Rialtas agus don Stát a rá gur féidir le daoine am saor a bheith acu ón obair agus go bhfuil siad i dteideal dul abhaile agus déileáil leis an uaigneas gan a gcuid tuarastail a thógaint uathu. Níl i gceist ach trí lá i ngach bliain, nó cúig lá i ngach trí bhliain. Bheinn buíoch dá dtabharfadh an Rialtas tacaíocht don Bhille seo.

An Ceann Comhairle: Is the Bill being opposed?

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): No.

Question put and agreed to.

An Ceann Comhairle: Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

Deputy Peadar Tóibín: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Houses of the Oireachtas (Appointments to Certain Offices) Bill 2014: Second Stage (Resumed)

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

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I had begun my reply earlier. I welcome Deputy Fleming to the House. I know that he was unavoidably delayed and that Deputy Ó Feargháil made the Fianna Fáil presentation. I wish to respond to the Deputies who spoke - I thank them for their contributions.

As everyone who spoke has said, this is not an earth-shattering Bill. In essence, it simply seeks to ensure that the prime administrator of the offices of the Houses of the Oireachtas would be selected through the normal Top Level Appointments Committee process. I know that some Members are keen for us to go further. I have said that I have an open mind in respect of how that could be accomplished. There are also those in the House who argue that we should go a different way. In a way I do not believe this should be enforced upon the Houses of the Oireachtas by the Executive. That is why I wanted debate on the matter.

Although I have been criticised for delay, I wanted the opportunity for people to reflect on

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the Bill I published. I sent it to the Oireachtas joint committee. It was interesting that a number of Deputies made reference to the fact that the joint Oireachtas committee submitted reports to me. In fact, the committee made no recommendations but sent me all the submissions that it had received. That was not particularly helpful in my deliberations in understanding the cross-party views of the committee. There is a difference between simply being a post box for submissions received and analysing the submissions, coming to a view, if that were possible, and making recommendations to me. In the absence of any recommendations I have proceeded on the basis of the draft Bill that I submitted to the joint Oireachtas committee.

Everyone who spoke this morning made positive mention of Kieran Coughlan. I have already said that he was a very fine, outstanding public servant. I continue to wish him well in his retirement.

The Clerk of the Dáil appointment is one of the appointments captured by this Bill. I have said this should be done through the TLAC process. Some Members referred to what that TLAC process involved and were critical of the role - saving your presence, a Ceann Comhairle, but since Members talked about the role of the Ceann Comhairle I have to do so by way of reply as well.

The role I envisage for the Ceann Comhairle is no different to the role currently carried out by any member of the Government in respect of the appointment of the Secretary General of his Department. The TLAC takes on all applications, does the interviews, makes the recommendations and shortlists a panel as it deems appropriate. It submits that to the relevant Minister, who goes to Cabinet which makes the decision. The Minister is obviously in Cabinet and so is both nominator and part of the decision-making process. I envisage a mirroring of that situation for the Ceann Comhairle. The shortlist from the TLAC of those deemed appropriate for appointment would go to the Ceann Comhairle, who would make the recommendation to the commission and, naturally, he would be part of the decision-making of the commission as well. There is no difference, in that sense, in the role envisaged for the Ceann Comhairle in this appointment mechanism and the role given to the Minister in any event.

Some Members thought we should leave it to the Taoiseach and I have spoken to the Taoiseach on this. The Taoiseach has a nominating role right now but he feels it is more appropriate that that role should be the Ceann Comhairle's, as opposed to the head of the Executive. We can, however, tease these matters out on Committee Stage.

Deputy Ó Fearghail and others spoke about the fact that the only TLAC appointment I envisage under this proposal is for the Clerk of the Dáil. The other three appointments captured by this legislation, the Clerk Assistant, the Clerk of the Seanad and the Clerk Assistant of the Seanad, would be appointments made within the Houses of the Oireachtas in the normal way. On balance that is the right thing to do as it gives the flexibility about which Members have spoken. If there is a strong view in the Opposition that they should also be TLAC appointments, I am willing to debate that. Many Members, particularly Deputy Timmins, argued for flexibility to enable the Houses of the Oireachtas to move people around while being respectful of their roles. The Houses of the Oireachtas are not an exact replication of a Department, however. There are, also, two Houses of the Oireachtas, not one, and the people have determined that they should remain two Houses and not one. The role of the Clerk of the Seanad involves a unique set of responsibilities and the Clerk is not just another officer of the Houses of the Oireachtas. In trying to balance all these matters I determined to recommend in the legislation that they would not be TLAC appointments but made by the Houses of the Oireachtas Com-

mission on the nomination of the appropriate persons, namely, the Ceann Comhairle in relation to the Clerk Assistant of the Dáil and the Cathaoirleach of the Seanad in relation to officers of the Seanad.

A number of Deputies made a strong point on the structure of the commission. Deputy Ó Snodaigh said the Oireachtas Commission was not representative of all shades of opinion in the House and that is a point which needs to be addressed. There are now 11 members and, while I would not make it too big, I accept the point that it needs to be reflective of as many discernible views in the House as it is possible to be, contingent on being a manageable decision-making body. We might deal with it in further legislation. The Deputy rightly made the point that the appointment process has to be above politics and the TLAC is that. He was also open to consideration of whether the TLAC should be the appointing body for the other, secondary posts. I do not think there is a black and white answer to that but if Deputies table amendments on Committee Stage, I am willing to discuss the matter.

Deputy Ross, who is unfortunately not present, talked about the failure to modernise and to bring about radical reform. I am open to any suggestions for radical reform that Deputy Ross wishes to table. For clarity, normal officials of the Houses of the Oireachtas service, just as officials in any Department, are subject to the normal open competition and the Public Appointments Service system. The Deputy also said the Clerk of the Dáil should be allowed to move staff around as appropriate, but the problem with that is that there is a discernible standing of officers in each House and that has to be respected.

I thank Deputy Finian McGrath for supporting the process and the proposals. He thinks TLAC is the right way to go, while making a robust defence of public service reform and the productivity that has been delivered, which is a point I would echo. Deputy Timmins was very complimentary of the staff of the Houses of the Oireachtas and the work they have done. He made a point about the allocation of offices, which is well beyond the scope of this legislation. I am sure the Government Whip heard his point and would robustly defend his role but it is a matter for a different forum and a different Bill.

Deputy Billy Timmins: They are related matters.

Deputy Brendan Howlin: It would not be an appropriate amendment for this legislation but the Deputy has made his point. This is not enormously radical legislation and it is not a Bill the Executive should bulldoze through without building as much consensus as is possible, so if Deputies feel strongly about the appointment of the other, non-TLAC designated officers, they can table amendments and we can discuss them on Committee Stage.

Question put and declared carried.

Houses of the Oireachtas (Appointments to Certain Offices) Bill 2014: Referral to Select Committee

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I move:

That the Bill be referred to the Select Sub-Committee on Public Expenditure and Reform pursuant to Standing Orders 82A(3)(a) and (6)(a) and 126(1) of the Standing Orders relative to Public Business.

Question put and agreed to.

Children (Amendment) Bill 2015 [Seanad]: Second Stage (Resumed)

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

Minister for Children and Youth Affairs (Deputy James Reilly): Section 11 provides for an amendment to section 157 relating to definitions for the purposes of Part 10 of the Children Act. Section 12 provides for the substitution of a new section 163 to enable the Minister to make an order relating to the permanent or temporary closure of a children detention school or part thereof. Section 13 inserts a new section 163A to enable the Minister to make an order relating to the amalgamation of two or more children detention schools. Section 14 inserts a new section 174A to provide for the preparation and submission of final accounts and final reports to the Minister on the closure or amalgamation of a children detention school.

Section 15 provides for an amendment to section 179 of the Children Act to revise the power of the board of management to make rules in relation to discipline in children detention schools. The board of management will still continue to make rules for the maintenance of good order but disciplinary matters will become subject to a new regime under sections 201 to 201D, inclusive, of the Act. Section 16 substitutes a new section 184 to provide for and update matters relating to the superannuation of staff of a children detention school. Section 17 substitutes a new section 201 and provides for an inquiry by the director into an alleged disciplinary breach by a child detained in a children detention school.

Section 18 inserts new sections 201A, 201B, 201C and 201D. Section 201A provides for the sanctions that may be imposed where the director finds that a child committed a disciplinary breach. Section 201B provides for a petition to the Minister where a child is found by the director to have committed a disciplinary breach and on whom a sanction has been imposed. Section 201C provides for an appeal to an appeal tribunal against forfeiture of remission and section 201D provides for the establishment of an appeal tribunal.

Section 19 amends section 205 to provide for the power of the Minister to suspend a temporary leave programme of a child. Section 20 amends section 206 to provide for a variation of the conditions attaching to a programme of temporary leave for a child over 18 years who continues to be detained in a children detention school pursuant to section 155. Section 21 amends section 207 to provide for the power of the director to authorise the placing out of a child over 18 years of age without a requirement to reside with a specified person but with a requirement to reside in a particular place. Section 22 amends section 215 to provide for matters relating to the escape of a child who on return to a children detention school is under the age of 18 years and six months or is over the age of 18 years and six months and is, therefore, an adult. Section 23 provides for an amendment to section 217 to amend the offence of harbouring a child who has escaped from a children detention school or is otherwise absent without permission to include a person over the age of 18 years and six months.

Section 24 inserts a new section 218A to provide for an offence of supplying or attempting to supply a mobile telecommunications device to a child detained in a children detention school or remanded to a remand centre. Section 25 amends section 221 of the Children Act to provide for the making of regulations by the Minister relating to the remission of portion of a child's detention and the acts that constitute disciplinary breaches.

Part 3 amends relevant legislation to reflect that children will no longer be detained in St. Patrick's Institution and provides for the arrest of detained or remanded children in connection with the investigation of other offences. More specifically, Part 3 provides as follows. Section 26 provides for the definition of terms used within Part 3. Section 27 provides for the amendment of section 1(1) of the Prevention of Crime Act 1908 to revise the references to the age of persons detained in St. Patrick's Institution from 16 to 18 years. Section 28 provides for the amendment of section 10 of the Criminal Justice Administration Act 1914 to revise the references to the age of persons detained in or remanded to St. Patrick's Institution from 16 to 18 years. Section 29 provides for an amendment to section 13 of the Criminal Justice Act 1960 to revise the references to the age of persons detained in St. Patrick's Institution from 17 to 18 years.

Section 30 amends section 42 of the Criminal Justice Act 1999 to provide for the arrest of children detained in a children detention school or remanded to a remand centre situated in a children detention school, in connection with the investigation of other offences. It will also enable the arrest of children detained or remanded to St. Patrick's Institution or a place of detention pending the full accommodation in a children detention school setting of all children detained or remanded in custody. Section 31 provides for transitional arrangements in relation to sections 27 to 29, inclusive.

The Bill underpins significant initiatives and reforms that have taken place in recent years, which have been developed with the overall goal of extending the child care model of detention to all children under 18 years. It also has regard to the principle of equality of treatment between children in the children detention schools and adults in the adult prison system. It provides the necessary amendments to legislation to achieve the programme for Government commitment to end the practice of detaining children in adult facilities. I thank the Members of the House for their support and engagement with the Bill. I look forward to our debate and I commend the Bill to the House.

Deputy Robert Troy: I welcome the opportunity to speak to this Bill. We finally get to speak on it after all the delayed starts over the past two days. The original principle underpinning the Children Act 2001 was that detention should always be a last resort for children. As society has evolved over recent years and the past decade, practices that were once acceptable are no longer acceptable. I welcome the Minister's finishing up with the remark that this is about ensuring there is a child care model in detention centres for children under 18.

I welcome the fact the main purpose of this proposed legislation is to enable the amalgamation of the three children detention schools - Trinity House, Oberstown Boys School and Oberstown Girls School - into one central campus, namely, Oberstown, and to provide for the necessary legal changes required to end the detention of children in adult detention facilities. That is very important, worthwhile and right. I acknowledge the work this Government has done in bringing this to where we are today. Responsibility for 16 year old boys was transferred from the Irish Prison Service to the children detention facilities in Oberstown in May 2012. Boys aged 17 and remanded in custody to St. Patrick's Institution remained the responsibility of the Irish Prison Service pending the completion of the building project at the children's detention facilities at Oberstown and the preparation of the necessary legal instruments to transfer responsibility for this category of offender to Oberstown. The Oberstown campus commenced taking 17 year old males, newly remanded in custody, since Monday, 30 March 2015, which is another positive development.

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We welcome the further work that needs to be carried out for young offenders, including facilitating Red Cross training in Wheatfield Place of Detention, focusing on rehabilitative resettlement of young offenders under supervision and delivering victim empathy group programmes in both Wheatfield and the children detention schools. Much of this would not have been possible were it not for the success of the Minister's predecessor, Deputy Fitzgerald, in securing the necessary capital funding to build this new purpose-built facility back in 2012, which I acknowledge.

Before I get into the contents of the Bill, in his own address yesterday, the Minister made remarks in respect of a number of positive steps that have taken place to meet the programme for Government commitments. One of them was: "A first recruitment process for care staff to work in Oberstown was completed in 2014, and further recruitment steps are ongoing". Will the Minister, in his wrap up, elaborate further on this remark in terms of the number of staff that have been through the process and the timeframe for their recruitment? This is something which I find quite frustrating. It is not just now and it is not just this Government's fault, but the length of time it takes people to be hired in the public service is quite frustrating. Will the Minister confirm that we will always have the necessary staff in place to man these facilities?

The issue of remission is important in the context of a recent judgment. The Prisons Act 2007 provides for the remission of 20%, and up to one third, of a prisoner's sentence for good behaviour. This also applies to detention facilities in juvenile criminal justice systems, such as St. Patrick's Institution. No explicit provision was ever made in law for such remission at the children's detention school at Oberstown in County Dublin. In the case, the applicant maintained that the lack of remission at Oberstown amounted to a form of discrimination contrary to Article 40.1 of the Constitution, which states: "All citizens shall, as human persons, be held equal before the law." The case centred on whether young offenders detained at Oberstown were entitled to remission in the same fashion as other prisoners and young offenders who are detained at St. Patrick's Institution. The judgment stated that the failure to afford young offenders in Oberstown detention school with the benefit of statutory remission rules amounted to a plain breach of the constitutional command of equality before the law. The Minister has taken that on board in this legislation. That will ensure equality of treatment between children in children's detention schools and adults in prisons. The Bill makes provision for remission in children's detention schools, incorporating a new disciplinary process and an appeals process where the sanction imposed is forfeiture of remission.

Regarding the provision relating to the period of detention imposed by the court, the Bill provides that a child who is convicted of an offence cannot receive a period of detention that would be greater than the period of imprisonment an adult could receive for the same offence. The Irish Penal Reform Trust commented that while it is noted that the purpose of the section is to give consideration to the principle of equality of treatment between children in detention schools and adults in the prison system, and given the importance of the principle that detention should be a last resort for children, the trust recommends that the provision be amended to reflect more closely the spirit and wording of section 96 of the Children Act 2001, which provides that where a child is convicted of an offence and a period of detention is imposed on the child by a court the period of detention shall not exceed the term of detention or imprisonment that the court could have imposed on a person of full age and capacity who is convicted of such an offence, and may be less. It also recommends that the court should have regard to the age, level of maturity, the best interests of the child and the principle of imprisonment as a last resort in determining the nature of any penalty involved.

Our focus should always be on the use of detention as the last resort. We should channel our resources and efforts into trying to keep children and teenagers away from a life of criminality and anti-social behaviour. When children and young adults get involved in the justice system it is sometimes very hard to disentangle them from it. When young offenders become involved in the justice system they are often on an irreversible spiral that sometimes ends in Mountjoy Prison. There is a need for greater inter-agency co-operation. I again plead with the Minister to prioritise the final implementation of the Children First legislation and make inter-agency co-operation mandatory.

We should not talk about sending children to detention facilities and holding children on remand without also focusing on the lack of supports that are currently available in terms of social workers. Many of our social workers are seriously overloaded with work. Often the children who end up in detention facilities come from marginalised parts of society and vulnerable backgrounds. They are children who do not get the supports they require to have a full and productive engagement in society. We have seen the reports from Tusla, the new agency charged with responsibility for supporting children in vulnerable situations, and heard its new chief executive officer speak about under-resourcing. Every child does not have a social worker or dedicated care plan. Without the required social workers and dedicated care plan, the child can embark on risky behaviour and often on a life of crime.

This legislation is extremely welcome with regard to amalgamating the services that are currently in place. I acknowledge the work the Government has done to bring Oberstown to the current standard. What was good enough one or two decades ago is no longer suitable. I also acknowledge its commitment to the provision of care for under 18 year olds in the detention facilities. However, the issue is to get things right before that and to keep children away from a life of crime. Children in the detention school system will often have experienced the care system, with many under HSE care at the time of their committal and some coming directly into the detention system from secure care. This is one of the most vulnerable groups of children in Ireland and many of the traumatic factors which led to the children being taken into care in the first place are also at the root of their offending behaviour. The children detention school system invests its resources in addressing the challenges and what can be extremely challenging behaviour of these young people.

We have a duty to support young people leaving detention in their efforts to desist from offending behaviour through the provision of after-care, safe housing and support and to ensure that they do not return to the chaotic conditions which gave rise to the offending behaviour in the first place. It could change their lives and lead in turn to safer communities for everybody. In accordance with international human rights standards and particularly in line with the UN Convention on the Rights of the Child, custody for children should only be used in the last resort and for the minimum required period of time. International law stipulates that all efforts should be made to apply alternatives to detention to ensure that such a measure is only used in exceptional circumstances.

We must ensure there are adequate supports in place for children who are in care and for children who are at the margins of society. Often that means they are living in families that are living in difficult areas in our communities. They are not getting the necessary supports, including social welfare supports, and educational opportunities, and their parents are not getting job opportunities. One of the best things we can do to lift people out of poverty is help parents back into the workforce. The challenge in that regard, however, particularly for women and low income families, is the high cost of child care. That is something the Minister must address. If

he can support families in securing economic stability, he will help to prevent many children taking to a life of crime or engaging in anti-social behaviour.

With regard to the appeals procedure for sanction, this section provides that a child on whom a sanction was imposed may petition the Minister, within seven days of being informed of the finding and sanction, concerning the finding or sanction or both. The Minister can confirm, modify, suspend or revoke the sanction and will notify the child accordingly. The Irish Penal Reform Trust makes the valid point that it is unclear why the petition should be to the Minister rather than a child-friendly independent tribunal - for example, the Ombudsman for Children. Perhaps the Minister could examine this as the Bill progresses through its various Stages in the Oireachtas. We will have an opportunity to table specific amendments. I hope the Minister will scrutinise them according to the spirit in which they will be tabled to try to improve the legislation. As I stated, we welcome the legislation and acknowledge the work done on it but there is still a lot more work to be done to ensure that detention is the very last resort for children.

Deputy Sandra McLellan: Sinn Féin welcomes this Bill, the aim of which is to ensure that children of 18 years and under will no longer be detained in the adult prison system in order to end the practice of sending them to St. Patrick's Institution. The Bill also allows for the amalgamation of child detention schools into one school at Oberstown, with the aim of capitalising on existing reforms in the system. Irish NGOs, the Irish Council for Civil Liberties, the Irish Penal Reform Trust and many international organisations, including the United Nations, have been calling for many years for the closure of St. Patrick's Institution and an end to the detention of children in adult prisons. There is unanimous agreement across the child protection and criminal justice spectrum on the importance and significance of ending the practice of detaining children in adult prisons.

The Irish Penal Reform Trust has pointed out repeatedly how adult prisons are completely unsuitable to meet the particular needs of young offenders. This sentiment was echoed by the Ombudsman for Children, Dr. Niall Muldoon, who stated rehabilitation must be a paramount consideration in the detention of young people. Both the Ombudsman for Children and the Irish Penal Reform Trust agree that Oberstown is the most appropriate environment for the small number of young people for whom detention is necessary. However, both entities have expressed concern over the findings of a report by HIQA, published on 23 February 2015, concerning two inspections it carried out on the Oberstown centre in October and November 2014. HIQA found that, of a total of ten standards, the children detention schools met just one in full, that of education. Six standards were found to require improvement, and the failure to meet three standards was found by HIQA to present "significant risk". These were in the areas of single separation, the management of medication, and staffing and training issues. The Irish Penal Reform Trust is particularly concerned over reports that single separation was used due to staff shortages. Concerns about insufficient staffing, staff training and high levels of staff absenteeism are also detailed in the inspection report.

In a 12-month period, more than 700 cases of single separation were recorded at Oberstown, with one child spending more than 83 hours in isolation over a four-day period. An incident also occurred where up to seven staff members were involved in restraining a child in a manner that involved the use of handcuffs. The inspection of Oberstown detention campus by HIQA took place in autumn last year, and reference was made to the young person's physical strength in a plan that mentioned the handcuffing incident. The head of care told inspectors that there was no formal review of the incident but that CCTV was reviewed, that five to seven staff were involved and that the restraint was "all over the place". The head of care said that handcuffs

should not be used within the campus. HIQA said at the time that it was not clear whether the service took any lesson from the incident to prevent it happening again and improve the safety and quality of the service. Some 30% of staff at that point had not received up-to-date training in behaviour management. It must be asked whether these are the standards deemed acceptable. The inspection also found that children were “not always safe” because best practice was not always implemented and that single separation was not a facility used as a last resort.

I welcome the Bill and that, finally, critical issues affecting young people in detention are being addressed. However, we must acknowledge the past failures regarding children in custody and vow to do all in our power to avoid a recurrence of such unnecessary traumatic experiences. The effects of single separation on children can cause lasting psychological impacts. Protection rooms were used in Trinity House, where a child was locked in a small room without natural light, while in other units children spent time in single separation in locked time-out rooms, in their bedrooms or in activity rooms. It is inhumane to put a minor through such treatment. Apparently, there was a variety of reasons for the use of single separation, including threats of suicide, being under the influence of drugs or concerns relating to threatening behaviour.

One child was locked in a room for 83 hours and 45 minutes over four days. Another spent 23 hours and 30 minutes over a two-day period in single separation, excluding sleeping time, because staff were concerned the young person had prohibited items and would not give them to staff. Shorter periods of single separation were also recorded, such as periods of 30 minutes when a child was smoking in school. Ms Jennifer Gargan, the director of Empowering People in Care, EPIC, an independent association that works with and for children and young people living in care, said at the time that the use of single separation of young people is “deeply concerning”. The group stated the report’s findings were “shocking” and that it was clear young people were not being given the opportunity to address their offending behaviour.

Under the Children Act 2001, the detention of children must be used only as a sanction of last resort. Therefore, the under-18s detained at Oberstown, and in the adult prison system, should, by definition and legislation, be those who have committed the most serious crimes and who present with the most challenging behaviour. However, according to the Children’s Rights Alliance Report Card 2015, of the 96 children detained during 2014, only 27% received a detention order on conviction. This startling figure has led the Irish Penal Reform Trust to suggest detention is not being used as a last resort and the Ombudsman for Children to express concern that child detention is being used for welfare purposes. We in Sinn Féin believe more frequent inspections and the regular publication of reports are needed if progress is to be monitored. This should be done to ensure the detention school is meeting its objectives.

Another aspect to child detention that must be considered is the lack of adequate procedures and supports in place for those coming to the notice of gardaí. It has been proven that in areas where supports do exist for minors who are exposed to violence or trouble in their communities, the effects of having those in place significantly reduce the number of children proceeding to getting into trouble with the law. We must start discussing the issues of early intervention and prevention. If we were to focus energy and resources on preventive measures and on providing support for our young people within our communities, the need for reactive measures would not be so great. The thinking and attitude must change with regard to how we treat young people. While I acknowledge that much good work has been done in some areas, quality community Garda schemes and Garda liaison officers need to be part of that change.

Recently I attended the launch of *Picture Your Rights: A Report to the UN Committee on*

the Rights of the Child from Children Living in Ireland. The Minister, Deputy Reilly, was also present. The excellent report was researched by children and it was from their viewpoint and for children. Its intention is to inform the Minister for Children and Youth Affairs on the very real issues affecting children in Ireland today. It was compiled by children of all ages and supported by the Children's Rights Alliance and UNICEF Ireland. The views and concerns are representative of a wide range of young people from different backgrounds. The report pointed towards the fact that the 1,148,687 children in this State make up 25% of the total population and that we now have the highest proportion of children in the European Union. One in every four citizens is a child. These figures further emphasise the importance of investing in children for the future.

One spotlight area raised by children themselves was the desire for increased respect of our teens and their needs, especially within more disadvantaged communities. This leads me back to my point regarding the need for prevention and early intervention. We must address the heart of the issue here. Young people feel disenfranchised and under-protected. The series of interviews conducted for the report evidenced young people's sense of abandonment in communities. One young person said:

It feels like the police are there to harass, not to protect you. Most trouble happens because there is nothing to do - we just hang around on a wall. In richer areas teens have more to do, more money and more space in their houses. The Guards are afraid of their parents. The Guards feel like they can get away with everything and they overuse their power. We need to get enough of us to tell them to stop abusing their power and understand that we have rights too.

We must listen to what these young people are saying. Government must pay attention to the loud and clear signals being sent. Today, we are discussing the effects and repercussions of children being held in detention and how best to deal with that reality but while going through this legislative process, we must keep at the forefront of our minds the fact that these citizens are under the age of 18 and that rather than treating them as criminals, we need to treat them like valued beings who have the potential to better themselves and reintegrate themselves into their communities if they are given a fair opportunity to change. I was particularly affected by the following statement of another young person in the report which, again, further emphasises the need for Government to listen.

You can't just throw us in the back of a van. They left me in a big concrete cell, freezing with only a pair of football shorts on. I want to ask the Minister, does she really know what goes on in our community, that some of us are being treated badly and verbally and physically abused. Do you care about the community or just your pay check? Juvenile Liaison Officers say they'll help but they don't. That all affects you when you're older; people look at you and think 'he wasn't a good kid' and don't give you a job. Ever since I was a kid I had a bad temper but it's increased rapidly since the Guards started bothering us. I find it harder to control and it keeps building.

In the context of what we are discussing regarding the Children (Amendment) Bill today, these young people's comments are particularly poignant.

There are certain parts of the Bill we believe could be strengthened. We note that section 8 of the Bill amends section 149 of the Children Act 2001 and provides that where a child is convicted of an offence, the period of detention imposed on a child should not exceed that which

the court would have imposed on an adult. While it is noted that the purpose of the section is to give consideration to the principle of equality of treatment between children in detention schools and adults in the prison system, considering the importance of the principle that detention should be a last resort for children, we recommend that this provision be amended to more closely reflect the spirit and wording of section 96 of the Children Act 2001.

Section 8 of the Bill also provides that where a period of detention greater than three years is imposed on a child, a court must give its reasons for doing so in open court. It is noted that before it was amended by the 2006 Act, the original Children Act 2001 provision contained an upper limit and did not permit a court to impose a sentence on a child that was in excess of three years. Therefore, we suggest that the proposed provision be amended. It is vital to ensure that the procedures that children encounter in detention settings are accessible to them in light of their age and vulnerability and often their literacy difficulties. While sections 17 and 18 make provision for the Director of Oberstown Campus to hold an inquiry into an alleged breach of discipline and to inform the child of the breach and the time and date of that inquiry, it makes no provision for the right of the child to be heard in such a situation but leaves it to ministerial regulations to prescribe the procedure. Given that forfeiture of up to 14 days remission, which is an effective loss of liberty, is potentially at stake, the underpinning principles of the UN Convention on the Rights of the Child - to participate and to be heard - would require that the child must be given an opportunity to be heard and to respond to any such allegations in the first instance.

While section 17 does provide that the procedure relating to an inquiry may be prescribed by the Minister, we believe the opportunity to be heard is of such importance, both in terms of child rights and due process rights, that it should be included in the Children (Amendment) Bill 2015 itself. Where the sanction imposed is one of loss of remission, the reasons for the imposition of such a sanction should be recorded in writing and communicated to the child in ordinary language. The current section 201(2) of the Children Act 2001 includes an important prohibition on certain forms of discipline including corporal punishment or any other form of physical violence; deprivation of food or drink; treatment that could reasonably be expected to be detrimental to physical, psychological or emotional well-being; or treatment that is cruel, inhuman or degrading. Given the concerns expressed through the recent HIQA report as previously outlined regarding the management of challenging behaviour and particularly the use of single separation, it is unclear as to why this important provision which prohibits certain treatment has not been retained as part of the new section 201. New section 201B sets out a right of petition by the child to the Minister against either the finding or the sanction or both. It is unclear why this petition is to the Minister rather than a child-friendly independent tribunal, for example the Ombudsman for Children. While this is in line with the Prison Act 2007 in respect of adults, it does not take into account the potential vulnerabilities of children and the challenges which a formal petition process might pose for them. Given the existing remit of the Ombudsman for Children in respect of complaints of children in detention, it seems that a right of petition to the Ombudsman for Children may be more appropriate than a right of petition to the Minister.

Sinn Féin wants this legislation to move through the Houses of the Oireachtas and to be passed into law as soon as possible but we must get it right. It is vital the focus is on the welfare and well-being of the children and that this legislation is child-centred and makes the rights of the child a priority. We must create a system which is humane and progressive - a rehabilitation process which encourages all children to reach their full potential rather than a system which negatively impacts our future generations for life.

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Acting Chairman (Deputy Seán Kenny): The next slot is for the Technical Group. Members offering to speak are Deputies Clare Daly, Mick Wallace and Finian McGrath. Members have ten minutes each. Is that agreed? Agreed.

Deputy Mick Wallace: Fr. Peter McVerry once said:

When I was working in an Inner City Parish, we priests used to say that we could predict, with 90% accuracy, which children would end up in prison when we were baptising them. The prison system is the only publicly-funded service available to the poor for which there is no waiting list!

Statistics from the Irish Penal Reform Trust show that prisoners in Ireland are 25 times more likely to come from and return to a seriously deprived area. Children in detention are particularly vulnerable with many having experienced childhood violence or abuse, family difficulty, poverty, mental health issues or learning difficulties. In fact, 40% of those under 16 in custodial remand have a learning disability.

There are some very welcome provisions in today's Bill, in particular, those relating to the amalgamation of the detention schools into one legal entity, the removal of references to St Patrick's Institution and the legal framework on remission for minors. The fundamental issue, however, is that we need to radically rethink the entire imprisonment or detention system in Ireland. The "last resort" principle, which is outlined in the Children Act 2001, is key. While it is enshrined in legislation, in practice, prisons and detention centres continue to pick up the tab for a wide range of social and health issues. A report by the Office of the Ombudsman for Children in 2014 found that remands in custody have been made on welfare grounds. In 2013, the annual cost per child in detention schools was €314,000. For many of these children, a more effective way of investing this money would be to direct it towards community-based supports for health and social care.

Advocacy groups such as Empowering People in Care and the Irish Penal Reform Trust, which work with children in detention, have found that the deprivation of liberty and the first-hand experience of the criminal justice system can have highly damaging effects on the well-being of an already vulnerable child and can maintain or aggravate existing trauma and other psychological conditions. Security infrastructure can also be intimidating to children. This is why it is so important that the principle of "last resort" is upheld in practice. Another frightening statistic is that four out of ten people who arrive in prison previously attended some psychiatric service. The Irish Penal Reform Trust indicated that of the 96 children held on remand in 2014, only 27% went on to receive a detention order. Therefore, nearly three quarters of children who are detained are gaining unnecessary experience of the criminal justice system and we can add to this all the children who are in there for other care needs.

2 o'clock

HIQA's report published in February this year on inspections carried out at Oberstown in October and November 2014 found that out of a total of ten standards, just one, education, was met in full. It also found serious gaps in child protection, training, health care and staffing. In Fr. Peter McVerry's experience, in many cases we lock people up just to get rid of them. We do not really care what happens to them once they are inside. The idea of locking people away from their communities to punish and, I hope, rehabilitate them and keep society safe from crime is centuries old and well outdated. It is interesting that this incarceration model

has survived into modern times without any real engagement with the question of whether it actually is the best system for dealing with crime. According to the Irish Penal Reform Trust, IPRT, Ireland systematically overuses imprisonment as a form of punishment. While the prison population on any given day is close to the European average, the rates of committal to prison on sentence, in other words, the flow of prisoners through the system, mean that Ireland has one of the most punitive criminal justice systems in Europe. I recommend Members read a book by the Jesuits entitled, *Re-Imagining Imprisonment in Europe*, which is really powerful and contains some wonderful ideas. It would be great if the authorities here were to read it because there is a lot to be learned from it.

In terms of reoffending, the figures in Ireland are startling, with 50% of those released back in prison within four years. According to the IPRT, 18 to 21 year olds have the highest potential for reoffending but also for reform. Once a child reaches the age of 18 years, he or she is no longer able to access the complaints mechanism of the Ombudsman for Children and actually has fewer supports. Mental health supports are also difficult to access after leaving the detention system. We have spoken in this House on numerous occasions about the fact that we have an enormous amount of work to do in the provision of mental health supports. The solution does not lie within the confines of a prison but in community based supports and social policy, housing, education, employment and families. It is the responsibility of the Government to develop policies that will tackle the cycle of poverty and crime. In Ireland the majority of people who are locked up are serving short-term sentences for minor crimes. What about the crimes that hurt all of society? What about corruption, environmental policies that will destroy the planet and the passing of neoliberal legislation that will further deprive those who are already deprived? One in eight children is now living in consistent poverty as a result of Government policies. How many of these children will end up in a detention school or prison?

Andrew Coyle, Professor of Prison Studies at London University, has called for the detention centres of the future to have strong links with the community in which they are based, with detainees having access to local resources and facilities which they would be able to continue using after their release, which would help their reintegration. Above all, the focus must be on detention as a last resort. According to Juliet Lyon, director of the Penal Reform Trust in the United Kingdom, “we must make prisons smaller - smaller in our minds, and smaller in number and capacity.” On that point, many months ago the former Minister for Justice and Equality, Deputy Alan Shatter, brought the issue of Cork Prison before the House. He had some very progressive ideas on prisons and was stronger than most on the issue. It was a huge disappointment when the single cell occupancy option was not chosen in the redevelopment of Cork Prison. The argument was we did not have the money or the space to do so. If we were progressive, we could spend the same amount of money and use the same space but only have half the number of cells. It was not a progressive move to increase the number of cells in the prison. We replaced a prison designed for 146 prisoners with one which could hold up to 310. That is called penal expansion, not progression. Research has shown that if we provide more prison spaces, we will fill them. Prison numbers are more often dictated by policy rather than crime rates. The most obvious result of building bigger prisons is that we create a bigger burden for the taxpayer. That said, the position here is not nearly as bad as in the United States, for example, which has a prison population of over 2 million. That is partly because the prison system in the United States was privatised and powerful vested interests are strongly motivated to increase the numbers in prison. Large corporate business in America is lobbying for an increase in the prison population. Thankfully, bad as we are, we are not as bad as that.

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Deputy Clare Daly: I very much welcome the provisions included in this Bill which will bring about an amalgamation of detention schools and formally end the references to St. Patrick's Institution. There is, however, a certain irony in this debate because we are welcoming something that we really believe should not be in place. If we genuinely mean prison should be used as a last resort and that we should be striving towards a society where children are not detained anywhere, we have to step back and analyse how we have got to where we are and decide where we really want to go. It would be most welcome if we had no children in detention. We must learn from our past in this regard. It has taken decades of recommendations and commitments by successive Governments to get to where we are. I must point out that 30 years ago, in 1985, the Whitaker committee recommended the closure of St. Patrick's Institution, while 25 years ago Ireland signed up to the UN Rules for the Protection of Children Deprived of their Liberty. Rule No. 29 reads as follows: "In all detention facilities juveniles should be separated from adults, unless they are members of the same family". These are commitments that we have not abided by for decades and while Ireland is not a country that moves quickly on any issue, this must be a new record. The trenchant and repeated criticism by a roll-call of international human rights bodies have pushed us to this point. The UN Committee on the Rights of the Child, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the European Committee on Social Rights and the Council of Europe Commissioner for Human Rights have all repeatedly said Ireland must stop the practice of detaining children in adult prisons. It has taken us decades to get here because poor and marginalised children in trouble have never been high up the list of priorities. If children are disadvantaged in their early years, that disadvantage will follow them throughout their lives. We should mark it, given that we are approaching the 100th anniversary of the foundation of the State and the aspiration to treat all children of the nation equally. Part of the problem has been identified by penal reformers. If we really believe the goal should be prevention, we need a long-term strategy, with steady and sustained intervention throughout a child's life. Unfortunately, a child's life does not neatly fit with the five year term of a Government, which is why this issue has fallen off the list. If we are saying it needs to be prioritised, an overarching strategy that deals with children's lives rather than one that fits with electoral and Government terms has to be developed.

The 2001 Children Act provided that children should be detained in detention schools up to the age of 16 years and in detention centres between the ages of 16 and 18. Detention centres for children were to be places suitable for the detention of minors in that age category. In that context, an adult prison could never be suitable, but we continued to place children there until March this year. I am very glad that we have relatively recently ended the practice of remanding children to St. Patrick's Institution, but it has been a very long journey. Why did it take that long to finish the work on the Oberstown facility? The cost of the facility was about €56 million, but it has taken since March 2008 to have it built. I fully appreciate the blame does not lie on the shoulders of the Government alone, although the former Minister for Justice and Equality on his appointment after the general election put the project on hold. However, it is good that we are where we are. When talking about vulnerable young people at a stage in their lives that will leave deep scars, one day is too long, not to mention the fact that getting to where we are with the Oberstown facility has taken the best part of a decade. It is about prioritising young people. We have to analyse that issue. It is a bit of a coincidence that the €56 million it took to build the Oberstown facility is €3 million less than the €59 million the State paid out in claims to members of the public who were victims of Garda malpractice. It took seven years to find €56 million for this project, but we were able to find €4 million overnight for the IBRC commission of investigation. We were obviously very glad that the commission was set up,

but it would not have been needed if the Minister for Finance had done his job and answered the questions he was asked in the first place. Therefore, we can find money when we need to do so, but in other instances we cannot. That is not good enough. We need to learn from the lessons of the past.

Other Deputies have mentioned that only 27% of children who had been on remand went on to be sentenced and placed in detention in 2013. Sadly, that figure increased to 45% in 2014. We need to step back and ask why they were detained. The issue that has been highlighted of remanding children for breach of bail conditions needs serious review. As the Irish Penal Reform Trust has pointed out, no support or supervision is provided for children while on bail. Perhaps it is unsurprising, therefore, that many failed to comply with the bail conditions imposed. When they fail to comply with these conditions, they end up being placed in detention on remand, often for lengthy pre-trial periods, which is a very serious issue.

Even if we leave aside the issue of children over 17 years, Deputy Mick Wallace and others have pointed out that four in ten of the children under 16 in custody on remand have an intellectual disability. The 2007 study of children in detention found that they most often came from families with at least one other member with a criminal conviction. The majority present with a history of behavioural problems, mental health difficulties and often drug and other substance abuse since early childhood. They are really vulnerable. How have we treated vulnerable young people in the lifetime of this Dáil? The statistics show that poor children and single parents have been the biggest victims of the cuts. We know about the cuts to the numbers of SNAs and special resource teachers who would help many of these children in their early developing years. Barnardos pointed to the need to invest an extra €100 million to ensure primary schools were genuinely free. If we are serious about dealing with young people in detention, we must start with the conditions into which they are born and the education and health care services they receive to fulfil their potential.

The UN Convention on the Rights of the Child which we ratified in 1992 states the detention of children should be a last resort and for the shortest possible period of time. Last year 132 children were sent to detention schools. In Sweden which has a population twice the size of Ireland's only 119 individuals aged between 15 and 18 years were sent to a detention school in 2014. Sweden does not allow anybody under the age of 15 years to be detained and in 2013 closed four of its prisons, even though there had been no reduction in crime. We need to develop such an approach.

I am concerned that the Bill removes the upper limit in the 2001 Act of three years in detention for children. This provision must be removed. As previous speakers mentioned, instead of providing more spaces in detention facilities or moving children from one detention facility to another, our focus should be on preventing children from being sent to detention centres in the first place. As Deputy Mick Wallace highlighted, where the Irish system regards a person who receives a custodial sentence negatively as an offender, other countries emphasise that sentenced individuals are citizens who are primarily regarded as people with needs and who need to be helped.

While we are all very glad that we are ending the practice of putting children in adult jails, we also need to end the practice of putting children in any form of detention centre. We should move towards having far fewer adults incarcerated, except in very exceptional circumstances.

Deputy Finian McGrath: I am grateful for the opportunity to speak in this urgent and im-

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portant debate on the Children (Amendment) Bill 2015. I warmly welcome the debate because the protection of children, including those in detention, is a major issue for Irish society, particularly if we want a fairer and just society. It is also linked closely with the equality issue and total respect for the rights of all children. When we hear all the talk about recovery, my agenda is always fair recovery built on social justice; otherwise it is just hollow.

When dealing with the issue of detention, we need to look in depth at poverty, educational disadvantage, dysfunctional families, violent families, alcohol and drug-fuelled families. They are also key in this debate and on the future of people in detention. The children of the families in question are often the ones who turn up in prisons and detention centres. We need to face these realities. Ignoring these factors leads to a flawed analysis of why so many children end up in detention. This is something we often fail to do. There is also a stronger link. Children who come from violent and dysfunctional families are often the ones who are hurt and damaged between the ages of two and four years. The damage has already been done and the seeds sown. They are often the children who end up in detention. I will deal with these issues in more detail.

The Children (Amendment) Bill allows for the three children detention schools in Ireland to be managed on an integrated basis, which I welcome. The Bill also allows for the amalgamation or closure of a children detention school. It looks at the issue of remission for children in detention following a 2013 High Court decision, as well as disciplinary procedures and sanctions in children detention centres. In discussing legislation we need to carry out an in-depth analysis. We also need to focus on children living in poverty and dysfunctional families. Some 138,000 children are living in poverty. The level of consistent poverty has increased from 6.8% in 2008 to 11.7% today. Some 37,000 children will be living in poverty in 2020. A total of 1,054 children are homeless. These are not out-of-control figures but ones we can target. It is up to the Minister for Children and Youth Affairs to focus on these issues.

One of my colleagues spoke about prevention, a very important word when dealing with this issue. The Joint Committee on Justice, Defence and Equality, of which Deputy Stanton and I are members, is currently examining the effects on communities of gangland crime. It is also examining, and has received submissions on, the impact of this on children. The sad reality is that children are being used by criminal gangs to transport drugs and carry out criminal acts. There is also massive intimidation of residents in some areas, with many families and children being forced out of their homes, many of which are burned down. We regularly see on our television screens reports of shootings relating to gangland killings related, in the main, to the pursuit of drug debts. If a person owes €1,000 or €1,500, it can cost him or her his or her life. One can only imagine the impact of this on those children and how it will affect them into the future. It is important in the context of our analysis of this legislation today that we focus on these types of issues.

We also need to up our game in regard to the exploitation of children by modern society. We must protect children and ensure they can live out their childhoods and are not pushed into adolescence too quickly by modern society. Sadly, this is not the case. Last night I attended a public meeting in my constituency in regard to the proposed location of a sex shop across the road from a local primary school in Drumcondra. Many parents are concerned about this proposal and the increasing early sexualisation of children. I raise this issue in the context of exploitation of children. While the opening of this shop is not in contravention of existing planning laws, many people believe it is abhorrent that a retail unit of this nature can be sited at the end of a residential street and within view of a primary school. This issue requires urgent assessment of the current planning laws that allow adult shops to be classified in the same way

as any other retail outlet and allows for the location of such shops in residential areas. The location of a sex shop across the road from a national school is unacceptable. Young children will have to pass this shop on the way to school or on the way to the local playground. Many parents are concerned that sexualisation of children is now happening at a very young age. This issue is linked to the debate on the exploitation of children, which leads to children being hurt and damaged into the future.

I welcome this legislation and believe it is a positive development. It provides for the amalgamation of the three children detention schools into one entity and underpins the legal authority of the campus manager. It will also allow for coherence in the direction and consistency of practices between the three children detention schools. This amending Bill is vital to the successful integration of the three schools. The removal of references to St. Patrick's Institution is also welcome. However, it is also vital to reiterate the principle that detention, including detention on remand, is a last resort for children and must never be used for care or welfare purposes. It is important to stress that detention should always be a last resort. This is a clear requirement of the UN Convention on the Rights of the Child and is reflected in sections 88(10) and 96 of the Children Act 2001, as amended. It is important we also focus on these issues.

Further, while the children detention schools are annually inspected by HIQA, the standards and criteria for children detention schools were issued in 2004, adopted in 2008 but have not been revised since. Many people, including the Irish Penal Reform Trust, have recommended that these standards be reviewed to ensure they adhere to current best practice. These are important issues to highlight in the context of the debate on this Bill.

In regard to the integrated campus, staff of children detention schools have raised concerns about the proposal to integrate 17 year old boys into the Oberstown school. A 2012 report from the Irish Youth Justice Service outlined some of these concerns and responses from the management. Sections 4 and 5, which relate to the extension of the relationship model of child care to all children under 18 years of age, was supported by the Irish Youth Justice Service and acknowledged as positive by the staff. The single bedroom occupancy concept is supported by most people, particularly the Irish Youth Justice Service. However, concern was expressed that the relationship model in the children detention schools could be changed or diluted as older boys came on stream. Some staff believe that the increased number of 17 year olds could take up a lot of available resources, to the detriment of younger children.

As I said, I welcome this legislation. I ask the Minister to focus on the issues I have raised. We need to focus on early intervention and to push this agenda and hammer it home. In regard to the 138,000 children living in poverty, this issue must be prioritised in the context of the budget. In seeking to prioritise it, the Minister will have my support and that of many Members of this House. We need to face the reality in terms of the need to tackle educational disadvantage and poverty issues. If we do not intervene earlier to address the issue of dysfunctional, violent families, we cannot expect four or five year olds from those families to have a normal childhood. That is never going to happen. Children from these families will end up in the detention centres about which we are now speaking if we do not intervene earlier to address their needs.

I welcome this legislation which, as I said, is a positive development.

Deputy David Stanton: I welcome the opportunity to contribute to the debate on this important Bill. I am very interested in this subject. In my view, one of the most important Departments is the Department of Children and Youth Affairs in terms of its work and planning

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into the future in respect of children and young people. It is important that Department is well resourced.

I have listened to most of the debate on this Bill thus far. Many previous speakers spoke about the need for prevention, early intervention and so on. I do not think anyone could disagree with what has been said in this regard. All our youth services, including Youth Work Ireland, Foróige and so on, need to be resourced and beefed up because, as they operate on the front line in this area, they can do a great deal in terms of early intervention to prevent young people getting into a life of crime and so on.

I must also mention an issue with which some of my colleagues may not be in agreement. A 17 year old out of control in a community can make life miserable for everyone, including himself, living in that community. We must not forget the victims of the crimes of young people and how intimidating they can be for citizens, householders and communities. Deputy Finian McGrath, who is no longer in the House, referred to that. The State cannot sit back and allow this type of behaviour to carry on. I accept we need to intervene at an earlier stage and prevent this type of behaviour, if we can. Reference was made to children in detention. Detention should be the last resort and the only alternative at a particular point in time taking into account the safety of citizens and the young people concerned. There is need for balance in this debate.

In 2012, the then Minister for Children and Youth Affairs signed a ministerial order to bring prisons and places of detention within the remit of the Ombudsman for Children, thus enabling him or her to inspect and report on such institutions. The Health Information and Quality Authority and Inspector of Prisons also inspects and reports on these institutions. I accept that there are areas in respect of which we have to do better. That the objective of this legislation is to move in that direction is welcome and positive.

The Minister for Children and Youth Affairs, Deputy Reilly, is in charge of one of the most important Departments. It is a Department with huge potential for the youth sector. The Youth Work Act was passed in 2001. It has not been developed at all. The National Youth Work Development Plan 2006 has not been developed either. We need to move on these issues.

Debate adjourned.

Sitting suspended at 2.30 p.m. and resumed at 3 p.m.

3 o'clock

Urban Regeneration and Housing Bill 2015: Second Stage (Resumed)

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

Deputy Joe Costello: I welcome the Minister of State, Deputy Coffey, to the House and welcome the opportunity to speak on the Urban Regeneration and Housing Bill. This legislation will make three important changes that should improve our urban environment, increase the supply of much need housing and enhance the quality of life for citizens. These changes are the introduction of a vacant site levy, reduced development contributions and changes to Part V provisions for social and affordable housing.

At the height of the Fianna Fáil housing bubble in 2006, almost 90,000 houses were built in a single year. After the crash that inevitably followed the bubble, less than 10,000 houses

are now being built each year, resulting in a considerable shortage. We went from a situation where an unsustainable number of houses were being built, often in the wrong place and of the wrong type, to a situation where not enough houses are being built. This legislation will help to address this situation and begin to return the housing market to a more stable footing.

For too long, prime sites in our cities have been left as unproductive empty lots that attract dumping and anti-social behaviour. These sites should be supporting economic activity that would benefit the local community and wider economy. Instead, some owners have elected to leave these sites neglected in search of a bigger personal profit down the road, whatever the cost to the community. This problem became more widespread in recent years when the bottom fell out of the property market and values decreased. While there is no disincentive for an owner to leave a site vacant for many years, this has a negative impact on the local community and on the economic and social development of the city. Dublin City Council has identified 151 vacant plots of land and 131 sites with derelict buildings that are zoned for development, but which have been left as a blot on the landscape. Many of these sites are located in my Dublin Central constituency. The introduction of a vacant site levy will encourage the owner to develop the site or to sell it to someone who is prepared to develop it. That we are introducing legislation that will deal with this issue highlights the fact that legislation should be reviewed on a regular basis. The original derelict sites levy legislation was introduced in 1990, a quarter of a century ago. We need to examine such legislation on an ongoing basis to assess its effectiveness. That legislation had not been effective over the past years and we now need to tighten up on the situation considerably.

We currently have an enormous shortage of housing and we need developers to build more homes. While the vacant site levy can be seen as a stick to encourage development, the changes to development contributions proposed in this Bill can be seen as a carrot to encourage developers to build houses. It is essential that developers are required to pay development contributions towards the public infrastructure that benefits the development. However, as we are now faced with an acute shortage in housing, it is appropriate to reduce this burden on the developer to facilitate the building of additional homes. Many local authorities have already reduced development contributions for future planning applications, but this legislation will enable local authorities to apply the reduced development contributions to developments where planning permission has been granted but development or part of the development has not started.

I also welcome the changes to the objectives of a development plan in respect of regeneration. The new objective will provide that the development and renewal of areas in need of regeneration should be for the explicit purposes of preventing adverse effects on existing amenities; urban blight and decay; anti-social behaviour; and a shortage of habitable houses or of land suitable for residential use or a mixture of residential and other uses. There are a number of areas in Dublin Central and many other parts of Dublin City in need of regeneration. One of these areas is the docklands. Under the urban renewal programme set up following the 1986 legislation, under the existing Custom House Docks Development Authority at the time, later the Dublin Docklands Development Authority, there was to be regeneration of an economic and social nature. However, the social nature was not provided. It is vital that when we have regeneration, we do not allow it to be simply economic regeneration. That is what has happened in the docklands to date and that is why we have major problems of social deprivation in areas such as Sheriff Street. Part V provisions were supposed to provide social and affordable housing as a requirement of planning permission for housing developments. It is important there is wider community benefit from these developments as it is the community infrastructure and the

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granting of planning permission that gives these sites their value. However, while Part V provided 5,721 units between 2002 and 2011, a nine or ten-year period, its potential was never fully realised. Hundreds of thousands of houses were built yet that is all Part V was able to deliver. It was a meagre response, and it is clear the developers were driving a coach and four through the provision. This legislation will remove the option for developers of making cash payments instead of providing social and affordable housing units, which is extremely important.

While the legislation maintains the legal provision for affordable housing, it cannot be implemented without a further ministerial directive. I appreciate the prioritisation of social housing, but there remains a significant number of people who are not eligible for social housing who cannot afford their own home. It would be preferable to include affordable housing as an option at this time, even if the majority of the houses provided are for social housing. We have reduced the requirement from 20% to 10%. The legislation will also reduce the amount of social and affordable housing to be provided in developments from 20% to 10%. The great strength of that is the provision of certainty. There will not be an exemption and cash payments in lieu will not be an option, which was a provision of which the developers availed previously. At the same time, it will result in a reduction in the quantity of social and affordable housing. It might have been more desirable for the reduction in affordable housing to be 5% and to retain an element of affordable housing as well.

We should not forget that there is an entire category of people that can be easily lost between social housing and those who are in a position to purchase their homes themselves. The local authorities and the Government were always cognisant of that fact, and always put in support mechanisms to ensure that cohort of people would be supported in order to enable them to purchase their own homes. That was done in the past either through affordable housing, shared ownership, the provision of a grant by the Department and the local authority providing mortgages. It is almost impossible to get a local authority mortgage at present and it is very much a last resort. We must not forget that particular cohort of people as well, because if we do, we will create a situation whereby the number of people looking for social housing will increase because they do not have the supports to get on the property ladder. With the imposition of a cap on the deposit requirement it is extremely difficult for young couples in particular to get a deposit together in order to get a step on the property ladder, acquire a mortgage and engage in the purchase of their own home.

In the past we saw how developers did as much as they could to avoid either providing affordable housing in the first place or having it in a prominent location. As in London, they did their best to use the “poor door” whereby affordable housing is tucked away in a corner and is out of sight and out of mind. Worse again, as we have seen in the docklands, the affordable and social housing element of developments were put on the long finger until the project neared completion and then did not happen at all either due to a lack of funding or ability to complete the project. All of those factors have resulted in the current situation whereby there is an acute shortage of social housing. We must always be cognisant that whatever measures are put in place to protect the delivery of social housing are effective and in operation because the one thing of which we can be sure is that developers will do their damndest to get around those mechanisms if they possibly can.

Deputy Seán Kenny: I welcome the opportunity to speak on this important Bill. The purpose of the Bill is primarily focused on addressing housing supply-related issues with a view to facilitating increased activity in the housing construction sector, especially in the Dublin area where the housing supply shortage is particularly acute. As a Dublin Deputy I am very much

aware of that on a daily basis. By targeting empty sites urban regeneration will become more common and instead of the blight of wasteland in our communities, we will instead see positive developments adding to our communities.

The main provisions of the Bill are the revision of the Part V arrangements on social and affordable housing as well as retrospective application of reduced development contribution charges, which is being done following the changes to the economy which made the previous charges unrealistic. I very much welcome the introduction of a vacant site levy to incentivise urban regeneration and the provision of housing in central urban areas.

The Bill gives effect to a number of actions outlined in the Government's Construction 2020 strategy which require legislative underpinning. The Bill will enable planning authorities to adopt measures to incentivise the use and development of vacant sites in urban areas. The Bill provides that from 1 January 2019, planning authorities will be empowered to apply an annual vacant site levy of 3% of the market value of vacant sites exceeding 0.1 ha, which in the planning authority's opinion were vacant in the preceding year, in areas identified by the planning authority in its development plan or local area plan for residential development or regeneration development.

Part 2 of the legislation concerns the vacant site levy. Section 5 provides for the definition of a vacant site. In the case of residential land it means a site in an area where there is a need for housing, the site is suitable for provision of housing and is vacant. In the case of regeneration land it means a site that is vacant and has an adverse effect on existing amenities including a diminution in the amenity. A site is any area of land exceeding 0.1 ha but does not include a structure that is a person's home.

There is also provision for the establishment and maintenance of a vacant sites register from 2017 onwards, which I welcome. It will ensure that vacant sites are known and the existence of a list should provide a baseline for action to be taken in terms of levies, which should in turn incentivise work to be progressed on vacant sites.

This part of the legislation outlines specific criteria to be used by the planning authority, or An Bord Pleanála on appeal, for determining whether or not, first, there was a need for housing in an area, second, a site was suitable for housing, and third, the site being vacant had adverse effects on existing amenities in the area or on the character of the area. That is very important as it provides a socially oriented framework for deciding what is a vacant site and what is not, and this ensures the levy is not all about land parcels and their financial value. In that way we are seeing a turn away from the Celtic tiger model of money and land running roughshod over social cohesion and community need.

With effect from 1 January 2019 and every year thereafter, a planning authority shall, in respect of the preceding year, charge a vacant site levy on the market value of a site on the owner of each site included in its vacant site register. The levy shall be payable, in arrears, on demand or by instalments if agreed by the planning authority. I hope the levy will be collected. I am aware from reports from Dublin City Council that vacant site levies are already outstanding. The names of some well known former developers are on the list of those who owe money. In some cases the outstanding sums of money are as much as €20,000 and €30,000. The levy shall continue to be payable annually until the site is developed or brought into use at which time the site will be removed from the register.

Where An Bord Pleanála determines that a site was not a vacant site, it shall notify the planning authority concerned, which shall remove the relevant entry from the register and cancel the demand made. An owner of a site may also appeal on the grounds that the amount of the levy has been incorrectly calculated. In addition, where An Bord Pleanála determines the amount of the levy has been incorrectly calculated, it shall notify the correct amount to the planning authority concerned, which shall revise their records accordingly.

I refer to the amendments in this legislation that are being made to Part V of the Planning and Development Act 2000 which deals with social and affordable housing. Informed by a recent review of the Part V provisions, the Bill provides that, in future, the focus of Part V will be on the delivery of social housing, with a requirement for up to 10% social housing in developments in excess of nine units. In the operation of these revised arrangements, the priority will be to secure social housing units on site. The making of cash payments in lieu of social housing is to be discontinued and I very much welcome this. In the past, some local authorities, particularly in parts of the Fingal area, accepted a sum of money in place of housing, which has left housing shortages in parts of Baldoyle and Howth. I am glad the policy is to be discontinued. The point of Part V is to deliver social housing. The old approach of developers effectively buying their way out of this requirement was not helpful, especially during the Celtic tiger era.

Under the legislation, a planning authority, in preparing its housing strategy, will be required to consult approved housing bodies in its functional area and to have regard to relevant housing policies of the Government or any Minister. It also halves to 10% the percentage of land zoned for residential use, or for a mixture of residential and other uses, that must be provided for social and affordable housing. Retaining the legal provision regarding affordable housing provides a robust and constitutionally tested legislative mechanism for the future provision of affordable housing.

Previous affordable housing schemes have all been stood down since 2011, and although there is no plan to provide any scheme, I hope they will be returned to in the future. It is understandable that due to the need for social housing provision, the focus of Part V is entirely on providing social housing output. We have to get more houses built. The housing crisis in Dublin, including in my Dublin North-East constituency and elsewhere, is very severe and must be tackled as a priority by the Government and local authorities including Dublin City Council and Fingal County Council. It is intended to issue a statutory ministerial policy directive under section 29 of the Act to planning authorities directing that, until the issue of a further ministerial directive, developers should fulfil their Part V obligation in the form of social housing only.

Part V of the legislation amends section 95 of the Act of 2000 by requiring a planning authority to have regard to the overall strategy for the proper planning and sustainable development of the area of the development plan when ensuring sufficient and suitable land is zoned for residential use or for a mixture of residential and other uses, and I support this. Planning authorities need to ensure the communities within their remit are well balanced and to factor in the needs of those communities. The transfer of completed units on other land not subject to the planning permission is also provided for. This allows social housing units to be delivered in another location, in the event that the development that is the subject of the planning permission does not meet the social housing or mixed tenure needs of the local authority. Provision is also made for the Part V obligation to be fulfilled by developers through long-term leasing of properties and rental accommodation availability agreements. These latter Part V options reflect amendments that were provided in section 38 of the Planning and Development (Amendment) Act 2010, but had not commenced.

The Labour Party in government is addressing the housing crisis by providing massive resources for constructing new units, which will start to come on stream in the next couple of years. Unfortunately, it takes a year to a year and a half to see the end result. However, the important thing is that the resources are being provided, priority has been set and the local authorities have been given the task of dealing with it and coming up with solutions quickly. I am glad to support the legislation and I commend the Minister, Deputy Alan Kelly, and the Minister of State, Deputy Paudie Coffey, on their hard work in the area. Given the scale of the housing crisis, the legislation must be supported. I commend the Bill to the House.

Deputy Aengus Ó Snodaigh: I oppose the Bill. Once again, it is satisfying the developer. This is a dangerous path, and we have already seen the results of tinkering with Part V. Part V was introduced to try to force developers to deliver social housing for cities in particular. It has not worked and was never going to work in the way it was introduced, and it needs to be tightened and strengthened. Instead, the Government, in this Bill, is trying to let former developers, and the vulture funds which have bought many development sites in this city and elsewhere, off their duty to provide social housing. Some of it is to compensate for the State's failure to deliver social housing in terms of local authority building. As a consequence of the Bill, we will have more of the same.

The Bill will underwrite the policy of this and previous Governments to subsidise social housing through supporting private landlords. This is very evident in the proposal in the legislation to allow for social leasing, or whatever it is called, as an opportunity for developers in the future in order that the local authorities do not have the right to purchase. Sometimes, people forget that the 20% social housing provision is an option, not a grant by a developer of a house or an apartment. During the height of the boom, local authorities found it very difficult to take up the options that were available to them. We can discuss whether it was good or bad in terms of houses, for example, whether it was preferable to take the money from a developer rather than an option on houses in Castleknock.

The Government thinking on social housing has been wrong for a number of years and this is the source of some of the chaos in social housing. I will return to the regeneration schemes. We have not delivered social housing in the way society understands it. Local authorities, in the main, stopped building a number of years ago before the boom times when money for social housing began to dry up. Of late, money for social housing has been drying up substantially, given that most of the money has been diverted to one of the 200 social housing bodies which can get access to other forms off the Statute Book, whereas if the local authorities were granted the money, it would be seen as a loan or support for local authorities, in which this and the previous Governments were not keen to invest.

I continually refer to history which teaches that unless we change, we are condemned to repeat the mistakes of the past. At the very least, in this State in times of housing crises, major social housing programs were developed. They did not all end up in chaos with people demanding regeneration in Ballymun, Dolphin House or Fatima Mansions. Although the programme of social housing from the 1920s to the 1950s might have provided rough, crude houses, they have settled down over time and, in some cases, are much sought after. Fairview, The Tenters and most of Dublin 12, including Crumlin, Drimnagh and Walkinstown, are much sought after by people who would love to live in those areas. Those social housing schemes were built at a time when the State had very little money but understood the need to invest in and provide for the needs of its citizens. What was formerly regarded as an investment in a social service for the future is seen instead as current expenditure. The motivation is profit instead of service

provision.

This Bill falls into the trap set by speculators and landlords. I do not refer to the one-off landlords who bought a house in boom times and are now struggling with the mortgage on their second homes. The problem is caused by the big landlords who are holding onto sites in the hope of increasing their profit margins. The lands in Dublin owned by local authorities or the Government are for the most part serviced by roads and other infrastructure. An investment in building houses on these lands would help to meet the social housing needs of our population. Rather than take this approach, however, the Government is encouraging private landlords to get involved in social leasing through the housing assistance payment scheme, the rent assistance supplement and rent allowance. The local authorities are leasing properties when they should be building social housing themselves.

The reduction in the Part V provisions on social housing from 20% to 10% is a retrograde step. We should be ringfencing 20% and councils should be allowed to purchase houses even if it means taking an arm's length approach. Certain councils in England which were prevented from building houses instead established bodies operating at an arm's length from the councils to enable them to draw down funds from the Government and the private sector. However, this ethos suggests that local authorities should operate primarily as corporate entities rather than service providers. Councils should also be able to accept money if it means building two houses in an alternative location rather than one on the development site. I recall a discussion on whether it would be beneficial to construct social housing on Shrewsbury Road given that the council might construct five to ten houses in Ballyfermot or Crumlin for the price of one on Shrewsbury Road. However, this approach to addressing housing needs is part of the reason for the chaos that now exists.

The regeneration plans for my area were severely hit by the downturn. The redevelopment of St. Theresa's Gardens is proceeding in a minimal way. Regeneration of Dolphin House has been promised for I do not know how long and it will now proceed in a piecemeal manner. The social housing programme for St. Michael's Estate was partially completed last year but the remainder of the estate is an empty field. Local representatives held a meeting last Friday with the regeneration board for St. Michael's Estate. The local authority, the regeneration board and local residents are in favour of using the part of the site ringfenced for private development for social housing. I understand this will involve site 1B, which is adjacent to Thornton Heights. This development would help to address the housing needs of senior citizens in the area and thereby free up existing family homes.

However, the proposal is encountering obstacles due to bureaucracy and a failed regeneration model. A considerable number of regeneration programmes have failed around the country but some of the biggest failures were in large-scale regeneration of flat complexes. Even the regeneration of Fatima Mansions, which was a success in some ways, has had a knock-on effect on local authority housing lists because many of the previous local authority flats were not replaced in the same numbers on site or elsewhere. This skewed the local authority housing list in those areas. It is likely that residents in the first two blocks in Dolphin House will be housed before people who are on the homeless list because while the redevelopment of that complex is going to proceed, it will not deliver the same number of replacement social houses. Dublin City Council's housing stock has collapsed because of its regeneration programme. In Chamber Street three blocks of flats were demolished and we were left with an empty field. Nothing is being built in Cherry Orchard and the local authority is now putting the land up for sale in the hope that it can extract money from one of the vulture funds in order to build houses elsewhere.

The council is starved of funds to build badly needed houses and the only housing development in the area is being built by a voluntary housing body.

Blame for this problem is not limited to the current Government. The policy of successive governments was to move away from investing in local authority housing to a system of housing support through rent supplements and allowances. Governments opted to subsidise private landlordism over public housing, and this Bill continues that trend. The Minister for the Environment, Community and Local Government and the Minister of State at the Department of the Environment, Community and Local Government, Deputy Coffey, recently criticised local authorities for setting standards for apartment dwellings that are higher than the national standards and suggested this was one of the reasons why private speculators are not developing sites in Dublin city. Imagine criticising a council for setting a standard on which it had widely consulted. The Minister of State, Deputy Coffey, might take the time to read the Dublin City Council's successful apartment living document, which is the basis for the council's decision to introduce higher standards. The standards are aimed at moving people away from houses and into apartments. The reason people did not want to move into apartments was because they were too small and not suitable for rearing families. The new standards also address other issues, such as small pocket parks, services and access to transport. All of that is in the document, so it is wrong to ask a council to move away from the position it has taken, just because the speculators are saying it is too costly to build houses.

It is not too costly because the price of building houses in Dublin has dropped in recent years. The cost of building apartments is still below the price for which houses are being sold today on the open market. We have seen the headlines in recent times about some developers looking for standards to be dropped. They are trying to ensure they can squeeze the biggest profit from sites they already hold. They might then open them up and start building.

Increased house prices and private rents are adding to the problems that ordinary decent workers face in Dublin and elsewhere in the State. Higher rents mean that people are ending up on local authority lists, yet those councils cannot help them. If they are on social welfare they cannot get rent allowance, but they cannot afford to rent privately. The reason developments are not happening is that most of the lands previously held by NAMA are now held by a different type of speculator offshore which has a profit margin in mind, be it 50% or 100%, which is well above the normal margin of 20%.

The normal cost of building a house in Dublin, including land costs, would be €200,000 yet I have seen houses for sale in Crumlin for nearly €300,000, which is a huge profit. They are not spectacular houses, they are basic model homes which are being sold to make a substantial profit for the developer. Fair dues to him in some ways, but at the end of the day the provisions in the Bill will contribute to an increase in house prices. They will also contribute to a dependency on private landlords by the State into the future, whether it is through local authorities under the housing assistance payment or HAP scheme, or directly because they are not building enough social housing. The Minister of State should substantially reconsider this Bill.

I welcome the derelict sites levy but there is a problem with it. Dublin City Council has a derelict sites tax and can compulsorily purchase vacant land, but only if it has the money to do so. If the council is starved of funding it will not have the money to buy derelict land. Even if it was bought, the council would probably have to sell it because the Government is not encouraging local authorities to build housing, so there is a problem.

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There is enough serviced land already in this State, it is just that people are sitting on it in the hope that the price of housing in the capital will go back up to boom-time levels. It is already moving in that direction. In some areas of Dublin the price of housing has doubled, while in other areas it has risen by only 50%. Nowhere in the city, however, will a person be able to buy a house for the same price it was sold for three years ago. The substantial increase in house prices will cause problems in the future but this Bill will not address that. This is a cash cow for many developers who are currently sitting on land that could be developed. Others cannot develop it even if they wished because they do not have access to funds. That is something else that needs to be addressed.

This Government and the previous one have not invested in local authority housing as they should have. It has been proven that if one goes down the road proposed in this Bill one will end up contributing further to the housing crisis that we already have, both in Dublin and elsewhere in this State.

Acting Chairman (Deputy Bernard J. Durkan): Deputy Derek Nolan is sharing time with Deputies Dowds, Kehoe and Creed. They will have five minutes each.

Deputy Derek Nolan: I am pleased to have an opportunity to speak on this Bill which is an important part of the Government's housing strategy for the years ahead. It is fair to say that we are in the midst of a housing crisis, particularly in Galway city where I live and which I represent along with the county. No facet of society is unaffected by housing, be they young couples trying to buy a house, tenants watching rents rise, retired people wishing to downsize, or the thousands in Galway city on local authority waiting lists. Every aspect of the market, both private and in social provision, is being squeezed.

We are recovering from a severe shock to the market which failed because it was not properly regulated. The market has shown that if it is left to its own devices, it is not capable of supporting or providing the social good that we expect to come from it. Housing problems are interlinked and all stem from a lack of availability. Dozens of construction companies collapsed in the crash, along with housing output. In addition, development sites were in lock-down when NAMA-fied, and construction activity stopped.

As economic growth returned and activity was regenerated, the available stock was easily gobbled up. In Galway we have been particularly hit because the city never overbuilt and never had ghost estates. There was only one ghost estate in Galway and it has since been sorted. We are thus at the crunch end of the market. As a result, rents are going through the roof because it is not only a university city but also has an institute of technology. House prices are also going through the roof. About four years ago, a three-bedroom semi-detached house in Galway cost €175,000 or €180,000 while it is now €230,000. That is a massive price jump.

Meanwhile, waiting lists continue to grow because there has not been an increase in supply. That growth has put pressure on rent caps and leasing arrangements. Landlords who were previously in local authority leasing arrangements can now get better value in the private market. They are therefore turfing out tenants, sometimes callously, with no regard for individuals or families in those houses.

This Bill will go some way towards alleviating the situation but it is a medium-term gain that we will see. It will affect Part V when houses are built in three or four years time. It will also affect vacant sites in two or three years time when the register kicks in. A longer-term plan

is needed to get Construction 2020 to work, get people building houses, and get the social housing programme up and running.

I would take issue with Deputy Ó Snodaigh because €3.8 billion has been allocated, which is the biggest investment in social housing construction in the history of the State. It was announced last year but will take time to implement and come on stream. It will also take time for local authorities to get planning permissions and building contracts in place, as well as having those units constructed for people to live in them.

We have failed to grasp that if we have a social and private housing market we should be directing it towards a goal. I am not saying that we should nationalise the housing market but we should certainly be using the levers of State to influence the outcome. We need a policy goal to determine what an average person should have to pay for a home of their own. When we know whether it should be three or four times their income in order to obtain a mortgage, we can direct housing supply, loan financing and rent controls towards that policy. We must decide what people, who do all they can through their own endeavours to provide for themselves, should be able to do to own their home. Once we have made that decision, everything else fills out around it. Then we can say to those who cannot work or cannot get by that we will help them out either with the rent supplement or by providing a local authority house. However, if we do not have a policy that rewards those who can and do work and get up every morning to do so, we will be unable to stand over a policy that, first, realises a social market and not only a private market and, second, is a policy that we can define, follow and implement. At the moment we are chasing the market, developers, banks, rent increases and supply as opposed to leading and sticking to a policy for which we are fighting, pushing forward and directing.

Deputy Robert Dowds: I never realised Deputy Nolan was so influenced by his spell in Germany until I heard him speak today and earlier in the week. He wants to put order on everything. In the case of the housing situation, he is absolutely correct.

In welcoming this Bill I see it as an essential part of a major job that must be done. There are some important steps in that job. In respect of Part V provisions for social and affordable housing, it is absolutely essential that there is an obligation on developers to provide the 10% social housing commitment. In a sense I would prefer if it was even more, but if we could get that into operation, it would be a big step forward. It is important to set out why that is a good development. It is a good development because it will put people in social housing in a better position to access work in many cases and to be nearer their place of work. Let us consider planning in this city in the past. Out along by Morehampton Road there are posh houses on both sides of the road. Behind those houses are smaller artisan dwellings. This is because in the past the people who lived in those houses worked for the wealthy. As a Labour Party Deputy I favour as much as possible a move towards equality in society. Enabling people in social housing to live mixed with people who live in private housing is a positive development for all kinds of reasons.

Reference has been made to the application of reduced development contribution charges. I would appreciate it if the Minister could go through the reasons for this again in his reply. As I understand it, the purpose is to try to get some development going and reduce the cost of housing. This is something we need to keep an eye on.

The third issue is the vacant site levy. After I got elected to the House I was involved with five other Labour Party Deputies in work on aspects of the housing question. One of the things we looked at in considerable detail was the idea of a vacant site levy. I am pleased to see the

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levy as part of the legislation. There are far too many places in this city, Galway, Cork and the towns of Ireland where there are vacant or empty sites and they are causing blight on the centre of the towns or cities. I hope the vacant site levy of 3% will go towards addressing this issue and providing housing in areas which for the most part already have decent services. This would be beneficial in a number of ways, in particular in terms of filling in ugly empty sites and placing people adjacent to services, whether buses, shops, schools, churches and so on. I see considerable positivity in that. It is long past time that we had the sort of pressure to get those sites occupied, especially given the appalling housing crisis we are dealing with.

It is vital we try to address the housing issue on as many fronts as possible. Part of the question is social and part of it is private. We probably need to look at ways of developing our rental market to get away from the *ad hoc* situation which many people have been subjected to and from which many people suffer at the moment. I am pleased to support the Bill.

Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe): I thank the Minister for bringing forward this important Bill. It is a major step in addressing a current problem, a fact accepted by people on all sides of the House. This Fine Gael-led Government, including the Labour Party, was elected a little over four years ago to fix a broken economy and country. Today is another step forward in fixing what has been a major problem for us as a Government and as a country in recent years.

The Government's Construction 2020 strategy, published in May 2014, was one of the steps taken to help the economy to recover. It contains a comprehensive range of actions designed to increase activity in the construction sector as well as help to economic recovery, job creation and the re-birth of the construction sector in a more sustainable way.

The Bill will address housing supply issues by helping to increase housing construction activity, particularly in the Dublin area, where it is a major problem. In my constituency of Wexford it is a major problem as well. Wexford is like any other county in the country where there is a major housing shortage.

As a result of the economic collapse under the previous Government the number of housing units constructed in Ireland fell to a mere 8,300 nationally in 2013, with only 1,360 of these in Dublin, while the number of house completions increased to 11,000 units in 2014, including almost 3,000 in Dublin. More needs to be done in this area and I believe the Minister, Deputy Kelly, and the Minister of State, Deputy Coffey, recognise this.

It is estimated that in years to come we will need to build approximately 25,000 units nationally each year to meet the projected housing demand, with more than 8,000 of these units in Dublin. This tells us the extent of the problem we are facing. The Bill provides for a range of measures which will help to address the issues, including the amendment of the Part V provisions of the Planning and Development Acts to support the provision of social housing, the introduction of the revised arrangements relating to the application of development contributions by planning authorities and the introduction of a new measure, a vacant site levy, to incentivise the development of vacant and unutilised sites in urban areas for housing and regeneration purposes.

We have a major problem in towns throughout Ireland. A major Irish retail business, Dunnes Stores, opened up several new stores a number of years ago on the edges of towns and left our urban centres. This has left stores in the centre of our urban areas closed, vacant and empty.

This is causing major blight in towns and cities throughout Ireland. Dunnes Stores has an onus to act because the people in each of the towns where it has premises have been supporting Dunnes Stores for many years. It is about time Dunnes Stores went about renting out these vacant properties in urban areas. Specifically I have in mind Main Street in my town of Ennis-corthy where there is a huge vacant store. It is a blight on that street. This absolutely infuriates the rest of the retailers and traders in and around the town.

4 o'clock

Towns have been under major pressure in the past few years and doing their best to keep their shops open. If we are to reinvigorate town centres, people should rent out their vacant stores because plenty of others are interested in them. They should not be afraid of competition in the area.

The Bill will introduce a vacant site levy to incentivise the development of vacant sites in urban areas. This will help the supply of housing and incentivise regeneration in areas where this is much needed. In the past few years the presence of vacant sites in towns has caused a huge problem. The Bill further provides for reduced development contribution charges, a measure which has been adopted by local authorities since 2013 and which can have retrospective effect for planning permissions granted prior to that date, with the provision that the cost saving can be passed on to developments for which planning permission was granted prior to that date.

There is a lot more to say about the Bill, but we are under time pressure. I very much welcome the Bill and hope it will solve the huge housing crisis. Every family should have the opportunity to own a house, but there are many people who are unable to buy and invest in a house. As a Government, we have to give them an opportunity to own their own house. The Bill will help these families.

Deputy Michael Creed: I thank the Acting Chairman for allowing me the opportunity to say a few brief words about this legislation and, perhaps, to bring a different perspective to it. It largely looks at urban-based issues, but the housing crisis is the same for a family which lives in Ballyhea as it is for one which lives in Ballincollig. Ballyhea is a smaller village at one end of my constituency while Ballincollig is the biggest town in County Cork and at the other end of my constituency. For individual families it does not matter. There is a crisis everywhere from Malin Head to Mizen Head and all points in between. Legislation is important and will tackle some of the issues, but of itself is not the answer. I am glad to note the Government is committing substantial funds to address the housing crisis. I saw some research findings that stated that, despite building nearly 100,000 houses per year during the madness of the boom, we needed to build at least 25,000 a year just to catch up. It is a significant ask to get the construction industry up to that level of activity and the jobs that will come from it.

Is there not an enormous irony that while we have perhaps 100,000 families on social housing waiting lists or being dealt with through various social housing initiatives, there are various reports suggesting there are at least 200,000 vacant houses in the country, while a report of Deutsche Bank in 2012 suggested there were nearly 300,000. There is an enormous mismatch of resources and we really need to be able to think outside the box in how we can address it. The map of those vacant houses shows they are substantially in rural Ireland, many of them along the west coast. My guesstimate is that a lot of them are old housing stock on the streetscapes of towns and villages. We need a contract between the State and these communities, whereby we will commit, as a State, to reinvesting in these villages by providing playgrounds, footpaths

and ramps at low cost. The State, through social housing and local authority initiatives, might get involved in acquiring some of these houses and retrofitting them, insulating, rewiring and replumbing them to current standards. There is an enormous opportunity because there is great value in acquiring these houses at extremely affordable prices and using them to deal with the problem. We should insist on local authorities availing of 1,000 units per annum out of this enormous resource of vacant houses the length and breadth of the country. We should also see some relaxation of building standards as there is no point in acquiring these houses at affordable prices and then having to spend the equivalent cost of building a new council house to retrofit them. We have seen very good examples of what architects can do to redesign houses, but it should not be at the cost of the alternative, namely, building a new three bedroom house on the outskirts of the village and tearing the heart out of these communities.

We should also look at giving incentives to those who want to house themselves and would buy a house in Ballygeary, Ballyhea or Inchigeelagh if the State was to give them some incentive, in the form of a substantial grant, to refit it. We would bring life back to these villages. I was fortunate enough to go to school in Inchigeelagh, where my mother had a shop, and there was life in such villages. After school, children played on the streets, but now people cannot get out of villages fast enough when the school closes. They hightail it back to wherever they live. The challenge is to match the two resources, vacant houses with nearly 100,000 people on social housing waiting lists to solve the problem. The State needs to step up to the plate to put in place the infrastructure required, playgrounds, ramps and footpaths, in order that people can live safely and should then acquire these houses or incentivise the private sector to acquire them.

Deputy Shane Ross: I am sharing time with Deputy Thomas Pringle.

I rather like the way people continuously talk about the “construction industry” in this House and elsewhere as though it is some large identifiable group. It is like the way people talk about business, saying it has a voice which wants this, that and the other. The construction industry contains a large number of groups, large builders and developers, small builders and small developers, just like the business sector has big and small businesses, which is also shorthand and could be dissected in a more sophisticated way. I have come to the conclusion over many years - the Bill addresses this issue - that there are more cowboys involved in big business than in small business because they are big and can bully people and abuse the system. Similarly, there are more cowboys among big developers than among small developers. I can see the fine motives behind the Bill to attempt to address the issue of developers who are cowboys and speculators and who are not builders but who are trying to flip land quickly at a large profit. This begs the following questions. What is it that makes a developer? What does he or she have to do to be a developer and what qualifications does he or she need? What restrictions are there on anyone becoming a developer? These are like the question of what the restrictions are on anybody becoming a banker. What worries me is that in recent months and years, since the collapse of the economy, not only have the big bankers been rehabilitated, the big developers have also been rehabilitated and it has happened very quickly. The familiar names that bore a heavy responsibility for what happened in and prior to 2007 in the development world are reappearing and being encouraged by at least one agency of the State, NAMA, to use what it calls their “expertise” - God only knows what that was - and being paid to resurrect somehow the companies and the areas they ruined. The Bill does not address that issue. Even in the banking world there is a little test. To be directors of banks, people have to be approved by the Central Bank. I do not believe for one moment that the test is adequate, given some of the people who

got through the net, but in the world of developers there is nothing to stop those who have so conspicuously damaged the economy from re-emerging very quickly in the same position. That is what is happening and some of them are being paid by the State. Where the Bill may have missed a trick is that it does not distinguish between developers who should no longer be allowed to develop because of their failures in the past and the damage they did and developers who are undoubtedly good and constructive and want to make a mild profit but who also can be depended on not to breach the rules and etiquette and damage the communities which we hope, at least, they would house and encourage.

I should address briefly the vacant site levy. The levy is a good idea in principle because it is being introduced to force what I call bad developers and pure speculators to sell, build on or develop land one way or the other. That is a noble motive which has, in certain circumstances, great merit. It will also punish those who are sitting on land banks purely and simply for speculative purposes. However, I have heard of many instances of sites which have not been developed because they are not viable. I would be grateful if the Minister of State addressed this issue also. It does happen; they are not developed because they are simply not viable. In these situations will the person who owns the site and the person who intended to develop it be punished? In the years of the Celtic Tiger, one could develop almost any site. One could bend all rules and this would be encouraged because everything was selling. Now there are sites which cannot be developed and are not commercially viable. Good developers are looking at them and may now find themselves in a situation where a levy - I cannot remember what it is; I think it is 3% of the value - is imposed on these sites. Will this encourage a developer? It will not. All it will do is make it a less valuable site, one which is less likely to be developed because it carries that charge.

The charge, under section 90, will, of course, be carried on. If it is owed on the site and remains a charge on the land, the plot will be made less attractive. It may be that, in the case of certain vacant sites which have been levied, the levy will tip a particular site over the edge and make it marginally less attractive to develop and, therefore, not commercially viable. We have to look at that issue because some developers are not the cowboys we are used to. They would be willing to develop these sites, but will be prohibited from doing so by the large charge on them. Surely one of the answers to this problem would be to dezone a site rather than shoving a levy on it, which might have a freezing or paralysing effect in a marginal case. Why could it not be dezoned after, say, three years? If the charge had been levied for three years and it had not been developed, why could it not be dezoned and freed up in order that other sites could then be developed? The effect of the levy can and may be detrimental. I can see certain circumstances where it will work, but it is a crude instrument.

Under section 23, the site levy money is to be used by the local authority to develop sites. Will this work? If it is not going to work in the case of someone who is a genuine developer, what will happen? We have a genuine developer who is not sitting on a site but who also cannot make it work. How is the local authority going to be able to make it work by using the money on the site? We are not distinguishing between the vacant site which has potential but which is marginal and being held by someone who has genuine motives and the one held by someone who has motives simply to flip it for a quick profit. I cannot see how the local authority will be able to make it work if a genuine developer cannot do so.

Section 28 relates to reduced planning contributions. This clause will, undoubtedly, be welcomed by developers because it will reduce their overheads and obligations when developing areas. However, various areas have been cited to me where the infrastructure for an estate has

been utterly and totally inadequate. I have a particular case in County Cork in mind. This could happen and already has happened. The houses were built, but the money supposedly levied for infrastructure has been so inadequate that nothing has been done in that respect. It will be a serious problem. The Government should look again at the reduction of planning contributions if this is going to be the effect of such a reduction.

Deputy Thomas Pringle: This Bill, although targeting the urban housing crisis, reflects the greater nationwide housing crisis. The housing crisis is multidimensional and involves not just the issue of construction and housing supply but also market prices, landlord-tenant relationships, the availability of appropriate housing and the maintenance of existing social housing. The Bill will do little in addressing the housing issue in County Donegal. It is intended to target large urban areas such as Dublin and Cork, although certain aspects of it may be applicable to rural counties also. It is vital to note that the housing crisis was foreseen a long time ago, but the Government refused to act on it before it became the nationwide crisis we are experiencing. It is at the stage where it will probably take a generation to solve it. I am in no doubt that it will become the hallmark of the Government which has become reactionary as opposed to progressive.

I will focus on the situation in County Donegal, in particular, the consequences of the lack of real investment in rural Ireland during the years and the slow attempt to develop these areas. Even though the homelessness crisis is not visible, as experienced in Dublin and Cork and other major urban areas, owing to the unique housing problem in rural counties such as my own, fundamental housing issues still need to be addressed. The situation in County Donegal is quite different from that seen in Dublin and Cork. In Donegal there is a large number of vacant housing units in rural parts of the county because the demand for housing in rural areas has dropped significantly. People have been migrating steadily to the larger towns and urban centres such as Letterkenny to work. The urban-focused strategy of IDA Ireland is much to blame for this internal migration, alongside a consistent lack of rural development, including, for example, access to high speed broadband.

When we look at the issue of broadband, we find we are not investing in rural communities. The Government has made it unsustainable to live in rural Ireland. While 36,000 premises in the north west, including counties Donegal, Sligo and Leitrim, have access to high speed broadband to date, 85,900 premises have to rely on the national broadband scheme to provide services for them. Building of the network will not begin until possibly late 2016 and it will take another three to five years to complete. People in some areas in County Donegal may have to wait until 2021 or 2022 to secure access to high speed broadband. Until we see this investment taking place, an investment that allows people to live and sustain themselves in rural areas, migration from rural to urban areas will increase and the pressure on housing supply in places such as Letterkenny will continue, resulting in higher rents and house prices. In these areas there is a strong reliance on rent supplement or the housing assistance payment, HAP, scheme, which is currently being rolled out.

With regard to HAP and the rent supplement scheme, there are currently over 70,000 households in Ireland whose homes are paid for through the rent supplement scheme, costing the State over €298 million so far in 2015. In Donegal, there were 1,686 rent supplement recipients at the end of May 2015. Rent supplement is not in line with rising market rents. There is no targeting of out-of-control rent increases across the country and the Government is slow to have the rent supplement reflect this increase. It has consistently stated that its overarching concern is that raising rent limits may not be the solution, as it is likely to add to rent inflation and could

also impact on low income workers. It claims that increasing rent supplement limits will cause inappropriate pricing floors and families will be priced out of affordable accommodation in their area of choice. I have even heard the Government say that analysis shows there are properties available in the Donegal area within the current maximum rent limits. However, I regularly meet people in my constituency who are struggling to find appropriate accommodation. One woman, a lone parent, did find properties in County Donegal that were within the current maximum rent limits. In fact, she found three. Two of them were absolutely inappropriate for a family and the third was a mobile home.

The limits are set by the Government. The HAP scheme will be the same, as there are the same rent limits in that scheme. The only difference is that the black market for landlords has been removed somewhat because one declares the full rent on the application form for HAP. Some tenants are forced to top up their rent supplement illegally to get appropriate accommodation. The scheme has essentially created a black market for landlords who charge a higher rate on the side. A Threshold survey in 2014 claimed nearly half of rent supplement recipients were doing this, which proves it is a totally ineffective system. It also found that this topping-up practice was affecting the spend in other areas. What is the response of the Department of Social Protection to this? It says those people are committing fraud by lying on the forms. It is not dealing with the issue, just blaming the people who are forced into that situation by Government decisions. The Government has put in place some preventative measures to ensure people are not at risk of becoming homeless. However, these measures do not really deal with the issue.

The private rental sector has more than doubled in size in recent years, with one in five families living in rented accommodation. The families have been dubbed “generation rent” because they might not have the opportunity to own a home for another generation. It means increased contact with private landlords who are not caught by the legislation. Tenants are increasingly vulnerable as a result. Threshold and other housing organisations have progressive ideas to increase rent certainty for tenants. It is imperative that work on this begins as soon as possible.

Landlords are also demanding higher deposits in line with rent increases. They often hold onto deposits when there is a dispute with a tenant or in the wrong circumstances. The Government should introduce a deposit scheme, where moneys are held by a third party such as the Private Residential Tenancies Board, not by the landlord. Disputes could be resolved in a fair manner and tenants could get their deposits back. There is also the issue of landlords having the right to refuse people with rent supplement. We are not protecting people against discrimination based on their social status. There is a commitment to change this in legislation but we have yet to see it.

Increasing construction will not be the solution to this situation, especially to homelessness. Even where there is housing supply, access to the supply can be a problem and barriers remain in place. Donegal has an over-supply in rural parts of the county. According to the 2011 statistics, there are over 300,000 empty homes in Ireland. That includes 60,000 vacant holiday homes and 4,000 empty local authority homes. The report states that if current population trends are sustained, housing over-supply will take 43 years to clear. This excludes holiday homes from unoccupied houses in the calculations. If holiday dwellings are included in the calculations, the over-supply will take 57 years to clear. Donegal is one of the counties worst affected by the over-supply.

While supply is not an issue in Donegal, access to appropriate housing is. There are ex-

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amples of innovative schemes. Wales, for example, has a holistic approach to community housing needs in rural areas. It does not just target supply needs, but also the need for quality and choice of housing that is suitable for prospective tenants. It also provides for community facilities, such as a community house, to be provided within schemes. I believe that should be introduced in this country as well. This innovative scheme directly addresses the house price to low income ratio, which is the fundamental problem in Ireland. The ethos of its range of housing schemes is to bring about wider economic and community benefits while playing a key role in providing affordable housing in rural communities.

To conclude, I wish to expand on the concept of a right to housing, which I promoted in my economic, social and cultural rights Bill that was debated in the House last month. This would create an impetus towards a healthier housing sector, making accountability a strong force in the decision-making process. In the courts people can only argue against peripheral issues, as opposed to the fundamental issue of a right to housing. For example, they can only argue unfair procedures in accessing housing. If a right to housing was implemented, there would be a trickle-down effect into policy through every level of power. It would ensure that policies were directed towards that right rather than towards expediency.

If the right to housing was introduced, it would not mean a person would be given a house automatically and immediately. It would mean that when the Government is drafting housing policy it would have to be aware of, and take account of, the right to housing and make policy with this in mind. It is intended to hold Governments to account, not dismantle them. If they do not have the resources, they will at least have to show how they arrived at the best possible solution within the available resources. This right is even more important now, as we are under the whim of this reactionary Government whose response to a crisis is to perpetuate it. If more accountability had been imposed on those who are responsible for housing policy, we might not be in the current situation.

Deputy Catherine Byrne: I welcome the opportunity to speak on the Bill and commend the Minister for the Environment, Community and Local Government, Deputy Alan Kelly, for his work on this issue. The Bill is a first and important step in addressing the issue of housing supply throughout the country and particularly in Dublin. I am also happy that there will be a 3% levy on vacant sites to promote the redevelopment of those sites. There are pockets of such sites in every city and county. Local authorities will be obliged to keep a register of vacant sites, which is another step in the right direction.

Social housing provision is one of the most pressing issues in the country at present, and nowhere more so than in Dublin city and in my constituency of Dublin South Central. In 2008, almost 5,000 social housing units were built; in 2013 the number was under 300. This was due to the fact that there was no money. However, matters are improving as a result of the work the Government has done on the recovery of the economy. We are now in a position to put more money into building social housing. The Government has a solid plan for this through the Construction 2020 plan, the social housing strategy and the implementation plan on homelessness.

The social housing strategy is key to addressing the problem and shows the genuine commitment of the Government to act. The strategy commits to supplying 35,000 additional social housing units at a cost of €3.8 billion over the next six years and to meeting the housing needs of some 75,000 households through local authority provision via the private rented sector and the housing assistance payment. Over 50,000 of these individuals and families are currently in receipt of rent supplement. The new payment will be different in that it will be managed by

local authorities and will allow recipients to continue to receive payments if they find full-time employment. This removes the problem of people refusing to take up jobs because it resulted in them losing rent supplement.

The housing strategy also commits to reducing the housing waiting lists by 25% nationally by 2017. There are currently 20,000 people on the waiting list for housing in Dublin City Council, so we have a mountain to climb. The good news is that Dublin City Council has been allocated €4.3 million this year to bring 234 vacant social housing units back into use. During the boom regeneration was the buzz word. Developers were climbing over each other to sign up for public-private partnerships to build new housing developments throughout the city. In my constituency Fatima Mansions has proved to be a well worked development and has been well managed. It still has some problems but they continue to be monitored. Not far from where I live is St. Michael's Estate. Unfortunately, its development did not go ahead, for many reasons. I heard Deputy Ó Snodaigh speak about the role of the regeneration board in St. Michael's Estate and the proposal to build another 50 senior citizen units on the 1B site, which I understand are important and welcome. The Deputy also stated, however, that the community is behind this. As somebody who has lived in the community all my life, I never heard anything about this until the meeting last week. The wider community in the parish does not know anything about it either. I wonder why St. Michael's Estate regeneration board still exists when there is no St. Michael's Estate anymore. It is gone.

The city council had control over Richmond Barracks, Keogh Square and St. Michael's Estate for many years. Each, in its own way, had its problems. What we do not need in Inchicore, particularly on the old site, is another development where the community will be held at ransom on many occasions, as it has been because of certain families being rehoused in the area, thus causing nothing but great problems through anti-social behaviour and crime. Those responsible are bringing relatives back into the area. This has to be addressed locally. I am raising it because I have already raised it with the Minister, Deputy Alan Kelly. I hope he will continue to monitor the situation because it is grave.

When the crash came, everything ground to a halt. Many projects sadly lost their way. One of them was St. Michael's Estate. Instead of being redeveloped into an estate with potential for social and private housing, it fell by the wayside, all because of a certain few individuals who decided, before they would sign on the dotted line, that they would need to know the colour of the handles on the presses, the colours of the doors and even the colours of their windows. Unfortunately, the project fell apart.

Last month however, I was delighted to welcome the announcement that 15 new housing projects are set to proceed across Dublin, with a total investment of over €95 million, as part of the first phase of the Government's social housing strategy. It is the first major investment in local authority housing in many years and a very important step forward. In Dublin South-Central, 45 new units are to be developed at Cornamona Court in Ballyfermot, with an investment of €9.25 million. Last September, a new 75 unit development was opened on site 1A at Thornton Heights, which is at the old St. Michael's site. This was long awaited. It is a good development but, unfortunately, some elements have decided to come back in and establish roots there.

Last month I was at the opening of a new development in Bluebell. There are 19 new houses at Grand Canal View, for which the Government gave €3 million. It is a really good development, a small one. We need to consider building on a small scale so we can manage the

units, rather than building huge estates that we can no longer manage.

Two weeks ago, I was delighted to attend the Liberties Showcase and Investment Expo in the new Teeling Distillery in Newmarket. Supported by Dublin City Council, this forum is made up of a mix of business managers and traders from James's Street, Thomas Street, Meath Street and Francis Street. In addition to attracting new commercial ventures to the area, a key aim of this business forum is to encourage collaboration between local businesses. It is an excellent initiative and I wish it every success. The Liberties is a very historic part of the city and has its own regeneration project. An investment worth almost €1 billion by both the public and private sectors has been made in this area.

I welcome the new Living City initiative launched on 5 May, which will encourage property owners to refurbish their properties or redevelop old commercial properties. This is important. Deputy Creed spoke about this. I am very much in favour of the living-over-the-shop concept, whereby people could live over shops and units that are derelict in every city. It is important to encourage this as it makes streets more friendly and secure. It is a really good initiative. Under this initiative, owners of old properties will be able to avail of tax incentives for refurbishment works. This is important because many of the older buildings have fallen into disrepair because they have been left derelict. They need to be reinstated.

I welcome the Bill and I thank the Minister for introducing it. We have huge mountains to climb regarding housing and homelessness but we now have an opportunity to develop according to a housing plan that we did not have in recent years. We need to ensure the money is given to proper developers who will build in conjunction with the community. Above all, safety must be prioritised over making profit. I welcome the Bill and hope it goes through the Dáil with as few problems as possible.

Deputy Anthony Lawlor: As with most speakers today, I very much welcome the Bill. It has taken 15 years to change a provision introduced in 2000 by a Meathman. Being from Kildare, I had no respect for the Meathman because he introduced legislation that was a knee-jerk reaction to a housing crisis at the time. In 2000 and before then, an insufficient number of social houses were being built. Houses were not being made as affordable as possible for ordinary people. The individual introduced a provision whereby 20% of houses in a scheme had to be social and affordable. He basically handed over the construction of social housing to the private developers, and we have seen the result in the past 15 years. When the private developers went bust and pulled out of this country, there were no social houses built. Virtually no houses have been built in this country for the past five years, and that is why we are in - excuse the expression - the shit we are in at the moment. Owing to what was put in by-----

Acting Chairman (Deputy Joanna Tuffy): The Deputy should withdraw that.

Deputy Anthony Lawlor: I withdraw that; I am sorry. I get emotional about this sort of thing. Owing to poorly thought-out legislation, which probably came from the tent in Galway and which was probably brought forward by developers, we now have to start removing legislative provisions. I very much welcome this Bill. We need to go further but it is a first step along the way. From a Government perspective, how much influence can we have on the housing market? There are three parts in respect of which we have an input. The first concerns development levies, the second concerns Part V, which represents a cost on housing, and the third part is VAT. We cannot deal with VAT here because that is a role for the Minister for Finance. I have spoken to him about reducing VAT from 13.5% to 9% to help kick-start the house-building

industry.

However, I very much welcome the changes to development levies. There are a couple of points I would like to raise on development levies. They vary across the country. My county, County Kildare, has high development levies. The onus will be on councillors to review this and determine what they can do with regard to the changes being made in this legislation, but there needs to be some consistency. The people in Athy who are seeking to build a house, or a one-off house, are at a considerable disadvantage by comparison with the people in Laois and Offaly just across the border because there is such a variation in the development levies. Perhaps we might consider allowing authorities, within their own county boundaries, to vary their development levies. Why should the development levies in Leixlip and Celbridge in my county be on par with those from less developed places such as Athy and Castledermot, where there is also a need for housing? We must consider giving local authorities the power to vary the development levies they charge within the county boundaries.

The second measure I would like to see is not in the legislation. We are seeking it at present and it is in the depths of the Department of the Environment, Community and Local Government. By way of a knee-jerk reaction, a circular was sent to local authorities preventing them from spending any more than they could collect in development levies in the year in question. In County Kildare, the local authority has a pot of money it cannot touch because of this circular. I have written to the Minister, Deputy Kelly, and the Minister of State, Deputy Coffey, seeking the withdrawal of the circular to allow local authorities to spend money on capital projects on which development levies are most likely to be imposed. One should consider, in particular, a project such as the playground in Sallins. A proportion of the development levies was supposed to be allocated for it but, because of the circular, this cannot be done. I hope the Minister will retract this circular and allow local authorities to spend the money they have previously collected in development levies.

Part V has been a bugbear of mine since 2000. I was the only county councillor in Kildare to vote against it. My colleagues, Deputies Emmet Stagg and Catherine Murphy, supported the imposition of the 20% social and affordable housing requirement. I knew what the consequences of it would be and I have been speaking about how we handed over the development of social housing to developers. I am concerned about parts of section 33 and possibly section 36 which may allow a developer to either lease or swap houses in another area. I would be concerned that if a number of developers get together, buy a plot and get planning permission as a group, we could end up creating ghettos that are away from where it was intended to put the social housing. I hope the Minister will look at that.

We have not gone far enough in respect of the target of 10% for social housing. Under a scheme in Kildare in 1999, developers or landowners who wanted their land to be changed from agricultural to development land had to pay a 20% land levy. That land could be used for other things needed to develop communities such as school sites, recreational facilities, amenity land and even land that could be used for industrial land. It was within the remit of the council to decide what was important within that community. We changed all that to make sure we built more houses without building communities, which is why I have been fighting hard against that. I want to allow local authorities to decide for themselves rather than shackling them and forcing them to take houses rather than land. Some local authorities need land for amenities, recreational facilities and schools.

I am disappointed the affordable housing scheme is gone. I know the option is there to take

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it, change it and re-introduce it. People will probably not be able to afford to buy houses on the east coast and in the vicinity of Dublin. House prices are rising much more rapidly than wages. We need to create a scheme whereby people can afford to buy their houses and we should have kept the affordable housing scheme in some form in this legislation.

I welcome the allocation of €86 million to Kildare County Council for social housing. It is a vast improvement. The council needs to step up to the mark. The fact that it has very few housing schemes that are ready to roll at the moment is a slight indictment of it because it neglected its architects' department and neglected to realise that houses would be built at some time in the future, that it would be building houses in the future and that it should have put the Part 8 arrangements in place so that when this was ready to roll, it could start building instead of having to begin the process. Perhaps that type of circular could be issued instructing local authorities around the country to get off their rear ends and put plans in place over the next five or six years so they have something that is ready to roll every year because money will be available over the next period of time to build social housing. I welcome the allocation of €86 million from that perspective.

I am very supportive of the legislation. I would like to see little tweaks to it. It is the first step in a series of legislation but we need to move quickly. There are people in all our communities who do not have housing or who are struggling in very low quality accommodation and we must cater for them because if we are going to have some form of equal society, we must look at all sectors who need some form of housing and shelter because it is one of the basic instruments that allows people to have a decent life.

Deputy Thomas P. Broughan: I am delighted to have the opportunity to speak, even briefly, on this very important Bill. I welcome some belated action from the Government to address some of the issues that have led to our dire housing and homelessness crisis. At the outset, I would like to state that this Bill will not go very far towards solving our growing homelessness problem any time soon and will not reverse the undue hardship that has been caused to the mental health and well-being of thousands of families, particularly children, over the past number of years during this Government's tenure. This time tomorrow evening when the Dáil will not be sitting, up to 70 families will be urgently seeking emergency accommodation in this city and will not get it. The Minister of State, the Minister for the Environment, Heritage and Local Government, Fine Gael and the Labour Party are responsible for this. This tinkering with Part V and so on will not do what is necessary to resolve this problem tomorrow when five hotels will be packed with homeless people and people will be sleeping in cars and trying to survive in the airport and shopping centres. This is the legacy of the Government and Fianna Fáil.

Fine Gael and Fianna Fáil together dismantled our social housing programme in the 1980s. I believe in direct action on the part of the State in trying to resolve this crisis and that local authorities must become the key developers of social housing rather than these mollycoddled developers who failed us desperately all the way through the 1990s and the noughties and then walked away. We employed them through NAMA and looked after them and now here we are trying to set them up again for the 2020s. This was the Fianna Fáil-Fine Gael agenda down through the decades. Let us face it. One of our predecessors, the former Minister, Jimmy Tully, was able to mount a huge social housing programme when this country was far poorer in the 1970s. I disagree with Deputy Catherine Byrne, whom I respect, when she talks about building large social housing estates. We have historic and beautiful estates in this city like Marino, Donnycarney or Kilmore along with hundreds I could mention that were built primarily as social housing in this city. The reason we have the crisis in this city in places like Parkgate Street

is because the Progressive Democrats influenced, Thatcherite Governments led by Fianna Fáil and Fine Gael destroyed our social housing programme.

I know this Bill is intended to tinker with some minor aspects of the organisation of site levies and that Part 2 brings in the vacant site levy. I welcome this as far it goes. It has been proposed that local authorities will charge this levy annually from 1 January 2019, which is a long time into the next Dáil, until lands are brought into use. However, it is not clear when they will be brought into use. Is it the case that, as the distinguished journalist Paul Melia recently put it, developers will be able to avoid the vacant site tax for up to three years by seeking planning permission but never building homes? When one looks through the detail of sections 6 to 13, it seems like an incredibly long, drawn-out process between compiling the vacant sites register under section 6 of Part 2, appeals against entry on the register under section 9, determining market value under section 12 and appealing the market value under section 13. The land will be vacant for years while this legislation is working its way through An Bord Pleanála and the courts. I welcome subsections 2 to 7 of section 17 which cover instances where the waiver will not apply regarding significant connections with the new owner. I also welcome section 23 which stipulates that the proceeds of the vacant site are hypothecated for positive purposes. A former colleague of mine, Councillor Andrew Montague, argued very strongly that public lands should be subject to the levy as well.

Section 29 amends section 48 of the 2000 Act. Why is it necessary for the reduced development contributions to be retrospective? Why is this provision included in the legislation?

While I welcome the Part V provisions, why will only 10% of housing developments with nine units or more be allocated for social housing, given that we know an additional 18,000 units are needed on an annual basis?

The Bill is a tiny step forward and represents a tinkering with legislation which failed in the past. It is not a solution for the people waiting on Parkgate Street this minute, or who will be waiting this time tomorrow and over the weekend. We need emergency legislation. The Government must declare a housing emergency and take the necessary action, to be led by the local authorities, to build social housing in this city and throughout the State.

Deputy Terence Flanagan: I am happy to have the opportunity to contribute to the debate on the Urban Regeneration and Housing Bill 2015 which will have a significant impact on residents in my constituency of Dublin Bay North and many other constituencies all over the country. It aims to deal with issues of housing supply, but, as Deputy Thomas P. Broughan argued, action in this regard is not happening in a timely enough manner. If the Government is serious about addressing the issue, it needs stronger legislation to deal with the housing crisis which is particularly acute in Dublin.

Owning one's home is not a right, but it should not become a privilege either. We need to develop high density, mixed use housing to provide a variety of residency solutions, including family homes, starter homes, studios and homes for the elderly. This legislation does not cater for different home owners, an issue that must be looked at as a matter of urgency.

There is a housing crisis in Dublin. Put simply, not enough houses are being built to match demand. This is affecting both the private housing and social housing sectors. In many areas of Dublin constituents have been on local authority housing lists for ten to 15 years. This is shameful and an issue the Government inherited from its predecessor. There are 21,000 people

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on Dublin City Council's housing waiting list, while nationally there are over 100,000 people waiting to be housed by local authorities. Only 1,360 housing units were built in Dublin last year, but 18,000 units are needed per annum to enable supply to keep up with demand. There is a massive gap which will not be closed overnight or even in a year or two, but the Government should be more ambitious in its targets. It set out its social housing strategy for the years 2015 to 2020 which proposes to make over 100,000 units available nationwide for those in need of housing. All local authorities have a housing target set by the Government. The Department of the Environment, Community and Local Government must monitor the position closely to make sure the targets set are met. This issue must be treated in an urgent manner.

The budget for social housing has been reduced significantly from €1.7 billion in 2008 to just over €597,000 in 2014. More money is needed for housing construction. In 2013 only 293 houses were completed by local authorities, a pathetic figure when one considers the level of demand. The mortgage market is not functioning correctly. Potential home owners are trying to secure mortgage finance, but they cannot meet the new deposit requirements laid down by the Central Bank. This means that they are being forced onto social housing waiting lists. There is a severe lack of affordable housing in the market.

The housing crisis is spiralling out of control, with 1,800 people presenting to the homeless services in Dublin every day. They have been priced out of the housing market and are being housed by Dublin City Council in emergency accommodation, including hotels and bed and breakfast accommodation. This is costing the local authority a substantial amount of money, while also depriving families with young children of anything resembling normality. Such families are often forced to live far away from their children's schools and do not have access to proper cooking facilities and so forth. This is not a long-term or even a medium-term solution; rather it is a fire fighting solution that is not sustainable. What we urgently need is an increase in supply. The inclusion of a vacant site levy of 3% in the Bill is very welcome in that context. The aim of such a levy is to make more land available for housing, but it is not acceptable that such a levy will not come into operation until January 2019. It is a bit rich that it is not kicking in from January 2016. I do not understand why the Government is waiting so long before introducing the levy considering the urgency of the issue. Dublin City Council has 152 vacant sites on its list and a further 131 sites on which there are derelict buildings. These buildings should be demolished to make way for high density housing, as proposed by Renua. Pension funds and other investors will invest in housing once a decent commercial return is available to them, which is possible through rent supplement payments and the other moneys made available to tenants. A lot could be done in this regard and it is a shame to see so many derelict buildings around the capital city. They are lying idle and will continue to lie idle until the vacant site levy kicks in. Office space is also in short supply in Dublin, as pointed out by both NAMA and IDA Ireland. Once the levy kicks in, it will free up land for residential or commercial development.

The construction sector has shrunk considerably, with only 123,000 employed compared to 250,000 in 2008. It suffered enormously following the recent economic collapse. New legislation is needed to rejuvenate it and create thousands of new construction jobs. To be fair, the Government is encouraging young people to take up a trade again and become involved in construction related activity. What other legislation will the Minister bring before the House to deal with the housing crisis?

5 o'clock o'clock Will he introduce any emergency legislation in the coming months to help alleviate the crisis? It is having a huge psychological effect on families not living in proper houses, forced to live in hotels and bed and breakfast accommodation, and having to move

around constantly. It makes it extremely difficult and stressful for families to have a proper family life. In his concluding remarks I ask the Minister of State to respond on urgent emergency legislation on housing.

Deputy Billy Timmins: I fully support any measure that assists in freeing up development land, the building of houses and, particularly, reducing the cost of construction. Over the past decade a number of Bills have been introduced to try to assist in this. Some have worked to a degree and many have not. I do not know if this legislation will work. I would like to think it will.

There are three aspects to the Bill: the vacant sites, the 10% social housing requirement, and the development levies. People are decrying that houses are not being built. However, from discussion with those in the construction industry, it is simply too expensive to build at the moment and people will not pay the actual price. The cost of development land is reasonable in most areas but not the cost of construction. Many of those costs have been added by the Government, including VAT, various charges, regulations and so on.

In light of the terrible tragedy in San Francisco, I have changed my position slightly on the cost for the certification of buildings. Irrespective of the cost, we can never drop our standards in ensuring buildings are safe. That is really important. I extend my sympathies to the families of those involved in this dreadful tragedy.

From my reading of the legislation, it is difficult to establish how the provision on vacant sites will work. Initially it applied to towns of more than 3,000 and now it is every site that is more than 0.1 ha provided it is not a contaminated site. We have the concept that people are lobbying to have land zoned and that there are big tracts of lands on the outskirts of towns that are not being developed. Equally many people have zoned land and do not want their land zoned, especially people in town who have a few acres of land associated with the house. I know the legislation contains a description of a garden, yard or whatever accompanying the house.

It is important to be careful with whatever regulations or guidelines are issued to the local authority or nationally to help An Bord Pleanála establish any appeals. Someone may have a field associated with their house where maybe four or five houses could be built. I do not think there is a limit on the number of houses that could be built. If they want to keep it for their own children into the future, should they be penalised with a levy of a few thousand euro every year? All these things need to be taken into consideration.

In addition some people may not be able to develop their land owing to access difficulties or someone else may not free up their land. So they could have zoned land that is landlocked and might not have access. Will the Minister of State clarify this when wrapping up or perhaps on Committee Stage? An individual may have zoned land and having paid the levy for a few years may be refused planning permission for some technical reason. It could be a traffic reason or otherwise. Many developments that were granted permission may be refused by the board. What happens then? Does the legislation provide that the person would be refunded the levy placed on the vacant site? Until such time as it gets final approval, we cannot establish whether it will be built on. While zoning is an indication that it might be built on, it is not a given that zoned land can be built on. That has to be catered for and I ask the Minister of State to address that at some stage.

I am very supportive of the 10% social housing requirement. It is depressing that many

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local authority housing estates constructed in a similar manner to private housing estates have deteriorated rapidly owing to inadequate upkeep. There needs to be greater interaction between the local authorities and tenants in maintaining standards in an area, be they in a block or interspersed.

When the Planning and Development Act was passed in 2001, the then Government indicated that development levies were being collected to bring some sort of accountability to levies and put them into the resources. It ended up as a revenue-raising mechanism. At the time I was opposed to it on that basis and that is what happened. While I do not know if this is stipulated in the legislation, there should be a requirement in regulation or an instruction to local authorities to amend their development levy proposals once this legislation is passed. It should not be left to them. It will take many years.

With the issue of homelessness becoming increasingly of concern to local authorities, every municipal district should have a centre to cater for homeless people. I realise that solving homelessness is not as simple as providing accommodation. Every municipal authority should have a suitable location for emergency accommodation, particularly for single elderly people. We are increasingly seeing those people coming forward. Accommodating families is much more difficult. Having a hostel for families is totally unacceptable and we need to find a different mechanism.

Acting Chairman (Deputy Bernard J. Durkan): I call Deputy Fitzpatrick, who, I understand, proposes to share a 20-minute slot with Deputy Mitchell O'Connor. Is that agreed? Agreed.

Deputy Peter Fitzpatrick: I welcome the opportunity to speak on the Urban Regeneration and-----

Deputy Billy Timmins: I have a quick point of order to put to the Minister of State. I ask him to consider dealing with the Irish Water connection charges to individual houses in the legislation.

Deputy Peter Fitzpatrick: I welcome the opportunity to speak on the Urban Regeneration and Housing Bill 2015. Social housing is the biggest single issue the country will face in coming years. At present rates we will need to build 25,000 housing units each year, just to fulfil the current demand. We need to remove as many barriers as possible, especially from a planning point of view, to ensure the housing units that are needed are built.

I am particularly pleased the Bill will address some of these issues, including the amendment of Part V provisions of the Planning and Development Act to support the provision of social housing, the introduction of revised arrangements relating to the application of development contributions by planning authorities, and the introduction of a vacant-site levy to encourage the development of vacant and underutilised sites in urban areas for housing and regeneration purposes.

I am very familiar with the issue of housing, which is the single biggest issue I deal with on behalf of my constituents every week. People in Louth are waiting for an average of seven years before being offered accommodation. Based on my regular dealings with Louth County Council officials, I know they are currently dealing with housing applications from 2008. In addition there are nearly as many people on the transfer list.

While the new housing assistance payment is in theory an excellent system, unfortunately it is not working as intended. Many constituents complain that there are far too many barriers, meaning that the housing assistance payment does not work as intended.

One of the biggest challenges we face is the ever-rising cost of rent. In Dundalk the cost of renting an average home has risen from €500 per month to nearly €800 per month in a very short space of time. This is unsustainable and the only solution is to build more affordable housing units.

I am especially pleased that my constituency has secured more than €57 million for social housing which will result in more than 800 units becoming available over the next two years. Areas such as Coxes Demesne in Dundalk will get 35 housing units and Fr. Finn Park in Louth village will get 20 units. These are just two of the many areas that will benefit from investment secured for the county. This initiative is the first the county has seen in a number of years and will be of enormous help to those on the housing lists now and in the future.

While I am very pleased with the €57 million investment that has been secured for my constituency, I am fully aware that we have to address the underlying issues that result in people ending up on housing waiting lists. Full-time and sustainable employment is the main factor in getting people off the waiting lists. By obtaining meaningful employment people will be set free from the trap of social welfare dependency. Through no fault of their own people have become trapped in this cycle of dependency on social welfare. Every week I hear from constituents that they feel trapped and that there is no escape from dependency on social welfare. It has been proven time and again that the only way out of social welfare dependency is meaningful employment.

In Louth, job creation and employment is better than in most other counties. In the Dundalk area alone unemployment has fallen from its peak of 7,023 in April 2012 to 5,900, which is a decrease of 16% in under three years. While companies such as SalesSense, Paypal, eBay and National Pen have quite rightly received all the headlines, small businesses in areas such as Dundalk, Ardee, Carlingford, Omeath, Dunleer and Drogheda are to be commended on having dragged themselves through the most difficult recession we have experienced and are now beginning to reap the benefits.

While a lot has been achieved in Louth and it is now in a much better situation than it was three years ago, we must not lose sight of the fact that there is much more to be done. We must reduce our unemployment levels further in order that all sections of society benefit from the improving economic situation. We must ensure those on the housing waiting lists do not have to wait on average seven years to be housed and that those on the transfer lists also do not have to wait almost seven years for a transfer.

This Bill will be beneficial in helping to reduce the housing waiting lists and will ensure we reach our target of 25,000 units being made available annually. For this reason, I welcome this Bill and support its passage through the Houses.

Deputy Mary Mitchell O'Connor: I welcome the provisions in this Bill which provide for the introduction of a vacant site levy and reform of our planning legislation. These provisions are positive steps in the right direction for Ireland's construction and planning sectors. As a Deputy for the urban constituency of Dún Laoghaire, I am acutely aware of the great housing need. The introduction of a vacant site levy is a bold and progressive step. I am sure my Dublin

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colleagues will agree that at a time when there are people in dire straits and in need of housing, it is unbelievable there are more than 60 hectares of land in Dublin vacant and unused.

Many people are of the impression that there are no housing issues in the leafy suburb of Dún Laoghaire and that all the people living there live in mansions and have no worries. This is far from the case. My constituency office in Blackrock is inundated with pleas from constituents in search of housing. I welcome that developers are to be incentivised by way of site levy to build on their land and provide housing. It is important not only that the shortage of housing be addressed but that all housing is decent, sustainable and of habitable quality. We do not need any more horror stories of pyrite or what happened in Berkeley. Building standards must be rigorous. No longer can we accept slipshod practices from builders.

I take this opportunity to offer my sincere condolences to the families of the six young people who lost their lives in Berkeley and to send my sincere best wishes to the young people who are fighting for their lives.

I would like clarification from the Minister on exactly what constitutes a vacant site. For example, is a vacant site unused land or are vacant houses, apartments and above-business accommodation included? If so, I know of several places in my constituency that could be made habitable or fit for living. I would welcome inclusion of above-business accommodation and the introduction of a grant to help traders who own the businesses below to develop that accommodation. I would also welcome information on how it is planned to roll out the vacant site register. I acknowledge that management of such a register will be a big undertaking but the operational date of 1 January 2019 is some time away. Surely it would be in everyone's interest if it could be operational before then. I encourage the Minister to examine ways of accelerating this process.

I welcome the provision in section 16 whereby the vacant site levy will not apply in cases of negative equity. We must be reasonable in these cases and recognise the extremely difficult economic circumstances such landowners are under. While a lot remains to be done, I welcome this Bill and hope its provisions will ensure we are never again faced with the construction fiascos of the past. We need sustainable, good quality housing for all.

Deputy Finian McGrath: I welcome the opportunity to contribute to the debate on the Urban Regeneration and Housing Bill 2015. The Government needs to focus on the housing needs of our people. In my own constituency of Dublin Bay North there are 5,000 people on the housing waiting list. We need to build more houses, particularly social housing, and to do so quickly. We also need to deal with the issue of high rents, which matter I will return to later. Doing nothing or progressing slowly is not an option. The Minister needs to focus on housing provision first. For this reason, I welcome this legislation and hope there will be movement on this issue soon.

This Bill focuses primarily on the address of housing supply related issues with a view to facilitating increased housing construction activity, especially in the Dublin area where demand currently out-strips supply, with consequential knock-on effects on house prices and rents. To put this issue in context, in 2013 the number of housing units constructed nationally plummeted to 8,300, of which only 1,360 were in Dublin. There have been some modest signs of recovery in the sector since the publication of the Construction 2020 strategy, with the number of house completions nationally having increased to 11,000 units in 2014, almost 3,000 of which are in Dublin. However, the housing agencies and ESRI estimate that to meet housing need in Dublin

alone 7,500 houses are required annually. A considerable increase in house completions is required to restore the housing market in Dublin to equilibrium. That is the reality on the ground.

The issue of rents and rent controls must also be addressed. Most economists say rent controls do not work. In my view, we need to increase the rent supplement to match market prices. We also need to build more social housing. On the tenancy and rental side, we need to improve security of tenure for tenants and to impose stronger regulation on landlords to support families. I put forward these proposals to help resolve the crisis in the housing sector. To be without a home is very sad for families. Many of our young people are paying high rents and would love to buy an apartment or house but they are being continually squeezed out of the market. This is a sad reality. Many commentators have suggested that Irish people need to get used to the idea of renting. It is the lifetime ambition of the vast majority of Irish people to own their own home and there is nothing wrong with that. It was suggested recently by some commentators that this should be frowned upon. We must build more houses and regenerate the construction sector.

In regard to people on rent supplement, currently some 70,000 households have their rent paid through the rent supplement scheme. Rent supplement tenants find it increasingly difficult to access and retain homes and this is now a major cause of homelessness according to all those working at the front line on housing issues. Rents in Dublin and other urban centres have been increasing for some time and are now spiralling out of control. Rent supplements are out of kilter with market rents and many landlords advertise properties stating that rent supplement is not accepted. This is an issue that is raised in all of our constituency clinics. What it means is that low income tenants are being displaced by those who can pay more. The sad reality is that those with the most are being facilitated. We must deal with the issue of housing supply. An increased supply will improve access and make rents more affordable. Even when housing was in ready supply, major difficulties existed for rent supplement tenants in accessing that supply. This raises a question not just about the adequacy of rent supplement limits, but of whether the scheme is fit for purpose. We must examine these issues carefully.

So far, the tactic of successive Governments has been to wait for a market correction, in the hope that the various issues resolve themselves. They have taken a minimum cost approach that tries to give the impression of a policy that is working but which in fact kicks the problems down the road. We have been left with major problems with regard to rent supplement, which is difficult to implement in a rising rent market, as landlords leave the scheme in search of higher rents from the private sector. This poor value for money long term funds poor quality dwellings and distorts the rental market. We now have a severe shortage of dwellings for rent supplement claimants, a severe shortage of social housing and rising waiting lists. We need to focus on the immediate problems for these people.

A funding model to build more permanent and affordable social housing which does not add to the national debt and is sustainable through recessions is achievable. Capital for house building can be raised through off balance sheet borrowing from non-Government sources, banks, social investment bonds, standard bonds, NAMA, Government sources, the Housing Finance Agency and the European Investment Bank. Equity finance, real estate investment trusts and various other funding avenues are also available. With these funds we can increase our building capacity and get local authorities involved again, set up new housing associations and improve the build capacity of existing housing associations by way of amalgamation, co-operatives and partnerships. These are just some ideas the Minister should consider.

A recent ESRI report dealing with the projected population change and housing demand at

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county level, prepared by Dr. Edgar Morgenroth, provides projections of the number of households in each county for 2021 and analyses the consequences of the projected change on the required supply of housing. For Dublin from 2011 to 2021, the average increase is projected to be 8,000 households, which will have significant implications for the required housing units, particularly when we consider that in 2013 only 1,360 units were completed in Dublin. For the State as a whole, approximately 18,000 additional households are projected to be created each year. We must take these reports and facts into consideration. The report suggests that 18,000 additional units are needed on an annual basis between 2011 and 2021 to cover the country's housing needs. This is substantially higher than the 8,301 houses built in 2013.

I welcome this Bill and the main provisions dealing with amendments to Part V arrangements on social and affordable housing. I also welcome the fact that reduced development contribution charges adopted by local authorities since 2013 can affect planning permissions granted prior to that date. The Government needs to focus on helping people who need houses. It needs to get on with the job of building more houses.

Deputy Joan Collins: I welcome the change in the 2000 Act to remove the ability of developers to make payments to local authorities in lieu of providing units for social housing. However, I do not understand why it is necessary to reduce the requirement for social housing from 20% to 10%. We have an urgent need for social housing, so what is the logic in reducing the obligation on developers to provide social housing by cutting the requirement for them to provide social housing by 50%?

I do not understand why the threshold allowing developers avoid this requirement is to be increased from the development of four units to the development of nine units. Does this give rise to the prospect of numerous developments of under ten units and no developments of 11, 12 or 13 units? Perhaps the Bill should have required those developments with under ten units to provide 10% social housing and those with over ten units to provide 20% in order to deal with the issue.

I understand the amendments proposed in section 34 of the Bill will allow developers avoid the obligation to provide social housing units to a local authority if the developer agrees to rent out the units. I would like clarification on this. The Bill's digest informs us that in section 33 provision is made for the Part V obligation to be fulfilled through long-term leasing, where provision is made for the Part V obligation to be fulfilled through rental accommodation availability agreements. I would like clarification because this has serious implications.

For a long time, I have supported the concept of a vacant site levy, but I question why it is to be set at such a low level of 3%. Also, why wait until 2019 to introduce it? While I give a cautious welcome to some aspects of the Bill, these measures will have little or no effect on the overall housing crisis. I would like to cite the foreword of the Government's 2020 strategy for the construction industry. It states:

Many factors contributed to the economic catastrophe that hit this country. Many, if not most, of them – lax political management, reckless lending and borrowing, speculative greed, short-term thinking, poor planning and low standards – were features of our boom-time approach to property development and construction.

The legacy – lost jobs, unmanageable mortgages, debt overhang, negative equity, houses on flood plains, shoddy and sub-standard apartments, ghost estates – remains all too human

and real.

We would all agree with those comments, but the problems were not confined to the recent property bubble. What is not mentioned is the reality of decades of large-scale corruption of the planning process by vested interests and the property development and construction industry. What is not mentioned is the influence of developers and builders, epitomised by the culture of the infamous tent at the Galway races. I have little confidence that a housing crisis affecting up to 200,000 people, if we include families living in overcrowded homes who are on the housing list or who are threatened with repossession, will be resolved by the promise of a new relationship between Government and the construction industry. A concern I have in regard to this Bill is that it may be taking from developers on the one hand, but giving it back with the other.

The housing crisis presents in a number of ways, through a significant rise in homelessness. Increasingly, more families find themselves in this situation. I will not mention names, but I would like to refer to a particular family. Currently, the family cannot find hotel accommodation, although this has been sanctioned by the council, because of the tourist season. Dublin City Council has provided a new mobile number for people to call for hotel bookings for self accommodation. According to many customers, calls to this mobile number are not answered. The experience of one customer is that she was booked into a hotel in Ashbourne, but discovered the council had not extended her booking and the hotel is now booked out until the end of July. She was not advised the system was changing. On 10 June, she rang DCC looking for the booking manager, but got no reply, so texted her details. On 11 June, she rang DCC facilities booking manager but got no reply and texted her details. On 12 June she had to leave the hotel and rang DCC and still got no answer. She then rang a different number and was advised of a new number and arrangement. She called the new number but got no answer. The mailbox was full and she texted details. On 13 June she got no answer and the mailbox was full. On 14 June she rang the Freephone number and was advised the number could only be called after 5.30 p.m. The customer called the new number but got no answer and left a voicemail. On 15 June, a voicemail was also left but on 16 June there was still no reply. The lady in question with her two children, one of whom was very sick, had to stay with her friend and has still not received a phone call in response. We should hang our heads in shame if that is the type of service we give to people who are out on the street. It is a disgraceful response to a family in crisis.

The private rented sector needs to be regulated properly. Increasingly, I have had to intervene in my constituency to stop landlords carrying out illegal evictions. They do not seem to understand that tenants have some limited rights. The Residential Tenancies Act 2004 only secures tenancies for four years. That should be increased to a minimum of ten years to give long-term security of tenure. The right of landlords to demand vacant possession if they wish to sell a property should be changed to a right to sell with the tenant *in situ*. It is important that we would consider that aspect of the legislation. We need a rent cap in the short term and new regulations to control rent in the longer term.

I accept many landlords are under pressure but there are also developers who are landlords who are not under pressure. I was very surprised to see the e-mail from the Irish Property Owners Association, IPOA. At a meeting in Wynn's Hotel in Dublin last night, 300 Irish property owners vented their fury at the proposed introduction of rent control or certainty by the Government. The organisation outlined that if such a bombshell is foisted on the sector, there would be a mass exodus of property owners providing private rented accommodation to people availing of State-supported schemes, including registration with the PRTB, rent supplement schemes and housing assistance programmes. The view of members was that the Government could

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have rent control but it would not have their properties. If that is the attitude of the IPOA, we could face a very dangerous situation. I am sure many other Members received the e-mail as well.

We need a moratorium on repossessions of homes with distressed mortgages until the new measures on the removal of the banks' veto in insolvency arrangements and the new measures on the mortgage-to-rent scheme are introduced and a period of time allowed to see what effect the new measures have. It is important we would have such a moratorium.

The major challenge is to kick-start a programme of building social housing. I agree with my colleague, Deputy Pringle, who referred to the International Covenant on Social, Cultural and Economic rights. There should be a right to housing in the Constitution. That would have a considerable impact in terms of how we plan our future housing strategy. There needs to be an effective and realistic plan, not the bits and pieces announced and re-announced by the Government to build or renovate 10,000 social housing units per year for the next ten years. Anything less than that falls short of what is required. SIPTU has estimated the cost of building 25,000 social housing units in the next four years at €3.7 billion, when one takes into account rental income and savings in rent supplement. SIPTU also said 65,000 jobs would be created.

The problem of local authorities being able to borrow the necessary funding due to EU fiscal rules can be overcome by the establishment of a new public agency outside the Government sector to focus on planning, financing and delivery of social housing. The agency could coordinate the work of local authorities, housing associations and NAMA, but, crucially, it could borrow off balance sheet to develop the substantial amount of State-owned land suitable for development, especially around Dublin. Borrowings could be made provided the agency has a sufficient asset base and income from rents. Such an option could be examined.

In the time remaining to me I wish to make a point on regeneration. I am a public representative for the Dublin South-Central area. We have had the regeneration of St. Teresa's Gardens, Dolphin House and St. Michael's Estate among other areas. A number of my colleagues referred previously to St. Michael's Estate. In the late 1990s, St. Michael's Estate was earmarked for regeneration. A board was set up to examine the proposed regeneration which would involve hundreds of families being moved. It was a very positive development. During the process public private partnerships, PPPs, were introduced and that changed everything in the early 2000s. The regeneration projects were reconfigured as a result. A site was bought by Bernard McNamara with the intention of building 450 apartments, including in excess of 70 social housing units as part of the PPP. The project was not much supported by the community at the time. I do not think there was a major campaign on it in the area. Bernard McNamara got the development but then Dublin City Council changed its rules on apartment size to accommodate families because the apartments were too small. There are terrible developments built by Zoe Developments along the quays that are just dog boxes. When Dublin City Council changed the regulations, that put pressure on Bernard McNamara and his profits. He dragged his heels for a long time and then we had the housing crash.

That is what happened to the regeneration of St. Michael's Estate. Luckily enough, Dublin City Council linked in with a voluntary housing association and got the 70 houses plus built at Thornton Heights. Currently, the rest of the land is privately owned and is subject to the rules governing procurement for the regeneration scheme. The regeneration board has sought the Department of the Environment, Community and Local Government to release the 1B site, which is privately owned, to the council to allow it to build housing units for the elderly. That

would potentially free up family homes in the area that could be used to rehouse families. That is a very practical suggestion. The regeneration board will commence a public consultation on the matter in approximately two weeks time. It will table a motion at the Dublin City Council strategic policy committee, SPC, which is supported by the council. I urge the Minister of State, Deputy Coffey, to meet the regeneration board and the Dáil representatives for the area to consider the proposal and see how we can provide badly needed housing in the area. A use-it-or-lose-it proviso should be included in the legislation. If one does not use a site, one should lose the land and the planning permission.

Deputy Bernard J. Durkan: I thank the Acting Chairman, Deputy Catherine Byrne, for personally enabling me to say a few words on this important legislation.

Acting Chairman (Deputy Catherine Byrne): Deputy Durkan is welcome.

Deputy Bernard J. Durkan: I listened with interest to many speakers since the Bill was introduced in the House. One of the things we need to do in the future in terms of housing is to plan ahead. That is something that has not happened in the past 20 years or so.

I remember speaking to a leading social commentator almost 20 years ago and predicting the current housing crisis. I did so on the basis of the information available to me then, because there was a deliberate policy to shift away from direct-build local authority houses and local authority loans which many people availed of to buy their first house - sometimes their only house. There was a system available to people as soon as they needed a house to acquire one for themselves through their own efforts, either by purchase or through the local authority rental scheme of direct-build housing. Unfortunately, that system was replaced over time on the basis that the private rental sector would cater for this market in the future. That view was wrong. The reason that could never happen and would never work was simply because rents are bound to increase in line with the market. We can have all the rent controls we like, but the fact of the matter is that in an open market the prices will follow each other and the competition is upward as opposed to downward. When one has a glut of houses on the market, the effect is the opposite. I cannot understand how it was not possible for people to predict what would happen. We must remember also that during the same period there was a change of emphasis to shift the responsibility of local authorities to voluntary housing agencies. The Minister of State, Deputy Coffey, is aware of my views on voluntary housing agencies. I have no reason at all to dislike them other than because they are not a suitable mechanism to replace local authorities. A suitable alternative mechanism has not been found, nor should one be found in the first instance. I am a strong advocate of the need to build a regular number of local authority houses annually.

The situation also affects young people, especially young families. It affects young people with and without families in a very personal way, which in fact creates a huge amount of dismay among an entire coterie of people who feel they are excluded from the marketplace and that no matter what happens they will never get a house. If one wants proof of that, in some of the affordable housing systems that were built under the previous regime a provision was made for a clawback if the person ever had to sell the house or in the case of separation for example. A clawback of what? The unfortunate people had already struggled to get into that position, which meant there was an extra penalty to nail that group of people as if they had not been nailed enough already. It was an appalling decision to allow it to develop in that way.

Shared ownership loans are strangling the people who have them. Although they were supposed to be helpful and affordable, they were not because some crude genius decided to intro-

duce a penalty clause. Previously, the portion of the equity that was on rental would be dealt with by way of an ordinary local authority rent. This was changed to include an added penalty of 4.7% per annum so that whatever chance the unfortunate people had of breaking out of the system, they would certainly be nailed there forever. There are countless cases throughout the country of people with shared ownership loans who owe multiples of what they originally borrowed for no other reason than that they were unfortunate enough to have bought through an affordable shared ownership loan. What an appalling tragedy. I ask the Minister of State to take this into account in formulating housing policy and deal with it. Unfortunately, houses are being repossessed from people who have shared ownership loans and there is no way around it. Some people owe up to €100,000 on the part of the equity they were unable to pay simply because it increased on a rate of 4.7%, which means it doubles every ten years.

Like the Minister of State, and everybody else here, I have had experience of the housing market during a long number of years in my county. We would have required almost 1,000 houses between loans and direct build houses for the new generation coming along. It has not happened. During the boom, we got at most 25 houses annually. The rest was to be catered for by the private rental market. It did not work. We need to provide emergency accommodation as well as the accommodation the Government proposes. I welcome the Government's proposal, which is the first major intervention in the area in 20 years or more. However, I ask the Minister of State to consider the areas that are most seriously affected by housing shortages. There will be a necessity to provide emergency housing.

System built houses can be bought and put on site within three months. They are energy efficient and have a very high degree of heat retention, like any other house, up to a BER rating of A. However, local authorities do not like system built houses and will generally refuse planning permission for them. However, the situation is desperate. There are families which have been split three ways, with the children, male partner and female partner in three different houses. It is appalling. People are sleeping on floors. Families of four, five or six people are in two-bedroom accommodation with some people sleeping on the floor or in the kitchen. Parents have had to vacate their bedrooms and sleep on the floor or on a couch in order to ensure there are not mixed sleeping arrangements for the rest of the household. These are just a few of the issues that motivate anybody in the House who has a heart. We must focus on the situation that has emerged.

I am not making political capital out of this. I predicted it 20 years ago and again three, four and five years ago. I knew it was happening, and I knew it would happen when the Government came to power, given that it did not have the money, and no money was available, to begin the house building programme. Thanks to good management, we have cleared the first hurdle, namely, reorganising the national economy. The next step is to put together the social or humanity element of our society. We need to develop it, and can do so under the proposed legislation.

We have had discussions like this on many occasions. We have put forward countless alternatives to try to deal with the situation. I fear people do not fully realise the extent to which the necessity to meet the problem head-on is going to accelerate during the next three or four months. There are no houses in the marketplace. We have heard people talking about the 3,000 superfluous houses that would have to be demolished. Whenever I hear people talking about demolishing houses, I know they do not know what they are talking about. When a house has been built, in whatever shape or form, it needs to be retained and utilised for the people who need it. What about the land that was de-zoned? Around 2007, there was a mad rush to de-zone

lands which could have been very useful now. They are gone. No forward planning was employed to identify future need. After a boom and a bust, there is a need for housing. During the past 40 or 50 years it has always been thus. We must think seriously about putting in place the necessary measures to track these patterns economically and put in place a remedy.

Raising rent support is only a temporary measure for six months at best, after which the rent support is chasing the inevitable rent increases driven by demand. While people say we should put a cap on rents, although I do not believe we can, it would have no impact. The people who had no houses yesterday and have no houses today will have no houses tomorrow. Other speakers have made this point.

Some on the Opposition benches raised their eyebrows when I and others raised the issue two years ago as an impending emergency. However, we raised it five years ago and ten years ago, and not many people at the time said we were right and that we needed to deal with the issue. I was here during the time and nobody thought it worthwhile or necessary to identify the single issue that affects every man, woman and child in the country, namely, a place to live, a place in which to put down their heads at night, an assurance that they would have shelter for themselves and their families and that they would not have to move from pillar to post overnight on a monthly or weekly basis. While I know the Minister of State is well disposed towards the legislation, I want him to reinvigorate his efforts to deal with the situation, given that it is an emergency on a scale which we have never experienced before.

Deputy Ruth Coppinger: On Tuesday, the Taoiseach said a number of Deputies were being unduly pessimistic about housing. The statement suggests the Taoiseach does not grasp what the previous speaker said, that this is the most serious housing emergency ever faced by the State bar none. Rents are rocketing and there is a major increase in the number of people reliant on the rental sector. Everybody will have seen the recent *Irish Independent* rent report, which stated that there had been an increase of 52% in the numbers renting during the past 18 months. This tells us the Government is not ensuring there is a housing supply. More and more people are being forced to compete for a smaller number of properties in the private rented sector. Average rents in Dublin are increasing by anything from €100 per month and in Kildare and the commuter belt they have risen by 15.5%. Unfortunately, keeping rent supplement down is not preventing rents increasing.

Repossessions have increased and the banks, which the Government and the people are meant to own, have given no order not to repossess houses which are rented to people who would like to continue paying the rent. There is no protection for such people and they are turfed onto the street. Everybody thinks homelessness has doubled. Homelessness has not just doubled; it has increased by 800% according to Focus Ireland. Since 2013, that organisation has seen an increase of 800% in the number of homeless families attending its services. In 2012, it dealt with eight families per month but it dealt with 71 families in April 2015. The debate on this topic should not be left until a Thursday evening when most Deputies have left for their bases. This is the most pressing issue for this country bar none.

This Bill is part of a pattern of relying on private, for-profit construction to meet social and affordable housing needs. It is a case of fiddling while Rome burns. Even during the boom years it was not possible to provide social housing through private construction. Only 3,757 local authority housing units were provided under Part V, with a further 1,963 provided through housing associations because developers took advantage of the get-out clause of providing money or land instead of housing. I saw examples of this in my own council area, with the

result that we never saw social housing in nice areas like Castleknock. Social housing was usually delivered in areas developers did not want. That provision is being discontinued but the Bill contains even worse alternatives. Councils will have to purchase the units from the developers at market rates which will be calculated based on site, construction and development costs and profits on the open market. This undermines the claim by Fine Gael and other neoliberal parties that it is cheaper to rely on the private sector than for local authorities to build houses themselves. There is no way the proposed arrangements can be cheaper than giving councils the funds to build houses. The purposes of this provision are to avoid EU and troika rules against increasing figures in State balance sheets and to incentivise private developers through the back door. The taxpayer will ultimately be paying a massive subsidy to developers. We should demand that developers provide these units free of charge given that they are getting the valuable resource of planning permission at a minimal cost. The Government will ask for no such thing, however.

Councils are also starved of the funds they need to buy these houses. They will probably end up entering into long-term leasing arrangements with the developers. In the event that a local authority cannot afford to purchase a house, the alternative option is to enter into a rental accommodation availability lease agreement. Has any council been given sufficient money to purchase these units? The leasing alternative is likely to become the norm for cash-starved councils, with the result that they will pay rent to developers for an indefinite period. This is already happening under NAMA's social housing leasing initiative. They will never become owners of these properties and tenants will not have the security they enjoy in local authority housing. This is related to the social housing 2020 strategy, which aims to deliver long-term leases through RAS and the social housing leasing initiative. It is yet another State handout to landlords. We are paying rents instead of building homes for people. The alternative leasing arrangement is likely to become commonplace because the Bill does not confine it to exceptional circumstances.

The vacant site levy has been decreased since the general scheme of the Bill was announced. It is now 3% in the first year, increasing by 1% per year to a maximum of 6%. It is designed to look like a progressive measure but it contains so many loopholes that it will rarely be applied. Councils will have to jump through hoops to prove that a vacant site is suitable for social housing and that there is a social housing need in the surrounding area. Site owners will be able to claim exemptions for undue hardship. If a developer is in NAMA, that might be considered an undue hardship. It appears, therefore, that the people who crashed the economy will be getting another free run with this levy. The levy is being reduced for developers without standing loans on vacant sites. Why do we not reintroduce compulsory purchase orders on land? They are used for rail and other strategic transport infrastructure. What is more strategic than providing social or affordable housing?

The Bill institutionalises reductions in development levies and tax cuts for developers by providing for retrospective reductions. However, a glaring absence from the Bill is any plan to construct houses in the way they were delivered in the past, namely, by funding local authorities to build them. In two previous decades of housing shortage, the 1930s and 1970s, considerable numbers of social houses were constructed by local authorities. The Government has set its face against this approach for ideological reasons and because EU and troika rules prevent us from adequately addressing the housing crisis. The Government could, however, use the Ireland Strategic Investment Fund to deliver social housing instead of dividing it out among so-called private entrepreneurs. There is sufficient money in the fund to end the housing crisis.

It is criminal that the State is opting for more expensive ways of providing housing. Continued private control of construction, land and development will make people homeless or force them to pay exorbitant rents, and the taxpayer will have to pay to accommodate people in hotels and expensive private housing. The only viable solution is to start building social housing on a grand scale.

Acting Chairman (Deputy Bernard J. Durkan): I call Deputy Stanton.

Deputy Clare Daly: I think I am next.

Acting Chairman (Deputy Bernard J. Durkan): I am required to rotate speakers at this hour.

Deputy Clare Daly: We were supposed to be sharing the speaking slot.

Acting Chairman (Deputy Bernard J. Durkan): The Deputy can have the slot if she wishes.

Deputy Clare Daly: That is okay, Deputy Stanton can proceed.

Acting Chairman (Deputy Bernard J. Durkan): I am easy about it.

Deputy David Stanton: I will not be long. I want to comment on this important legislation and acknowledge that the Government is working hard to provide housing. The housing crisis is very serious. While this Bill deals with urban regeneration, I represent a constituency which is predominantly rural, although it also contains a number of medium-sized towns. I have never encountered such an acute need for housing as that which currently exists. Families come to me daily after receiving notices to quit because their homes are being sold. They have nowhere to go.

6 o'clock

I am not sure what I can do or what answer I can give to these people. Many of them have small children at school, but may have to relocate to a different area or town, which is disruptive. The uncertainty is extraordinarily stressful. Many of these people are unemployed and do not have the resources to rent and, meanwhile, rents are rising.

The housing assistance payment or HAP scheme is new and I have issues about it. As I said on the last occasion we debated this topic, we need a housing czar. Such a person could take the whole issue on, going around the country to find out where houses are boarded up. The houses could then be made habitable. The housing czar could also find out where there are houses under the control of State agencies such as NAMA, and get them freed up as a matter of urgency.

In three days time it will be midsummer, the weather is warm and the days are long. I am worried, however, about what will happen in the dead of winter if we do not address this as a matter of urgency now. I do not often speak in dramatic terms, but this is a serious crisis. There are many provisions in this Bill but a lot of them will not happen for a while, whereas we need action immediately.

We could charge the housing agencies to become far more active. I listened to what Deputy Coppinger said earlier and there are constitutional issues concerning compulsory purchase orders for private property. I do not think it is possible to do that for housing. Alternatively,

building a lot of social housing without proper planning could be a mistake. We need to start talking about building communities, including schools, recreational facilities and green spaces.

The previous Government increased housing density levels. When I visit certain housing estates now, however, I find the housing density is so high that people have no room to park their cars. As a result, people are arguing and falling out because such areas were not properly planned. It was a matter of squeezing in as many units as one could in the smallest possible space. Prices did not come down back then, they went up. I disagreed with that at the time and said so. I thought it was badly planned. In other jurisdictions social amenity areas and green spaces are planned first and the houses are built around them. In that way one can build a community, including schools and shops.

There are large housing estates in my area which were supposed to have shopping areas and crèches, but they were never built. The houses were built and money was taken, but those amenities were not provided. As a result, people must travel long distances to crèches and there are no local shops which were promised.

Deputy Coppinger suggested that in future we should build large amounts of social housing. It is not good enough, however, just to build a lot of housing and leave it there with nothing else. It is crucially important to plan it properly.

We must take this matter on. How many units are boarded up in each local authority area that could be made available immediately? How many units does NAMA control that could be made available now? I come from an area which traditionally did not have this problem, so I shudder to think what is happening in towns and cities.

The Minister of State should reconsider the proposal I made some months ago to appoint a housing czar to kick butt and get this sorted out as best we can. We must move quickly because we are heading for winter. Perhaps the Minister of State can tell me what I can say to young families, including mothers with small children, who have no place to live. I have seen a proposal to build prefabricated units, but planning and services are required for that. It is a stop-gap emergency measure, which will probably help some homeless people in Dublin. It is better than sitting on the side of the street but this matter needs to be addressed urgently.

I have spoken to Ministers about it and they realise how serious it is, so we need action. We also need a census of people on waiting lists to see what is happening. It is not easy to sort out, but my suggestions should be taken on board straight away. We need to help people who are under stress and strain because they are being told they have only weeks to leave a property. That is because the owners are selling it or moving in themselves and, as a result, these people have nowhere else to go. They have searched through all the housing agencies, auctioneers and rental properties but there is nothing available for them to rent. What do I say to these young families? What can any of us do? Let us please move on this urgently and quickly. We must pull out all the stops across all local authorities, housing agencies, NAMA and anyone else who has property.

Deputy Clare Daly: In some ways, today was pretty much like any other. Among those who contacted my office was a young family with two children. The male partner is suffering from ill health and had been renting accommodation, but they must now move out because the landlord is selling the property. They put a deposit on another property which was accepted, but the landlord did not want to have anything to do with people on rent allowance so he decided

not to go ahead. That occurred at the end of May and subsequently they have become homeless with nothing on the horizon for them to go to.

Another mother was in touch with me. She has been on the priority four-bedroom housing list in Fingal County Council for eight or nine years. She is now at position No. 10, but she might as well be at No. 10,000 for a four-bedroom house because being on a priority list does not get you anything. Three of her five children have problems, including serious special needs.

Similarly, another woman who needs four-bedroom accommodation has been on a list for nine years but there is not a chance in hell of getting accommodated anywhere. Deputies who have highlighted the fact that we are experiencing an utter housing crisis are absolutely correct. Against that background, however, what we are being presented with here is nothing. It is not even a drop in the ocean, although I am not saying that to score a cheap political point. The reality is that the measures in this Bill will have zero impact on dealing with the housing issue.

We have discussed changes to Part V and the vacant site levy, but there are so many loopholes in them that they will be meaningless in delivering what they are supposed to deliver. They are supposed to incentivise private developers to give up sites for building, while on the other hand we are supposed to get houses delivered as part of the private schemes that have gone on. Having been a councillor for 13 years in an area which was massively developing and had a huge amount of rezoning in the boom years, we saw every trick in the book concerning Part V. It is good that developers cannot offer money instead, but this is not a guarantee of integrated development because there are too many loopholes there. Whatever is reasonable can be open to any scrutiny, which means it is not reasonable.

We had a scenario in Fingal where a certain big developer had been developing both in Malahide and Balbriggan. He did not want to put social housing in Malahide, which is a much more affluent area, but it suited him to put it in Balbriggan. From the local authority's point of view, it was better to get more units in Balbriggan than ten or 20 units in Malahide. The local authority was getting 150 units in Balbriggan. Given the pressure it was under to accommodate those on its lists, it seemed like an attractive proposition for it to agree. In fact, it did go for that option to accommodate more people, but it has resulted precisely in the non-integrated development that should not be desirable. I put it to the Minister of State that there is nothing in the Bill to stop that from happening again, despite the intentions. In fact, all it proposes to do is reduce the requirement from 20% to 10% without any guarantee that it can actually deliver on what it is seeking to achieve.

One point highlighted by other Deputies is key. This scenario is a serious indictment of neoliberal capitalism. In the 1940s and 1950s representatives of the State went to building sites in London and dropped leaflets among the Irish community appealing to them to come back and take part in housebuilding programmes in the State. That was at a time when we had far fewer resources as a society than we do now. Now, we cannot access money on the books for local authorities to build houses, yet the European Central Bank can give money at a rate of 1% to banks to lend money among themselves, but they cannot lend money to put a roof over people's heads. My God, that is certainly wrong-way-around economics in anyone's book.

Our starting point should be the right of people to have a home. We should then put in place mechanisms to deliver on this. The reality is that we cannot rely on the private sector to deliver. There should, therefore, be a range of options. The Government has referred to the promised €3.5 billion programme for social housing and so on. If that funding was used to build social

housing, it might be something, but it is not being used for that purpose at all. It is to be used for leasing and private rental arrangements and all of the complexities that these entail. It is simply not going to meet the need.

We have completely and utterly let the National Asset Management Agency off the hook in terms of its supposed role in delivering social and affordable housing. I offer one example from my constituency. A number of individuals contacted me. They said it was very difficult for young people in the Malahide area to find property because of rising prices. They are the children of people living in the area. They gave the example of a recent development of 40 apartments between Swords and Malahide which was sold for €1.4 million to a developer from the North. That works out at approximately €35,000 per apartment and the development needed some completion work. Let us be generous and say the cost of the completion work amounted to approximately a further €60,000 per unit. That would result in a finished product at a cost price of €95,000. One of the people who contacted me said that through the network of the community he knew well in excess of 40 local couples in the area were struggling to be passed for a mortgage of more than €220,000. Therefore, instead of NAMA getting €1.4 million, it could have received €2.4 million if the people concerned had collectively come together to bid for the property. Instead of the property going to an investor who is going to hire it off or rent it for a killing, we could have ensured local people secured local homes at an affordable price and the State would have received more money than it ended up with on this deal. It is an absolute joke.

The people to whom I spoke made a point about other properties in the area which had been sold, including on Streamstown Lane in Malahide. The sites were not advertised and no one knew how to access them. There was no information on the old Grove Hotel or the old rugby club. People were looking for information on them also and I contacted NAMA on their behalf. I was given the details and told that the residents could contact the receiver. I duly passed on the information, as NAMA had requested. The receiver absolutely chewed the face off the resident who rang, asking how she had got his name and number, since the property in question was not on the market. That is the type of thing going on. Meanwhile, we have people who are desperately in need of a home. The deal was supposed to be that NAMA would be part of the solution in dealing with community need in terms of housing. We are failing miserably in that regard.

Reference has been made to the vacant site issue. One matter we have not tackled is developers buying unzoned land and sitting on it. This is excluded from the provisions of the Bill. There have been some interesting articles recently on the hoarding of agricultural land. An annual survey by the *Irish Farmers Journal* found that the average price of land in County Dublin had surged by 50% to €23,500 per acre in 2014. Irish agricultural land is the dearest in Europe. The report editor of *The Irish Times*, Lorcan Allen, made the point that vast prices were being paid for agricultural land on the outskirts of towns and villages with future development potential. He highlighted how one tillage farm in County Dublin had been valued by an auctioneer at €20,000 per acre and ended up selling at €50,000 per acre. We are not doing anything about this. This goes back to the Kenny report and the absolute necessity for the State to control the price of building land. We need to have a certain percentage figure higher than the agricultural value. It should be leased back and given to developers to develop housing linked with a definite sale price. Cutting out speculation in land prices is critical. Many Deputies have spent time as members of local authorities and know how the system works. People are in the know and know what development land is likely to come up for sale. They buy it at agricultural prices and can sit it out or make an approach and try to put forward an argument in favour of why their

land should be developed. The reality is that because of the wholesale rezonings that took place during the boom years we have a vast amount of surplus rezoned land.

We need more than tinkering at the edges, but that is all that the Bill amounts to. If it was tinkering at the edges, we might take the view that it was not too bad, but it is actually worse because it is actually reducing some of the restrictions in place. It will not deliver one single extra unit onto the market. We need to do far more and think far more radically than anything proposed in the Bill.

Acting Chairman (Deputy Bernard J. Durkan): I call Deputy Mick Wallace.

Deputy Mick Wallace: I have 20 minutes. Is that correct?

Acting Chairman (Deputy Bernard J. Durkan): The Deputy has.

Deputy Mick Wallace: May I have two hours?

Acting Chairman (Deputy Bernard J. Durkan): Much as we like the Deputy, we cannot accommodate him.

Deputy Mick Wallace: It pleases me no end to hear that you like me. I have not been mad about you.

Acting Chairman (Deputy Bernard J. Durkan): We will hold that debate for another day.

Deputy Mick Wallace: This is the area in which I have spent my life. It breaks my heart how this issue and the challenges posed by the housing crisis have been dealt with. I am wondering who the Government is talking to and getting advice from. The Government is not in touch with the realities. There are massive problems in the housing industry and the Government is not dealing with them. It has an opportunity to do things because everyone knows the sector is on the floor. There are serious problems and we need to do things differently, but we are only scratching the surface. This is a missed opportunity.

In fairness to Deputy Bernard J. Durkan, I have not agreed with much of what he has had to say in the past four and half years in this House, but I heard him talking about the issue of housing earlier and he said some things I agree with. I did not agree with everything he said - that would be going too far - but I agreed with him more today than I have on any other day in the past four and half years. He is obviously aware of problems with which he is being forced to deal on a daily basis.

I admit that not only do I find those in government clueless about the housing crisis, but most of those in opposition are clueless about it also. Government Members are not alone in that regard. I will try to address the Bill as much as possible. I have before me the opening contribution of the Minister of State made the other night. I will pick out sections from it and give my tuppence worth on them.

The Minister of state said: "The initial report of the group indicates that there are sufficient existing planning permissions or applications with no insurmountable infrastructural deficits with the potential, if acted on by developers, to supply almost 21,000 residential units in the Dublin area." That is 100% true. In fact, I imagine there is even more. However, as I pointed out to the Taoiseach during Leaders' Questions on Tuesday, few developers are interested in building. The private sector is actually going to deliver less than those in government believe

this year and next year and the main reason is that it will not pay. There is actually no money in building. The big elephant in the room is distressed assets, including all those units that have been added to the rental market, which have been sold for peanuts. They have been sold for less than they cost to build. What builder would buy land or use land he bought and paid too much for to build apartments or houses at the moment, competing against assets being bought by US vulture funds for less than it costs to build? Why would one do it? Business-wise one could not do it. In lean times, if a person has already bought the land, it will expose the fact that they paid too much for it. Not only would the developer be exposed - or the builder because now they are often one and the same, having once been two different animals - we would also expose the bank that gave them the money. It would be financial suicide for them to develop sites at the moment, given that NAMA has been selling assets for a fraction of their real value. We might ask what is the real value and people sometimes say the real value is what one can get on a given day, but I disagree. The banks used to tell me that, but what happens if one had a piece of land and one estate agent valued it at €5 million, another valued it at €4 million, another at €4.5 million and another at €5 million, and at auction someone paid €11 million? I asked the bank if it was worth €11 million just because someone had paid that for it. It is not. It just means that is what he was prepared to pay for it - no more and no less.

One yardstick NAMA should use in selling apartments is the question of what it would cost to put up a block of apartments even if one had got the land for nothing. NAMA should not sell it for less than that price but it has been doing that wholesale. The price at which NAMA has sold assets is criminal. It is boasting about making €1 billion between now and 2018 but I do not understand for the life of me why it has flooded the market with properties when it had until 2020 to wrap up its business. It has sold stuff in a fire sale. I know the Minister, Deputy Noonan, did a deal with the troika in 2012 whereby we would deliver €7.5 billion by the end of 2014. We will actually deliver €15 billion from sales by the end of this year. It is pure nonsense. NAMA has been selling stuff in a rising market and it beggars belief. That is one of the reasons the Government will struggle to get the private sector to start building. It can give incentives but it still will not pay at the moment. If I was back building at the moment, I would not get the money from a bank to start building an apartment complex today.

I can tell the Government who is building the only real serious projects that will start in this city in the next couple of years. It is investment funds like Kennedy Wilson. They have bought big sites but it is no challenge for them because they have no intention of selling them. These guys are in it for the rental market. Rents in a working class area of this city have gone from €1,000 a month to €1,400 a month in two and a half years because a small number of people are controlling a huge portion of the rental market and they have formed a cartel. Rent is still going up and according to the Minister's own Department's figures of a couple of days ago, the amount of new completions of houses is going down. These guys will build them because they are not going to sell them so they will not have the problem of selling at below the cost of building them. They will rent them out in the long term. They might not stay here forever but they will get a good price for them in a couple of years' time if they want to flip them.

The Bill states that on 1 January 2019 planning authorities will be empowered to apply an annual vacant site levy of 3% of the market value of vacant sites which a planning authority has determined were vacant or idle in the preceding year. There are many problems with this. This is not a land tax and the Government is not dealing with the problem of landbanking. The biggest problem in the construction industry is landbanking and the fact that there was not even a semblance of implementation of the Kenny report, which the situation is screaming out for. The

3% levy is a token gesture and there are too many loopholes for words. First, if the mortgage on it is between 50% and 75%, the charge will only be 1.5%. If it is between 75% and 100%, the charge is 0.75%. Give me a break. Who in God's name is buying vacant sites and landbanking without borrowing the money? Does the Minister think people are buying sites for cash? They are not, as it would not make business sense. It pays to borrow in this area. The number of sites we will find that are not mortgaged out are very low. People do not turn up with buckets of cash to buy this stuff. They get loans from the bank so the land is mortgaged and most of them will be exempted as a result. Also, the measures do not even come into effect until 2019. Talk about kicking the can down the road. What year are we in? It is 2015. This is just nonsense.

There is another loophole. The legislation states "if" the site is vacant. If I had a two or five-acre site in north Dublin with planning permission for 200 apartments, would I allow the Government to charge me a 3% vacant site tax on it by leaving it 100% vacant? I would not. I would make sure it was not 100% vacant and that at least half of it was being used in some form or another to avoid the tax. It is too easy for words.

Another provision stipulates that a vacant site will be any area of land exceeding 0.1 ha, but 0.1 ha is 1,000 sq. m or a quarter of an acre. This city is full of pockets of vacant small sites. The big player would own some but not all of these sites. I built 27 apartments and 4,500 sq. ft. of commercial space in a basement car park on a site with 750 sq. m and the Government will not catch that site. It can sit there for the next ten years and the owner need not bother his backside building on it and the Government is not going to touch it. By staying over 0.1 ha the Government is avoiding most of the infill in Dublin city. It does not make sense.

We all know that Part V did not work as we did not get 1% in social housing units from it. The Government is doing away with allowing developers to buy their way out of it and that is good but it has reduced the 20% to 10%. I would not shoot the Government for this but it is making a serious mistake. It should have written that 10% in stone on every site but it has not. It has allowed flexibility and the big guy who builds in a well-off area is going to get out of it. That is a given. Remember where you heard it first. I promise the Government that he will get out of it. That is 100% true. He will not pay it and will do it somewhere else and the Government is allowing that. It is saying it will make sure 10% social housing is delivered on each site by doing its best to make it happen but that is not what it should be doing. It should be writing it in stone so that every site in this country has a minimum of 10% social housing units. We have huge problems in our cities and towns with ghettoisation. We have put all the troubled and poor people together and watched unemployment, deprivation and drug problems develop, all in little nests in different parts of Ireland, and we are not addressing the problem. Ghettoisation is a problem that impacts on just about every single Department of Government in one way or another. There is not one Department independent of it and it is costing this State a fortune to deal with the problems that come from it. The Government is not writing in stone that if a person is building 100 apartments on a site in Ballsbridge, 10% of them should be social. I built places with some social units in them and there is trouble in some of them because of the deprivation and drug problems. However, if we continue down the road of saying we do not want them, that a particular place is just for people of a certain economic bracket and social sphere and that only people from the private schools can afford them, we will continue to have the problems we are experiencing today. Some Government some day will take a responsible decision and do things differently. This is not the way to organise housing in any city or town in any country in the world. We have more problems than most. We probably inherited snobbery from the Brits but, as I see it, it is a bigger problem here than in Europe. Not setting in stone the

requirement for social housing in every single site that starts in Dublin is a big problem.

I heard some people complain that the Government has done away with the requirement for developments of less than four or five units and have increased the threshold to nine or ten units. I would not shoot the Government for that decision either given that the requirement is back to 10%. There was a huge problem when it was at 20% in the way it was dealt with. There was a massive problem. I often found that there were times I could not bank a development. I could not get funding because I was being asked to provide 10% or 20% social or affordable housing, but I was getting nothing for the site value. I was paying, say, €100,000 a unit to buy a place where I could put in 30 apartments. I was being offered agricultural land prices for each unit I was going to deliver to the local authority. It was working out at about €1,000 a unit. If I was putting in ten social units on a site on which one could get 50 apartments, I should have been given whatever they were costing me or a market rate. Instead I was getting an agricultural price for them - €1,000 a unit. I was going to the bank with this and it was saying I would not make any money. I would tell it the price of houses will keep rising and I will eventually make money and it would say I was depending on the price of houses to rise in order for the development to make that money.

Of course, the big problem was something else which people never understood. People thought the builders were all making a fortune. We actually were not. The people making a fortune were the people selling us the land. I paid €5 million for one fifth of an acre in a working class area in north Dublin city. The guy who sold me the land made some serious money. When I built the apartments, I am not exaggerating, if I got €400,000 for them I would only break even. I had to get €420,000 to make a few bob it had gone so mad. It was the land banker who was making the money. When we were not developing at all and were just builders, we were working on a 4% margin, which is not so outrageous. We were looking to make 4% on projects. That was our target. When we were developing, initially we made far more money. Then, of course, when the whole thing went bang, we lost more money. The builder who never went developing was fine and he survived the crisis. I had assets worth €80 million which reduced in value to €20 million in the space of approximately 15 months and that was me gone. Such is life. I did not ask anyone to bail me out and while I see most of my competitors back working now that is neither here nor there.

I had better move on because I am running out of time. The Government told us in December it was giving us a housing strategy. It is not a housing strategy. I swear to God it is not. I wish it was but it is not. I really would like to know where the advice is coming from and to whom the Government is talking. It needs to talk to the people who have been involved in the industry. We know where the cheating goes on and where the problems arise. There are so many improvements that can happen now. Things can be done so much better. I am not blaming the Government for all the housing problems but I am disappointed it is not dealing with them. They started under Fianna Fáil and they got worse. This Government came into office and, sadly, has not addressed the problem. The Government is afraid of those with vested interests and its site levy is a strong indicator of that fact.

There are people who land bank in this town. It is reckoned that in or about 2005, some 95% of the land bank for development in County Dublin was owned by 26 people. That is scary stuff, but we are still not dealing with it. We are not addressing the problem. There was a big hullabaloo about all the social housing the Government was going to provide, but it is completely linked to its dependence on the private market. It is not going to work. It is already hugely problematic and it is the wrong way to go. It is going to deliver so many problems. I

scream at night thinking about what is going to happen in the housing market. It is going to get worse. I swear to God it is. I wish I could say otherwise, but I just know things are going to get worse over the next couple of years. It does not have to be that way. The private sector is not going to deliver the units as long as we have NAMA and the State-owned banks and institutions. We have IBRC, NAMA and AIB selling stuff off for less than it is worth. Now the Government thinks the private sector is going to start building again. It can forget it. It is not going to happen. The Government's prospects are too tightly linked to it.

People think that it is crazy. There is a stigma around social housing in Ireland, but we need to start building State-owned houses again and we need to do it now. We should not wait. The Government should get the land, fast track the planning permission and start building. It should also build houses in a way that will suit the people who will live in them. The Government needs to grasp that nettle and start building State housing again. It should build it everywhere and not just in ghettos and it should be built every bit as well as private housing.

Of the few guys who did a bit of social and affordable housing in their developments and did not buy their way out of it or move it to a ghetto, most of them put inferior material in the social and affordable units in comparison to what they were putting into the units in the private part. That was a disgrace, but they were allowed to do it. This again goes back to the lack of building regulation. Phil Hogan brought in new regulations. All they do is increase paperwork and bureaucracy. We are still not checking the work that is done. The Government has to go back to the system of having a clerk of works to check how the work is done and the local authority needs to sign off on it having been done properly. It is not going to cost an absolute fortune. The Government has reduced the contribution levies. It should use that vacancy to add a bit extra to cover the cost of local authority inspections of any work that takes place. It is not rocket science; it is called commonsense.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Paudie Coffey): I thank the Deputies who made contributions today and on Tuesday on this important Bill. The number of Deputies who spoke is a clear indication of the importance of this issue and this Bill. I have been listening carefully and it has been a worthwhile debate. I do not claim to have a monopoly on wisdom. I do not think anyone does and we can all learn from the debate. As I outlined in my opening remarks on the Bill on Tuesday evening, and as has been acknowledged by virtually all Deputies in their contributions, we are faced with an acute housing supply shortage, which is one of the most pressing challenges currently faced by this society and Government. This is the primary background to the Bill.

The housing issues we currently face are multifaceted and require a broad ranging, co-ordinated approach to increasing housing supply. There is no single panacea or silver bullet to address the housing shortage but I can assure Deputies that it is a top priority for the Government. The measures in this Bill will not on their own resolve the housing supply problems but they will help to make a start in tackling the issue. I accept many genuine concerns were expressed by Deputies and I assure them that all that can be done is being done.

Some Deputies mentioned the social housing strategy. Funding is being provided to local authorities and voluntary housing bodies to turn around voids and directly acquire houses in the short term, and to get back to direct building programmes on lands that are available and shovel ready. Those lands are being prioritised and we expect further allocations in this regard shortly.

I noted the broad support for the proposed reductions in development contributions for un-

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activated planning permissions. There was an almost universal welcome for this measure. I also noted the general support for the vacant site levy provisions, which is a positive measure aimed at incentivising the development of vacant sites in central urban areas for housing and regeneration purposes, thereby helping to breathe life back into the designated areas and address urban decay, an issue that unquestionably requires positive action. I thank Deputy Wallace for the proactive suggestions in his contribution. With regard to the vacant site levy and the site size, I will examine that closely in terms of making it more beneficial, useful, practical and workable.

I noted, however, the views expressed by some Deputies regarding the January 2019 commencement date for liability to the levy and the suggestion that the commencement date could be brought forward. I understand the concerns expressed, but my Department has engaged intensively with the Attorney General's office about the development of levy proposals that are as fair, reasonable and proportionate as possible. The January 2019 commencement date is fair and reasonable overall, in that it gives site owners the necessary time and opportunity to regularise their affairs in advance of becoming liable to the levy.

I was not surprised that the proposed revisions to the Part V arrangements on social and affordable housing attracted the most attention. I note many Deputies opposed the reduction from 20% to 10%, suggesting that the existing requirement for the provision of 20% of the land in a development for social and affordable housing be retained rather than reduced to 10% as proposed. However, as I outlined in my opening remarks last Tuesday, the economic context in which the Part V provisions were developed was in 2000 and things have changed significantly since then. Imposing a 20% burden or overhead on developers in respect of social and affordable housing at this time has significant implications both in terms of the house prices charged by developers and the affordability of those house prices for purchasers, a large proportion of whom is likely to be first-time buyers. Construction viability from concept to design to construction and delivery must be taken into account. The primary purpose of the proposed measures in this regard is to stimulate increased housing construction activity by reducing development costs, thereby reducing house prices. Such increased activity will also assist in generating an increased social housing dividend, which is socially desirable and urgently required, as many Deputies said.

I also noted the remarks about the perceived termination of the affordable housing aspect of Part V. This is not the case. In the current housing situation it is considered essential that the focus of Part V arrangements be placed entirely on social housing output, but under the provisions that are proposed it will still be possible, when required, to reactivate the affordable housing element under the Part V mechanism by issuing a ministerial policy directive to this effect under section 29 of the Planning and Development Act.

Again, I thank all of the Deputies for their contributions on Second Stage. I look forward to further constructive engagement on the Bill as it progresses through the House. The Bill will be referred to the Select Sub-committee on the Environment, Community and Local Government for Committee Stage on 30 June.

Question put.

Acting Chairman (Deputy Jack Wall): In accordance with the Order of the Dáil today, the division is postponed until immediately after the Order of Business on Tuesday, 23 June 2015.

Topical Issue Matters

Acting Chairman (Deputy Jack Wall): I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Regina Doherty - the progress of pyrite resolution funding and outstanding issues of CI and C2 houses;

(2) Deputy Joe Costello - the reason a bequest to the Irish people by Alfred Beit can be exported and sold without the permission of the Irish people;

(3) Deputy Terence Flanagan - the measures to be taken to reduce the misuse of drugs;

(4) Deputy Clare Daly - problems with the functioning of GSOC and its inability to hold the gardaí to account;

(5) Deputy Mattie McGrath - the plans to address areas and counties with low take up of the under-6 free GP care plan;

(6) Deputy Helen McEntee - the need to secure accommodation for Dunboyne College, County Meath which was recently awarded independent status;

(7) Deputy Dessie Ellis - the cut in funding for the Rape Crisis Centre and the impact on services to survivors of sexual violence;

(8) Deputy Seán Kyne - plans to address delays for patients awaiting spinal deformity surgery in the hospital system here;

and (9) Deputy Bernard J. Durkan - the need to approve the upgrade of the Sallins bypass/Osberstown interchange and upgrade of Naas/Newbridge bypass, including Newhall interchange.

The matters raised by the Deputies Durkan, McEntee, Ellis and Daly have been selected for discussion.

Topical Issue Debate

Road Projects Status

Deputy Bernard J. Durkan: This subject is dear to the hearts of all Deputies in County Kildare, north and south, and I thank the Ceann Comhairle for affording me the opportunity to raise it once again. It is a matter of huge importance for alleviating the traffic chaos that currently exists in this location. It will also serve to address the problem of accidents, of which there have been many in the last couple of years due to over-crowding on the motorway. There is an under-capacity in the road network to meet the traffic challenges.

Everybody is aware of the chaos that existed at Newlands Cross for many years. People said that the overall problem would not be solved if the situation at Newlands Cross was dealt with but would only be moved further into the city or down the country. That was not true. The problem was solved in a dramatic way. The same applies to the Naas and Newbridge bypass,

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the Newhall interchange and the Sallins bypass. Each is a critical element in the alleviation of the traffic chaos that currently exists.

Obviously, it is the busiest motorway in the country and is probably the busiest of the motorways in a number of countries. In addition, the demands of Kerry Foods are coming on stream. It is located immediately adjacent to the motorway. The company is very concerned about the extra traffic generated by its development which will have to be facilitated. It is a prime industry that has moved to the area in recent times and it must be facilitated in so far as possible. Similarly, on a recent trip back from Cork late at night I counted 190 trucks travelling in the opposite direction. At various times of the day, and the transport business really gets going in the evenings, the number of heavy vehicles on the motorway multiplies dramatically.

I am aware that the Minister is faced with competing demands, but this demand is not simply local. It is also a regional demand. It will facilitate the traffic going between the city and County Kildare and Cork, Limerick and Waterford. The traffic chaos that has been a feature in the area in the past couple of years is generated by two factors. The first is volume, for which the motorway was not originally intended to cater, and the second is the increased traffic generated by business in the area. We are delighted to have the business and investment, which are hugely important for employment. However, it is equally important, now that the investment has occurred, that we put in place the necessary ancillary facilities to ensure its effective and efficient operation.

The Minister is well aware of the case I am making. It has been brought to his attention by all representatives from County Kildare in the past year or so. It is a priority issue for Kildare County Council and for businesses in the area. It would be of huge benefit for both heavy vehicular traffic and domestic traffic in the area if it could be found possible to approve the projects concerned. They are all intrinsic to the area and equally important. When approved, they will have a dramatic impact on easing traffic flows.

Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe): I thank Deputy Durkan for raising this matter. I have had the opportunity to respond to him about this on a number of occasions. It is a matter he is pursuing very strongly on behalf of his constituents and all of the employers in the area. As he has acknowledged, the project has significance beyond County Kildare and his constituency. Indeed, some of my constituents have raised the issue with me because it has a significant impact on one's ability to get up and down an important road in our region.

I also appreciate the Deputy's comments about the big changes that were made at Newlands Cross. It has had an effect on the ability of commuters to get through an important junction in our road network. I commend everybody involved in it because the project came in below budget and on time.

The Deputy is fully aware of my role in regard to the projects. While I am responsible for policy on these matters, it is the National Roads Authority that makes decisions, in consultation with local authorities, on particular projects. The Osberstown interchange and Sallins bypass fall within the remit of the local authority in the area. Works on these roads are funded from the local authority's own resources, supplemented by funding made available by the State. The Naas bypass widening is a matter for the National Roads Authority under the Roads Act 1993.

The Deputy is well aware of the financial circumstances we have come through and has

spoken about them many times. In 2008, funding for local, national and regional roads stood at €2.3 billion. This year, there is €730 million. That said, however, I am very aware that the projects the Deputy is raising, and which Deputy Wall has raised with me on a number of occasions, have very considerable merit. They are interconnected but would have a significant total cost.

The objective of the Naas bypass widening scheme is to increase capacity and improve traffic flow on a national road, the Dublin-Cork road. The interchange and Sallins bypass projects are both intended to increase connectivity between the same road and the towns of Naas and Sallins. I am very much aware of the job creation potential that exists, particularly considering the Kerry Group premises near Millennium Park and the work that is under way there. Unfortunately, because of the continuing financial challenges the country faces, we are in a constrained position regarding the number of new projects that can be progressed. I do not have funding available to make progress on the projects under discussion but I assure the Deputy that I am very much aware of their importance. I am very much aware of their importance to the Deputy's county and what they could do to promote job creation. I face considerable pressure to try to deliver particular projects across the country. I assure the Deputy that I am fully aware of the regional and national significance of the projects in question. The Deputy has emphasised that very clearly to me here this evening.

Deputy Bernard J. Durkan: I thank the Minister for his very comprehensive reply. He clearly understands the significance and importance of the projects concerned and their likely benefit to County Kildare and the country at large.

With regard to the Sallins bypass, at rush hour the traffic from Monread is jammed as far as Sallins. On a Friday evening, it is impossible to get in or out of the area. We anticipated this some years ago, obviously, but the downturn in the economy meant developments that should have happened did not happen. We accept the constraints within which the Minister must operate but I believe it would be strategically and economically beneficial if he could indicate as soon as possible whether it is intended to make the necessary approvals in respect of the entire package. Although the projects are different, they are inter-related and integrated, and they benefit one another. The projects are expensive; we accept that. However, it is important to recognise that the impact of the projects will be felt nationally, not just locally. The Minister has acknowledged that.

There has been significant investment in the area, for which we are very grateful and acknowledge readily because not every part of the country has been as lucky. Given the investment that has been made and the job creation, it is important that we respond positively by providing the required infrastructure. The infrastructure is vital and I ask the Minister to use all his influence to ensure the projects will be approved at the earliest possible opportunity.

Deputy Paschal Donohoe: I fully take on board the points the Deputy has made to me. I made a point of responding to the Deputy myself because I genuinely accept the merit of these projects extends beyond the Deputy's county as they would have an effect on the region overall. The Deputy correctly stated the projects would need to be carried out in an integrated manner because, if they were carried out in isolation, there could be negative consequences for the communities in the area and for the operation of the roads. Therefore, we need to find a way to make progress on the projects together.

The combined total cost of the projects, if they were to go ahead together, would be approximately €110 million. I am sure this is comparable to the amount of private sector investment

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that has taken place in businesses and business parks in the area. That said, I take the Deputy's point on the beneficial effect the projects could have. I accord to them very high priority among all the competing demands in the Deputy's constituency and the rest of the country in terms of transport and others factors. I acknowledge that the projects could have a very beneficial role in terms of connectivity and job creation. I assure the Deputy that I recognise the projects' merit and I am working on determining how progress on such projects could be made.

Deputy Bernard J. Durkan: I thank the Minister for his response and for attending.

Acting Chairman (Deputy Jack Wall): Which Minister is responding to Deputy McEntee?

Deputy Helen McEntee: The Minister for Education and Skills has agreed to postpone my Topical Issue matter until next Wednesday.

Acting Chairman (Deputy Jack Wall): Is that agreed? Agreed.

Health Services Provision

Deputy Dessie Ellis: According to Rape Crisis Network Ireland, it is the only independent body for rape survivors in Ireland. It is the only voice for Irish women who have been raped. The organisation is the national representative body for 11 of the country's 16 rape crisis centres. It provides them with oversight services and governance, training, research and legal support, in addition to running educational campaigns and lobbying on the centres' behalf. The organisation receives approximately €250,000 per year from Tusla, which is 70% of its overall funding. That 70% is now gone. The people who depend on the network will still require its services and they will be the ones to suffer, having already survived an ordeal. The cut is fundamentally anti-women. It gives the message clearly that services for victims of sexual violence, particularly women, are less important than other services and consequently open to cuts. This latest move, which would strip Rape Crisis Network Ireland of all its funding, will be utterly devastating. It will bring to an end the severely damaged vital services that the network provides.

The Labour Party committed to tackling and eradicating domestic violence and to protecting front-line services in its 2011 election manifesto. How is cutting the funding for the network going to protect the service? The Rape Crisis Centre's most recent published figures show a substantial increase in the number of people seeking its assistance. Recent years have put even more stress on the services than the centre could cope with. Instead of increasing funding to groups such as Rape Crisis Network Ireland, Women's Aid and refuges across the country, we are now faced with a total cut to the network's funding.

Before the decision to make the cut, there were other cuts of up to 30%, which made the job of the network even harder and put more people at risk. The latest cut is a step way beyond that and it is completely and utterly unacceptable. One cannot put a price on the people the network helps. One cannot say one can help so many people and that is that. The network and other such services must be funded to the extent that they are needed in society.

Dr. Cliona Saidl ear, the acting director of Rape Crisis Network Ireland, said four out of five survivors of sexual violence are voting with their feet and are not engaging with the justice

system or gaining access to one-to-one counselling.

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Therefore, for the Government to say it is sufficient to fund direct face-to-face services for 20% of survivors as well as work to improve legislation and the justice process is not credible. This is not justice. The RCNI was already underfunded and is unable to meet the demand for its services. Far too many survivors never come forward. They do not seek help but suffer in silence. When they do seek help, it can be a battle to be heard, to be respected or to get the care they need. Cutting this funding sends the message to the women who stay silent that they were right to do so because the State - their State - does not care. I know this is not true. I know that this Government is not made up of bad people. However, with this decision, it has divorced itself from the real consequences and they are not acceptable.

Minister for Children and Youth Affairs (Deputy James Reilly): I thank Deputy Ellis for raising this issue and I understand that he is referring to Rape Crisis Network Ireland, RCNI. I welcome the opportunity to clarify the position with regard to the funding of this organisation.

With effect from its establishment on 1 January 2014, Tusla, the Child and Family Agency, has taken on statutory responsibility for the care and protection of victims of domestic, sexual or gender-based violence in the home or otherwise. Funding of approximately €17 million transferred to Tusla from the HSE on 1 January 2014 in respect of these services. Additional funding of €2.541 million subsequently transferred to Tusla from the Department of the Environment, Community and Local Government in respect of domestic violence refuges and services. Tusla funds 60 specialist domestic violence and sexual violence services, mainly through service arrangements with non-governmental organisations. This year, it will spend more than €19 million in supporting 44 domestic violence services and 16 sexual violence-rape crisis services. Tusla has a total revenue budget of €643 million in 2015, including €631 million in current funding and €12 million in capital. This represents an increase of €34 million or 5.6% on funding provided to Tusla in budget 2014.

This funding increase demonstrates that despite the budgetary constraints, the Government remains strongly committed to delivering the critically important resources and reforms needed to support Ireland's children and families. This additional funding is helping to drive key priorities in the reform of services and is assisting the agency to deliver on its mandate from Government.

Sexual violence services are being developed by Tusla as a national specialist service to enable better outcomes for both children and adults who are survivors of sexual violence. In this regard, Tusla has appointed a national manager to ensure a single line of accountability for all resources in this important area. In addition, Tusla is currently in the process of recruiting eight additional staff to ensure domestic, sexual and gender-based violence services are further developed. Tusla has undertaken a comprehensive review of sexual violence and domestic violence services. The purpose was to identify strategic priorities and set out a roadmap for the delivery of these services.

Tusla considers that there is scope for a more co-ordinated and equitable provision of these services throughout the country. In reviewing the make-up of current services, it is seeking to address any identified gaps in services to avoid duplication and to support effective delivery of front-line services nationally. It is in this context that Tusla has taken the decision to cease

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funding the RCNI and to take on direct responsibility for what is the development and maintenance of a database of information recorded on behalf of the rape crisis centres.

First, Tusla had a number of concerns with regard to the service provided. Tusla was concerned that this database did not capture information from all 16 rape crisis centres as only 11 centres are affiliated to the network. In addition, Tusla did not always have timely access to the data collected, which I am sure the House would agree is essential to support the planning and delivery of high-quality services across both the domestic violence and sexual violence services sector. To plan properly for the future, Tusla needs access to complete and reliable information. Consequently, Tusla has taken the decision to put in place a comprehensive data system that best meets the current and future data needs of a developing service. I am mindful of data deficiencies across the system and I have raised the issue of how this should be improved with the board and executive of Tusla as a priority for 2015. I support Tusla's efforts to address shortfalls in this area. As part of revised governance arrangements, funded sexual violence services will provide information directly to Tusla, creating for the first time a comprehensive national dataset on all such services funded by the agency. This information is critically important as Tusla continues to reform services to ensure we provide the best possible response to survivors of sexual violence.

I emphasise that in my discussions this year with Tusla regarding service delivery, I asked that particular priority be given to protecting front-line services. In this context, I am pleased that funding for the 16 rape crisis centres nationwide which provide services directly to rape survivors has been protected in 2015, with funding of almost €4 million allocated to them. The RCNI does not provide services directly to survivors of sexual violence. The RCNI continues to be in receipt of funding from other statutory providers such as Cosc, the National Office for the Prevention of Domestic, Sexual and Gender-based Violence, and the Commission for Support of Victims of Crime.

I assure the House that the Government and Tusla are strongly committed to providing effective responses to victims of domestic, sexual and gender-based violence. The agency takes a broad view of its responsibilities in this regard, recognising that these issues are complex and require a whole of Government response. At all times, the first and key priority is to ensure that the needs of victims of sexual violence are being met in the best way possible.

Deputy Dessie Ellis: It is not the first time I have seen Tusla causing great problems, identifying areas, putting funding in different areas and taking it from other areas. There is an issue concerning St. Helena's Family Resource Centre and Tusla. The RCNI is very clear that it is losing €250,000. If Tusla is going to recruit eight additional staff, I suggest it puts the money into the front-line services. That is where it should go. This is a front-line service that delivers a massive amount of advice to people. It deals with one in five women in our society. Literally thousands of children associated with the women in our society are witnesses to violence and are affected in some way.

Since 1996, 207 women have been murdered, with 54% of them being murdered by their partners or ex-partners. Staff from the RCNI have visited people's homes, given them advice over the phone and dealt with them on a one-to-one, face-to-face basis. We have seen the effects of this. I have seen the effects in my clinics many times. People have come in as a result of domestic violence, some of whom are in a terrible state. Apart from being beaten, they are emotionally distraught, with children by their sides, and I have witnessed this on a number of occasions. The extent is probably far greater than what is being reported. Many women will

not go to the Garda.

I commend the work of Women's Aid, the RCNI and other groups that are tackling this issue. The number of people who have benefited from these services is massive and we cannot underestimate it. The Minister should not accept the word of Tusla with regard to how it is dealing with funding because I have seen this issue arise in other areas. I am very worried about the approach Tusla has adopted to many projects.

Deputy James Reilly: I reassure the House that all 16 rape crisis centres across the country have suffered no reduction in funding. Rape and violence against women is repugnant to all right-minded people. This Government is committed to supporting victims of such heinous crimes and to supporting the rape crisis centres. Tusla is committed to ensuring that we have accurate and complete data so that we can plan ahead and fill any gaps in services across the country. I remind Deputy Ellis that the Government also funds organisations which provide services to the victims of domestic violence, both women and children, to the tune of €17 million per year.

I commend the work of the rape crisis centres, their volunteers and all those who support victims of domestic violence. I commit that this Government will continue to support these services and will seek to expand them where gaps have been found to exist and where services are difficult for victims to access.

Garda Síochána Ombudsman Commission

Deputy Clare Daly: I am very happy to be able to discuss this issue, although happy is probably the wrong word because I genuinely believe that we are now at crisis point in terms of the functioning or rather the lack of functioning of GSOC. I have come to the conclusion that the departure of Simon O'Brien will represent a turning point in that organisation. A year ago knowledge of GSOC and its role was growing in the public domain but under the new regulations, gardaí going to GSOC with serious concerns about Garda malpractice, incompetence and failure to investigate crime properly are not being dealt with effectively. I wish to put a few examples on the record.

My colleague, Deputy Wallace, has mentioned on a number of occasions the very shabby treatment of garda whistleblowers by GSOC. More than a year ago Garda Keith Harrison's case was referred to the new Garda Commissioner, Nóirín O'Sullivan and sent on to GSOC last summer. In September Garda Harrison met Simon O'Brien, the leading commissioner in GSOC, for four hours in Galway. He was told that the matter he raised was serious and that the commissioner would revert to him on it. He reverted back to him in the first week of November and told him that it would be investigated by GSOC and that two senior investigators had been appointed. That was in November of last year. Up until April this serving garda heard absolutely nothing. The issue was raised by Deputy Wallace in the Dáil and subsequent to that Garda Harrison contacted GSOC by telephone three times but heard nothing. He sent an e-mail, copying in myself and Deputy Wallace and then he got a phone call back on 20 April, almost a year from the time he made his original complaint. He received an apology and was told that there were new systems in place and that an investigation would be set up. He was told that someone had been appointed and would be in touch. He has heard absolutely nothing since. During that time, this serving Garda, who lives down a boreen in Donegal, 25 km away from the nearest Garda station had a patrol car at his house 20 times between January and May.

He has also had his post opened. If he had been suspended from duty he would be on full pay. He has been out sick because of the stress of the situation and his pay has been reduced. If this is the manner in which GSOC is treating a garda whistleblower, how much worse must it be for members of the public?

There is a double standard in evidence in the contrast between the speedy investigation that was launched into GSOC at the behest of the GRA and AGSI into the tragic death of a garda in Donegal who had been investigated by GSOC and the lack of investigation into other cases. We have a real problem here. The consistent and unrelenting mantra from the GRA and the AGSI against GSOC is intolerable. We now have a Garda body and a Garda representative organisation constantly publicly undermining GSOC. The commission itself has lost the confidence of the general public. Whether it is that GSOC does not know what to do or that it has been set up to fail is, in some ways, neither here nor there. It is not functioning, gardaí are not being called to account and the public has lost confidence in An Garda Síochána and GSOC.

Minister for Justice and Equality (Deputy Frances Fitzgerald): GSOC was established as a statutory independent body under the Garda Síochána Act 2005 to provide independent oversight of complaints made against members of An Garda Síochána. It commenced operations on 9 May 2007, as Deputy Daly will be aware. The Garda Síochána Act stipulates that GSOC is independent in the exercise of its functions and I, as Minister, have no role in the processing of individual complaints which are referred for investigation. Indeed, it is this guarantee of independence, I would argue, which is the hallmark of effective oversight.

GSOC has an enormously important role to play in ensuring that public confidence in An Garda Síochána is safeguarded. The commission has extensive powers under the 2005 Act to enable it to carry out its responsibilities. It is important that we all respect the independence of bodies such as GSOC. It would be a travesty if, having established such bodies, this House was then to impinge on that independence. I have no doubt that all Members of the House would agree that it would not be appropriate for Deputies to second guess the commission regarding its investigations.

The House will be aware that there is a mechanism in the 2005 Act to inquire into the conduct of GSOC's designated officers. Arising out of the recent tragic death of Sergeant Michael Galvin, Mr. Justice Frank Clarke of the Supreme Court is carrying out such an inquiry. I will not comment further on that particular matter at this stage.

We recently enacted changes to the legislation to reform, strengthen and clarify the remit and operation of GSOC. This is a key element of our programme for Government. I do not know if Deputy Daly has read the annual report of GSOC which was published recently and laid before both Houses of the Oireachtas. The Deputy has made a lot of assumptions and allegations here today but it is very clear from the annual report that 2014 was a very busy and demanding year for GSOC. The commission received 11% more complaints and concluded 8% more cases in 2014 in comparison to 2013. These figures are a sign of greater operational efficiency, contrary to what Deputy Daly has said. It is quite clear from the annual report that GSOC is getting on with its work and is investigating complaints. The message coming from the report is generally positive about co-operation between An Garda Síochána and GSOC. Deputy Daly knows that An Garda Síochána, the Garda Commissioner and GSOC agreed protocols about the exchange of information between the two bodies and those protocols are being adhered to. The timeframes for introducing and giving information are now much shorter than in the past. The 2014 report acknowledges "marked improvements" in efficiency, dialogue and

co-operation with An Garda Síochána which the commission hopes will continue in 2015.

The Government is currently seeking expressions of interest from suitably qualified persons for the post of Chairperson of GSOC. The Government remains committed to implementing a programme of reform in the area of policing and justice, an issue in which I know that the Deputy has a deep interest. I will continue to be fully supportive of GSOC, as I have shown by the increase in funding and the recruitment of staff to carry out its investigations. All of that work is ongoing.

I replied on the two cases raised by Deputy Mick Wallace previously in the House. While it is not appropriate for me to go into individual details, I outlined the actions that were being taken in both cases. I do not know if Deputy Clare Daly is referring to one of these cases, but I clearly outlined in broad terms what was happening in both cases.

Deputy Clare Daly: The Minister, obviously, has no role in processing individual cases; she is not responsible for that matter. However, she is responsible for the lack of teeth in the GSOC organisation. We had a unique opportunity in the legislation that was before the House to give it real strength, but that opportunity was not taken. I put it to the Minister that she has allowed the Garda organisations to consistently seek to undermine GSOC in public statements and utterances, for which they have not been called to account by any Government representative. In some ways, we were among the biggest defenders of GSOC for a period of time and still recognise that it is doing its best. However, it is still under-resourced and under-armed in terms of the lack of powers to really call the Garda to account. It has been given increased funding, but it is in part to cover the extra role that was formerly fulfilled by the confidential recipient. It is the receiver of complaints against gardaí. Gardaí who have gone to it have recounted to us experiences of having been treated shamefully. It is not fit for purpose.

The Minister sent me a letter earlier in the week regarding a query I had about the €59 million in taxpayers' money paid out in civil claims to members of the public because of Garda malpractice in a 13 year period up to last year. I had sought to establish how much of that money had been paid by the gardaí responsible for the malpractice, how many of them had been disciplined and how many had had their pensions taken from them. The answer the Minister had obtained for me was that the Garda Commissioner could not provide the information which was not available. The force is behaving in an improper manner if we cannot access legitimately requested information.

While the Minister points to new protocols and a better functioning GSOC, I do not see it. Deputy Mick Wallace dealt with my case. I have a case with GSOC which is two and a half years old. It is not exactly a rocket scientist's case, yet I have still not received an answer from GSOC to the complaint. Many of my constituents who have approached GSOC have also not received replies. That anecdotal and real evidence of real people's experiences has to be factored in to the debate. I reiterate that there is a serious problem which needs to be radically and independently addressed.

Deputy Frances Fitzgerald: The Deputy has raised a number of elements of policing and GSOC's work. She has commented on the role of the representative organisations and their comments on GSOC. She has also commented on the effectiveness of GSOC and its resources and now introduced another comment on a different issue.

Extra resources have been given. Obviously, we are emerging from a very difficult eco-

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conomic situation. I previously indicated in the House that staff had been recruited recently for investigations. An additional €1 million has been allocated in order to do this. Clearly, it is a help in dealing in an efficient and effective way with complaints made to GSOC.

I reject what the Deputy said about the power of GSOC. The Government has done the opposite of what she said. We have given increased powers to GSOC in the 2015 Act. They are important extra powers that were requested by a number of people. For example, we have for the first time brought the Garda Commissioner within the scope of GSOC investigations and we allowed GSOC to carry out an examination of certain Garda practices and procedures on its own initiative. Previously, this could only have been done by the Minister. The Deputy is familiar with the legislation.

When speaking to the GRA or the AGSI or addressing any other public forum on policing, I have consistently said it is critical to have effective and efficient oversight of policing, to which I am absolutely committed. I have said repeatedly that I will strengthen and support GSOC to enable it to do its job efficiently. At every public forum attended by members of An Garda Síochána, I have said it is important to have proper oversight and full co-operation between the Garda and GSOC. That is the message I have consistently given. I do not expect the relationship between GSOC and An Garda Síochána by any means to be easy at all times or without tension. There should be tension because it is an oversight function, but I expect people to co-operate and work together. I am overseeing a complaints body that will be effective and efficient. As the economy improves we will provide more resources in order that it will continue to deal with these cases in as timely a manner as it can.

Message from Select Committee

Acting Chairman (Deputy Jack Wall): The Select Committee on Jobs, Enterprise and Innovation has completed its consideration of the Industrial Relations (Amendment) Bill 2015 and has made no amendments thereto.

The Dáil adjourned at 7.30 p.m. until 2 p.m. on Tuesday, 23 June 2015.

