



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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# DÁIL ÉIREANN

*Déardaoin, 10 Nollaig 2015*

*Thursday, 10 December 2015*

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

*Paidir.*

*Prayer.*

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## Ceisteanna - Questions

### Priority Questions

#### Leader Programmes Applications

1. **Deputy Éamon Ó Cuív** asked the Minister for the Environment, Community and Local Government the number of submissions received under the Leader programme of 2014 to 2020 to date; the number of these that relate to local areas that are expected to have only one single strategy submitted for them; the number of Leader plans that have been evaluated and approved to date, the number of areas where it is expected that only one strategy will be submitted; and if he will make a statement on the matter. [44254/15]

**Deputy Éamon Ó Cuív:** The Minister of State is aware that I have been asking regularly about progress on the roll-out of the Leader programme. As it is now the end of the year, I am anxious to get an update on the number of final plans the Department has received, when Leader programmes are likely to begin and how many such programmes the Minister of State hopes to be able to approve before Christmas and in the next few months. I seek to ascertain how matters are progressing with the roll-out of the Leader programme because as a five-year programme, unless it starts in the early part of next year, it will not be finished in 2020.

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Ann Phelan):** I accept the Deputy inquires regularly about the Leader programme. As he is aware, the preparation and submission of local development strategies under the Leader elements of the Rural Development Programme 2014-2020 is under way in each of the 28 designated subregional areas. A minimum period of six months to the end of January 2016 has been allowed for the submission of strategies by all local action groups, with the majority expected to submit strategies within that timeframe. To date, six local development strat-

egies have been received and these are being considered at present. Based on the expression of interest process, all these strategies relate to areas for which only one strategy is expected to be submitted. At this stage, my Department expects that a single strategy will be submitted in at least 22 of the 28 subregional areas.

The strategies, as they are submitted, are assessed by Pobal before being forwarded to the independent evaluation committee for final evaluation and decision. The independent committee met on 5 November 2015 to consider the first strategy received and identified a number of areas within the strategy where further information and analysis was required to bring it up to the required standard. A revised strategy has been received since and the independent evaluation committee will meet again on 17 December to consider this, together with another two of the strategies received.

**Deputy Éamon Ó Cuív:** Do I take it that one and possibly three strategies could get the green light by the end of this month? Could the Minister of State then be in a position to announce she had approved possibly three but probably at least one strategy? Is that then the end of the process and will the Minister of State be able to announce she has begun the actual roll-out and approval of strategies? At this point, does the Minister of State have an indication as to how many of the 28 areas are likely to have submitted a final strategy, either one or two strategies as the case may be, by the end of January and how many of them will achieve the deadline? Six out of 28 is a small proportion. Is the Minister of State expecting many strategies to be submitted between now and the end of January because many people are anxious to find this out, particularly with regard to their own area?

**Deputy Ann Phelan:** Yes, I expect the bulk of the strategies to be submitted in January. Just six local development strategies have been received for evaluation, three of which will be considered next week by the panel of experts in the independent selection committee. It is a requirement that these strategies be subject to robust assessment by the committee. I appreciate the Deputy understands the programme should only commence in an area in which the strategy has been deemed by the committee to reach the acceptable standard. Once the committee approves a strategy, a contract for programme delivery will be signed within one month and administration funding will be advanced to the local action group. It is expected that a number of areas will have Leader funding in the new year, with the rest of the strategies being approved on a rolling basis. I am aware the Deputy is anxious, as am I, to see communities getting their money in January and February 2016. However, I also must allow the independent committee to do its job in the way it sees fit.

**Deputy Éamon Ó Cuív:** Yes, I fully accept the first onus is on the groups to put in a good strategy and to submit it in a timely manner. I have a question, allowing that in most areas, one strategy will be submitted and evaluated. If it is not up to standard, the Department will revert to the group, as has been done with the first strategy, it will point out its deficiencies and will ask for it to be brought up to standard, after which it will go back to the committee. Once it goes back to the independent committee and that committee approves it, am I correct in thinking the Minister of State will be ready to sign a contract?

**Deputy Ann Phelan:** Yes.

**Deputy Éamon Ó Cuív:** In the case of those areas in which there will be more than one strategy or where more than one group can submit a strategy, what is the ultimate amount of time the second group might have? I refer to a scenario in which one group submitted a strategy

whereas the other group held back. Can the latter group hold back indefinitely on submitting a strategy and for how long could it hold up the process before being informed it was out of time? This is a concern in those areas in which two strategies are being submitted, that is, the possibility of getting a long-drawn-out process that would leave them far behind the rest of the early starters.

**Deputy Ann Phelan:** A long-drawn-out process is not desirable at all. I believe what will happen is that once strategies are approved and once the areas see that money is coming down to the communities, the other strategies will come in very quickly on the back of approval of contracts.

### **Tenant Purchase Scheme Administration**

2. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government if he will alter the new tenant purchase scheme to include Part V housing to change the terms of the scheme regarding sale price and market value and to factor in the length of the tenancy. [44252/15]

**Deputy Brian Stanley:** My question pertains to Statutory Instrument No. 484 of 2015 on the sale of local authority housing. I raise this issue with the Minister of State because of my concerns regarding the new scheme. First, a person who is a tenant for just one year can purchase a house at a discount of 60%. While a person on an income of €15,000 can purchase a house, will he or she be able to maintain it? The purchase price can be pitched at 50% of the replacement value of the house or the market value, and that is a major concern. There is a huge shortage of council houses and the housing stock is too small.

**An Ceann Comhairle:** Thank you.

**Deputy Brian Stanley:** The National Economic and Social Council, NESC, stated in 2005 that we need 200,000 houses-----

**An Ceann Comhairle:** Deputy, this is only an introduction to your question.

**Deputy Brian Stanley:** -----and we have just over that amount.

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Paudie Coffey):** The new incremental tenant purchase scheme for existing local authority houses will come into operation on 1 January 2016. It will apply to all local authority houses, other than excluded dwellings, on which I can expand later. The provisions of Part V of the Planning and Development Act 2000, as amended, are designed to enable the development of mixed tenure, sustainable communities. Part V units are excluded from the tenant purchase scheme to ensure that units delivered under this mechanism will remain available for people in need of social housing support and that the original policy goals of the legislation are not eroded over time.

The market value of a local authority house will be determined in the first instance by the local authority. Where the tenant does not agree with the local authority valuation, it is open to him or her to have the market value determined independently. Under the new scheme, discounts of 40%, 50% or 60% are available, linked progressively to the income level of potential purchasers. The determination of discounts based on income is a fairer and more progressive

method than discounts based on length of tenancy. Once the house is sold, the local authority will place a charge on the house equal to the discount given. The charge reduces to nil over a charge period of 20, 25 or 30 years. If the house is resold within the charge period, the local authority must be offered first refusal to buy back the house and the tenant purchaser must pay back the value of the outstanding charge on the property to the local authority.

I do not intend to re-examine these measures, which are fundamental to the design of the scheme. However, I will be keeping the operation of the scheme under review.

**Deputy Brian Stanley:** This scheme is potentially very dangerous because local authorities do not have a large housing stock, numbering only 110,000 units at present, with a further 30,000 social housing units under the control of the approved housing bodies. There is an enormous shortage of local authority housing. My party is not opposed to a tenant purchase scheme but we believe that any such scheme must be progressive. The previous scheme had both strengths and weaknesses. Part V units are being excluded from the new scheme arbitrarily and the Minister of State's explanation for this does not hold water. A tenant who has been in a dwelling for only one year could get a 60% discount while another tenant who has been living in a local authority house for 40 years who has a gross income of €30,000.01 would only be entitled to a 40% discount. There is no recognition of the thousands of euro paid in rent over the years.

The old scheme was better in that there was little incentive to buy early. Tenants moved in, got well settled in an area and a community formed before the houses were sold off. A quick sale is not a good thing in this context.

**Deputy Paudie Coffey:** With all due respect to the Deputy, I am a little confused because on the one hand he is saying that he is in favour of the tenant purchase scheme while, on the other, he is arguing against it.

**Deputy Brian Stanley:** I am in favour of a good tenant purchase scheme.

**Deputy Paudie Coffey:** I am a little confused as to the Sinn Féin position on this issue. The Deputy's question asks that the Government extends the tenant purchase scheme to Part V dwellings. The importance of integration in communities has been debated and agreed in this House, as has the importance of the provision of social housing. During a recent debate in this House, Sinn Féin argued that we should retain 20% of social housing in private estates but now Deputy Stanley is arguing that the 20% should be sold or at least be available for sale.

**Deputy Brian Stanley:** That is not what I argued.

**Deputy Paudie Coffey:** That is, in effect, what the Deputy is arguing and I am somewhat confused by the Sinn Féin position on this issue.

Part V housing is excluded from the new scheme, as are houses that were specifically designed for occupancy by older people. The latter are excluded because the State must retain that housing stock. Part V units are excluded for integration reasons.

**Deputy Brian Stanley:** The Minister of State is deliberately trying to skew what I am saying. Of course we want estates to have 20% social housing and people to be given the option to buy. Only a limited number of people would be able to buy Part V units because most could not afford them. Offering a house for sale to someone who has only occupied it for a year and who

has an income of €15,000 will cause problems. That person will not have the money to make repayments on the purchase or to maintain the house. The Government is creating a problem in that regard. Furthermore, the quick sale of houses will diminish the social housing stock.

The old scheme operated over a ten year cycle and the Minister of State's predecessor improved on that by extending the cycle to 15 years, with a 1% discount per year. That was a more progressive scheme. Sinn Féin is in favour of a tenant purchase scheme but it must be progressive. The problem with the new scheme is that it incentivises a quick sale and does not encourage long-term, stable tenancies. The incentive for long-term tenancy has been removed. Furthermore, units will be sold to people who may not be able to afford to make the repayments or maintain their houses.

I am not picking an argument with the Minister of State. I am trying to be constructive because I see a problem down the line. What is more, Fine Gael councillors in my own county and the two neighbouring counties are not happy with the new scheme either.

**Deputy Paudie Coffey:** I totally respect that Deputy Stanley is trying to be constructive in raising this issue.

**Deputy Brian Stanley:** We need to hear from the councillors on this.

**Deputy Paudie Coffey:** That said, I am a little confused as to the Sinn Féin position and I mean that genuinely. On the one hand, Deputy Stanley is saying that he supports the scheme, but he argued previously that we should not allow the purchasing-----

**Deputy Brian Stanley:** I support a tenant purchase scheme, but not this one.

**Deputy Paudie Coffey:** The Deputy may have certain expectations based on the older scheme but I would argue that this is a more progressive scheme because it is based on income.

**Deputy Brian Stanley:** The scheme will allow people on €15,000 to buy a house.

**Deputy Paudie Coffey:** The more income there is in a household, the lower the discount. That makes the scheme progressive. Deputy Stanley is arguing that the scheme should be based on the duration of a tenancy but in that scenario, a very high earner with a long tenancy could get a far greater discount than others. The new scheme represents a more balanced approach. We are excluding Part V units because we need to retain social housing in some private estates to encourage integration. There are other exclusions, including units designed for elderly people, group Traveller housing and units designed for people with disabilities.

**Deputy Brian Stanley:** I support those exclusions.

**Deputy Paudie Coffey:** I welcome the fact that Deputy Stanley supports those exclusions.

In general the new scheme has been welcomed. As I said earlier, we will continue to keep it under review. The scheme will kick off on 1 January 2016 and let us see how it goes.

### **Climate Change Negotiations**

3. **Deputy Richard Boyd Barrett** asked the Minister for the Environment, Community and Local Government his role in the recent climate change conference in Paris in France; his views

on the comments by the Taoiseach at the conference that the European Commission's climate targets for 2020 for Ireland were unrealistic; and if he will make a statement on the matter. [44255/15]

**Deputy Richard Boyd Barrett:** The Paris climate summit is attempting to prevent climate chaos as a result of global warming. Many people were very disappointed by the Taoiseach's comments to the effect that Ireland's emissions targets for agriculture were unrealistic and are fearful that the Irish Government is not serious about addressing the urgent threat to this country and to the globe.

**Deputy Ann Phelan:** I assure the Deputy that is Government is very serious about climate change.

The 21st conference of the parties to the United Nations Framework Convention on Climate Change, known as COP21, is currently taking place in Paris and is scheduled to run until tomorrow when some 196 parties, including Ireland, will hopefully finalise a new legally binding global agreement on climate change. An ambitious global agreement is in Ireland's interests, in that it will protect us from the impacts of climate change and allow us to pursue a transition to a low-carbon future on a level playing field with other countries. The Minister for the Environment, Community and Local Government, Deputy Alan Kelly, is currently heading up the Irish delegation in Paris and assisting with the negotiations as part of the EU team.

Regarding our 2020 target, the latest EPA projections indicate that while we may come close to meeting our cumulative emissions targets for the period 2013 to 2020, due in part to overachievement in the early years of the period, our actual emissions in 2020 will most likely fall short of the headline target figure of a reduction of 20%. It was in this respect that the Taoiseach made reference to the significant challenges that Ireland will face in terms of meeting whatever targets are set for us in 2030. What compounds this challenge is the limited potential for mitigation in the agriculture sector and also the impact of the economic recession on our ability to invest.

However, the Climate Action and Low Carbon Development Bill 2015, soon to be enacted, gives a solid statutory foundation to the institutional arrangements necessary to enable the State to pursue and achieve the national transition objective of a low carbon, climate resilient and environmentally sustainable economy by the year 2050.

**Deputy Richard Boyd Barrett:** In the context of the Climate Action and Low Carbon Development Bill 2015, the Government adamantly resisted including binding targets because it knew that with its current strategy, it was not capable of meeting the 2020 targets. The Taoiseach said that the targets are unrealistic and made a special plea for Ireland to be treated differently from other countries, even though the whole world understands the urgency of this problem.

I have a number of simple proposals which would help us to resolve this problem and meet our 2020 targets. First, the Government should massively expand the afforestation programme to mitigate the effects of agriculture. We have achieved fewer than half the targets that were set years ago in respect of afforestation and the Government still has no real plans to increase activity in this area.

Second, can we just introduce a ban on fracking? Why would we even consider allowing fracking when we are trying to meet climate change targets?

**Deputy Ann Phelan:** We were commended on our climate change legislation, which was debated at length in the House. It provides a statutory basis for the national objective of transition to a low-carbon, climate-resilient and environmentally-sustainable economy by 2050. This has cross-Government support. The Minister made significant amendments to the legislation as it progressed through both Houses in response to the considered and reasonable arguments put forward. These amendments enhance its efficacy to make it even more significant and responsive to the major global challenge of our time. The Deputy will be aware of the key provisions in the legislation. There will be national mitigation plans under which afforestation will be considered and there will be national adaptation frameworks.

**Deputy Richard Boyd Barrett:** When one looks at the flooding engulfing huge parts of the country, one realises - given that this is happening so frequently - how serious this problem is and how much it is costing us. It is not a problem that will arise in the distant future; it is happening now. Our afforestation targets are pathetic. They are less than half of what they should be at 6,000 hectares per year when to achieve the forest cover we need, they should be twice that.

Will the Minister of State respond on the issue of banning fracking? There should be absolutely no consideration of fracking and bringing up gas and oil for health and environmental reasons when we have to meet these targets and the Government is pleading that it cannot meet them. It resisted binding targets in the climate change legislation.

**Deputy Ann Phelan:** I have given a detailed response regarding the whole-of-government response to the weather conditions over the past number of days. All the issues the Deputy has raised will be considered under the national mitigation plans and national adaptation frameworks and how we adapt what we are doing at the moment to how we respond to the weather events of the past number of days.

There is an energy paper and the EPA is doing a report on fracking. No decisions will be made, as far as I know, until the report is taken into consideration.

Under the low carbon development Bill, the first national mitigation plan must be produced no later than 18 months following the enactment of the legislation.

### **NAMA Social Housing Provision**

4. **Deputy Barry Cowen** asked the Minister for the Environment, Community and Local Government if he will describe the discussions and negotiations he has had with the National Asset Management Agency, NAMA, in respect of increasing its provision of social housing units; if he is satisfied the agency is doing all within its authority and legal mandate to increase the supply of social housing; and if he will make a statement on the matter. [44313/15]

**Deputy Barry Cowen:** What discussions were held with NAMA to increase the supply of social housing units? What percentage of the 20,000 units committed to in the budget will the agency deliver? Can the Minister of State clarify whether this number is separate from last week's announcement of 20,000 units for Dublin? With regard to the interest rate clients of NAMA are charged, competitors are reputedly being charged between 14% and 16% by hedge funds, one of which is sponsored by the Government.

**Deputy Paudie Coffey:** I thank the Deputy for his question. NAMA continues to play an important role in the delivery of social housing. To the end of September 2015, a total of 1,600 NAMA residential properties had been delivered for social housing use, comprising 1,241 completed properties and a further 359 that have been contracted and where completion work is ongoing. A further 486 properties are considered as being active transactions whereby terms are agreed or active negotiation is ongoing by all parties concerned or where a detailed appraisal is being carried out. An additional 440 properties are to be further appraised. Overall, I expect that in excess of 2,000 units will be secured for social housing purposes from this engagement with NAMA. In addition, NAMA is funding the construction of new residential properties to help meet demand in the major urban centres. The overall programme will be funded from NAMA's own resources and will lead to the development of an estimated 20,000 units by 2020, mainly in the greater Dublin area where the current residential supply shortage is most acute.

Residential developments funded by NAMA are subject to the same planning and regulatory requirements as all other developments and this includes policy relating to Part V of the Planning and Development Act 2000. As such, I expect 10% of the output of this investment by NAMA, or approximately 2,000 units, to become available for social housing.

NAMA's special purpose vehicle, the National Asset Residential Property Services, NARPS, Limited was established in 2013 to facilitate the sale or lease of NAMA debtor or receiver residential properties for social housing purposes. In line with a commitment in the social housing strategy, its remit has been expanded to allow it to fund the purchase of Part V units which become available through its residential delivery programme. In this way, the agency will continue to facilitate the provision of high quality units for social housing purposes in mixed tenure, sustainable communities and, thus, complement the extensive social housing construction programmes in which all local authorities are currently engaged.

**Deputy Barry Cowen:** I thank the Minister of State for his response but I refer him again to the questions I asked. What discussions were held with NAMA recently regarding the budget announcement to increase social housing supply and when were they held? Notwithstanding the grave mistake to reduce the Part V contribution from 20% to 10% of private developments, the Minister of State said that of the 20,000 units that are to be built, only 10% will accrue to the State and NAMA will purchase them. He said this would be around the country but last week's announcement was Dublin specific. Six to eight months ago, 20% or 4,000 of these units would have been provided but now only 2,000 will be provided. The budget announcement of 20,000 new units will supposedly address the deficiency in supply in urban centres throughout the country but last week's announcement related to 20,000 units being provided in the docklands and other parts of Dublin only.

NAMA is reputedly charging its clients 4% for funding while hedge funds from the US and elsewhere are charging between 14% and 16%. Will the Minister of State comment on the fact that a hedge fund sponsored by the State is also charging between 14% and 16% in conjunction with a US hedge fund, meaning competitors are not being treated fairly?

**Deputy Paudie Coffey:** NAMA was established with a commercial mandate but it has also been expected to deliver a social dividend through its housing output. Of the 6,574 units identified by its officials, demand has been confirmed for 2,526, which is a substantial social housing offering. Negotiations and approvals relating to these units involve approved housing bodies, local authorities, the property owners, financial institutions, receivers and other relevant parties.

As announced on budget day, the Minister for Finance asked NAMA to carry out an analysis of development sites controlled by its debtors and receivers with a view to identifying the scope for substantially increased residential delivery in the period up to 2020. The agency is not becoming a developer nor will it build houses. It will ensure the delivery of these units through continued work with its debtors to agree development plans, secure planning permissions and fund the delivery of these residential units.

**Deputy Barry Cowen:** Housing provision is currently in crisis. That has called for better delivery by NAMA in respect of the social dividend that was promised when it was set up. It now appears that there was nothing new in last week's announcement in respect of providing additional units and that there will be fewer units available to the State in the form of a social dividend by virtue of the change made to the legislation regarding Part V earlier this year. NAMA will deliver 10% rather than 20% and what is being delivered is only being leased; it will not even come into the ownership of local authorities, which might have accrued the benefit, despite the fact that provision seems to be confined to Dublin. The Minister of State has yet to comment on my question, which I have asked twice.

I am asking the Minister of State to comment on behalf of Government on the fact that NAMA is reputedly charging its customers 4% for funding. Those customers, in terms of their involvement with NAMA, are already in difficulty, while others wishing to operate competitively to make housing units available to people are being charged 14% to 16% for funding by hedge funds, including one set up by this Government.

**Deputy Paudie Coffey:** I reiterate that NAMA has confirmed the delivery of 20,000 residential units by 2020 and it estimates that 90% of the 2020 target will be in the greater Dublin area where the need is greatest. Approximately 75% of these units will be starter homes, 10% of which, as per Part V, will be provided for social housing. The Deputy will be aware from his participation in debates in this House that the cash-in-lieu measure has been abolished. In regard to his criticism of the reduction to 10%, this was done to address the viability issues of development in what is currently a dysfunctional market.

**Deputy Barry Cowen:** I agreed with that.

**Deputy Paudie Coffey:** To be fair, had the cash-in-lieu arrangement not been put in place, we would today have 10,000 additional social housing units to provide for people. The putting in place of that provision was a bad mistake, as has been acknowledged by all.

On the Deputy's question regarding engagement by NAMA with other developers in the market, NAMA operates on a commercial basis. However, it will work with developers who have no current links with it to ensure that a broad array of Irish developers and contractors have every opportunity to contribute to the residential delivery programme in which NAMA is currently engaged. I hope I have clarified the position for the Deputy.

**Deputy Barry Cowen:** Can the private sector apply to NAMA for funding?

### **Local Authority Housing Provision**

5. **Deputy Richard Boyd Barrett** asked the Minister for the Environment, Community and Local Government in the context of the current housing and homelessness emergency and in

order to accelerate the delivery of permanent social housing, if he will consider the purchase of hundreds of permanent homes currently advertised for sale as an alternative to modular housing, the direct transfer of National Asset Management Agency property and cash reserves to the local authorities, and the direct employment by the State of building workers, architects, engineers and so on to build social housing and thus eliminate the lengthy delays involved in the outsourcing and tendering process; and if he will make a statement on the matter. [44256/15]

**Deputy Richard Boyd Barrett:** As we face into Christmas, the housing and homelessness crisis continues to spiral out of control. My question requests that the Minister of State consider three measures to deliver immediate and permanent social housing on a greater scale and more quickly, including, rather than the construction of modular homes, the purchase online via *My-home.ie* of 739 houses currently for sale for less than €200,000 which would ensure the availability of permanent homes for people before Christmas. The cost of construction per modular unit is €190,000. The houses to which I have referred are available at a cost of €200,000 each. The Government needs to purchase these houses and thereby provide people with permanent homes.

**Deputy Paudie Coffey:** Local authorities and approved housing bodies are utilising a wide range of delivery approaches to accelerate the provision of social housing. This multifaceted approach includes acquisitions, as proposed by the Deputy. I will provide data in this regard as I go through my reply.

The range of delivery approaches available includes the remediation of vacant social houses, many of which were voids, in respect of which regeneration has been very successful; the lease of units; the use of the rental accommodation and housing assistance payment schemes; and the construction projects, including construction of modular units to which the Deputy referred. The Government is also approving direct acquisitions by local authorities and approved housing bodies.

A strong pipeline of new social housing construction projects is now in place following on from the announcement earlier this year of the first major direct build social housing programme under the strategy. Recognising that these projects will take time to come on stream, the Minister, Deputy Kelly, and I have encouraged local authorities to acquire suitable properties for social housing, while being sensitive to local market conditions and ensuring value for money for the taxpayer. I expect that in the region of 700 such units will be acquired by local authorities this year.

In relation to NAMA residential properties, I expect more than 2,000 units to be secured for social housing purposes from the engagement that has been ongoing between my Department, NAMA and the local authorities for a number of years. NAMA is also funding the construction of an estimated 20,000 new residential properties in major urban centres and 10% of that output, some 2,000 further units, will be, as per Part V, provided for social housing. Approximately 400 new local authority housing posts have been approved by my Department to ensure capacity and preparedness for delivery of the social housing targets, including the appointment of architects, engineers, financial and administrative staff. As I said, the approach being taken is a multifaceted one. I assure the Deputy that every avenue is being explored to ensure delivery of the social housing which we all acknowledge is badly needed.

**Deputy Richard Boyd Barrett:** The Government is paying €190,000 per unit for 500 modular houses, many of which will not be delivered until the end of next year. There are 739

houses listed for sale today on the *Myhome.ie* website, each of which cost less than €200,000. Why would the Government choose to buy temporary modular homes, many of which will not be delivered until next year, when it could purchase 739 houses online today, many of which could be refurbished and ready for occupation before Christmas, thereby providing people with permanent homes? I am proposing that this is what the Government should do with the money it has available.

In regard to the 2,000 housing units to be provided by NAMA, this is a pathetic return from NAMA as the biggest real estate agent in the world. We need to open up the books of NAMA, which is currently selling off huge blocks of land to vulture funds from the US, including LoneStar.

**An Ceann Comhairle:** A question, please.

**Deputy Richard Boyd Barrett:** Rather than allow the sale of that land, the Government should be putting that land and NAMA properties into the hands of the local authorities to assist them in housing provision.

To short-circuit the excess delays in the delivery of social housing, I propose that the Government provide housing in-house through the local authorities rather than outsource responsibility in that regard because that process only adds a further year to the delivery of social housing.

**Deputy Paudie Coffey:** As I have already told the Deputy, every avenue in terms of the delivery of social housing as quickly as possible is being explored. The voids programme has been successful, with almost 2,000 voids having been turned around and returned to use this year. As I said, we expect approximately 700 houses to be acquired through the local authorities, a measure for which the Deputy is calling. We must take a balanced approach to this issue. If, as proposed by the Deputy, the Government were to purchase every property currently for sale in the country, that would impact on the ability of first-time buyers to buy houses which, in turn, would impact negatively on the market. It is important that first-time buyers have an opportunity to purchase too. We need to take a balanced approach to this issue. The Government is taking every avenue in the context of increasing the number of social housing units available. If in the morning the Government bought up every house for sale, this would impact negatively on the ability of other people to purchase a house, which is their entitlement. The Government is addressing this issue in a measured and balanced way.

In regard to the modular homes, whether one agrees or disagrees with them, they are intended to remove families from emergency accommodation. I agree with the Deputy that the initial cost in this regard is high but this is because we are paying a premium for them in the context of the need for delivery of them very quickly. I would expect that the next tranche of modular units will be delivered at a cheaper cost per unit than the amount mentioned earlier by the Deputy.

**Deputy Richard Boyd Barrett:** As we approach Christmas, 1,000 children are either living on our streets or in emergency accommodation. What is the priority? There are 739 apartments or houses available for sale in Dublin for less than €200,000 each, which could become permanent homes. Why would the Government choose to spend €190,000 per unit on modular houses, which are temporary homes in which it is proposed people will reside for only six months, when it could purchase 739 permanent homes in Dublin today, thereby removing those 1,000

children from the street, which is utterly unacceptable? Will the Minister of State respond to my question in regard to the opening up of the commercial books of NAMA? NAMA has failed us in terms of the delivery of social housing. We need to open up its books with a view to increasing the proposed 2,000 units return, which is a pathetic return from NAMA.

**Deputy Paudie Coffey:** I stated earlier that NAMA has identified over 6,000 units as suitable for provision to local authorities or approved housing bodies. Whether the Deputy likes it or not, the housing authorities are responsible for housing people. The Government sets policy and provides funding to local authorities and approved housing bodies. If the local authorities or approved housing bodies come forward with priorities, be that direct build, acquisition or void turnaround the Government will provide the funding. As I said, the Government has already funded 700 direct acquisition and construction projects. Over 10,000 housing units will be provided via capital and current projects. The Deputy needs to acknowledge that. We are using every avenue available to us to address this issue. The provision of modular homes is an additional initiative to try to accommodate people in emergency accommodation as soon as possible. I agree with the Deputy that the cost per modular house is expensive but, as I said, we are paying a premium in that regard because of the speed with which these houses need to be delivered. It is another option of delivering houses, on top of the many others we are working on.

I ask for the Deputy's help in this area. We need greater support from councillors for projects put before them under the Part VIII arrangement and to have those projects delivered as quickly as possible.

## Other Questions

### Water and Sewerage Schemes Provision

6. **Deputy Michelle Mulherin** asked the Minister for the Environment, Community and Local Government the status of his ongoing consultation with the Department of Public Expenditure and Reform regarding the National Rural Water Services Committee's recommendation for funding specific new group water schemes in previously CLÁR-funded areas, which under current funding rules are not viable for delivery because of funding shortfalls, when he will be in a position to implement the recommendations; and if he will make a statement on the matter. [44044/15]

**Deputy Michelle Mulherin:** The Minister of State may recall that I previously tabled a question in regard to the provision of rural group water schemes in seven regions of Mayo for people who currently do not have a proper water supply. I do not propose to repeat what I said previously on this issue except to say that something needs to be done. Mayo County Council has €400,000. It looks like it will be sent back unless the funding shortfall is addressed by the Department.

**Deputy Ann Phelan:** Last month, the Minister for the Environment, Community and Local Government outlined to the House the efforts he is making to address the funding issues associated with specific group water schemes in the Deputy's county. Although the specific issue has not been resolved conclusively with the Department of Public Expenditure and Reform,

the matter has been superseded by work on the development of a new rural water multi-annual programme.

My Department recently established a working group involving key stakeholders in the rural water sector to address the overall development of the sector within the overall water sector reform programme to ensure the programme responds effectively to current and future needs. Local authorities, the water services transition office of the Local Government Management Agency, Irish Water and the National Federation of Group Water Schemes as well as my Department are represented on the working group. One of the tasks of the group is to develop a multi-annual approach to targeting funding to meet priority needs of the sector. The group met last week and agreed the principles governing the new rural water multi-annual funding framework for 2016 to 2018.

It is intended that details of the new multi-annual programme will be announced in the coming weeks after having obtained the necessary sanction from the Department of Public Expenditure and Reform on specific aspects of the programme. Local authorities will be invited by year end to bid for 2016 funding to provide a perspective on funding needs for schemes in their areas for 2017 and 2018 as well as to bid for suitable demonstration projects in line with the criteria to be set by the working group for some categories of projects. The overall funding arrangements for 2016 onwards for all group water schemes, including those in previously CLÁR-funded areas, will be set out in this context.

**Deputy Michelle Mulherin:** I very much welcome the work that has been done to date, particularly the recommendations of the national rural water services committee, but there is a time for action. I want to know whether Mayo County Council will have to send back the funding and whether we will see some movement on the seven schemes in Mayo that have been in limbo since 2010. The total shortfall to deliver water to the 235 houses is estimated at €662,346. Will there be some solution before the end of the year? Can some hope be given to these people? We have a vision for everyone else through Irish Water and these people are left in limbo.

**Deputy Ann Phelan:** I understand the Deputy's frustration. I know she has raised this issue a number of times in the House but I ask her to bear with us. We are making very good progress in this area and we expect to make an announcement before year end. I ask the Deputy to continue to keep in contact with her local authority because local authorities will be invited to bid for 2016 funding and are very much represented on that working group. I ask the Deputy to have some more patience at this point in time.

**Deputy Michelle Mulherin:** It was brought to my attention by a member of the Kilmurray Cordal group water scheme, which is one of the seven to which I referred. It has received notification from the Companies Registration Office that it will be struck off for failing to file returns. These people have already spent approximately €56,000 from their own funding and part of that was to employ consultants, set up a company and keep it going. They do not have money. The promoters of it are very reluctant to go around to households looking for more money when this has been going on for years. They are despondent. I will continue to press the matter with the Minister of State and I trust that some hope is given to these people as we look towards the new year.

**Deputy Ann Phelan:** I do understand. These types of projects have been discussed by the working group. It is a matter for prioritisation and I again ask the Deputy to have a little more

patience. We expect to be in a position towards the end of the year to deal with some of the projects to which she referred.

### **Local Authority Housing Provision**

7. **Deputy Mick Wallace** asked the Minister for the Environment, Community and Local Government his plans to introduce specific measures targeted at increasing the capacity of local authorities to build social housing units; and if he will make a statement on the matter. [44125/15]

**Deputy Mick Wallace:** At this stage, most people would agree that the core of our housing problem is the lack of local authority social housing units. Until we decide to target the delivery of more local authority social housing new builds, we will continue to have a housing problem. Is the Government prepared to take more direct action to address the problem?

**Deputy Paudie Coffey:** I thank the Deputy for his question. I reiterate that the Government has firmly put local authorities back at the heart of social housing provision, something that some would argue was abdicated to some degree over recent years. The Social Housing Strategy 2020, which is very ambitious, has targeted the provision of 35,000 new units and these will be delivered by local authorities either directly or through working with approved housing bodies.

The strategy has been supported by two successive budgets with €1.7 billion allocated to social housing. Overall, almost €3 billion in capital funding will be provided in support of the social housing strategy through the Government's capital plan, Building on Recovery: Infrastructure and Capital Investment 2016-2021. This commitment of ongoing financial support has allowed the Minister and I to allocate €500 million to local authorities and approved housing bodies for 2,900 social housing new builds and acquisitions to be delivered between now and 2017.

Since the publication of the social housing strategy, my Department has intensified its engagement with local authorities, ensuring their capacity and preparedness for delivery of the ambitious targets to 2020. Around 400 new local authority housing posts have been approved by my Department to support the housing programme. I have also ensured there is a practical and fair cost recoupment arrangement in place in order that local authorities can fund the additional posts.

The Minister and I have met the CEOs and directors of housing of all local authorities to ensure they have the support they need to deliver on the strategy. As a result of these engagements, the capital project approval process has been jointly reviewed by local authorities and my Department to ensure it is as efficient and streamlined as possible commensurate with the requirements of the public spending code.

Of course, the capacity of local authorities to deliver social housing is not limited to its executive. We are dependent on local authority elected members who must support social housing provision on the ground, especially through the various Part VIII projects that are coming through the planning process. As I said to Deputy Boyd Barrett, I urge all Deputies in this House to be aware of the approvals that have been made for local authorities for social housing programmes in their local areas and to ensure they are supported not just financially but politi-

cally because I agree we need to deliver these as soon as possible.

**Deputy Mick Wallace:** When the Government talks about figures, it is difficult to see the clarity. It always talks about local authorities and approved housing bodies. I honestly think we must be specific and say we need local authority social housing. How many local authority social housing new builds were delivered in the past four years and how many will be delivered up to 2020? I know of a Roma family with four children under four years of age who are looking for a house in Wexford. They cannot get private rented accommodation. The local authority does not have a unit to give to them. It is not possible. One can say there is no appetite for it at local authority level. There is a serious lack of funding there. We have a substantial problem and unless there is a will and an ideology that favours the local authority again playing that major role in providing social housing, we will continue to have this problem.

**Deputy Paudie Coffey:** Government sets the policy and strategy nationally for social housing and we have set out a very clear strategy up to 2020 that has ambitious targets for all local authorities. However, we are not just putting in the strategy. We are putting in the funding as well. We have already committed funding. In the past two budgets, we put our money where our mouth is, so to speak, and if we are returned, we will continue to do that. The ball now moves back to the local authorities. I will be fair to them and say in their defence that they have been denuded of their housing and planning staff over the past ten years. They lost many staff. We are now ramping up and building capacity and have added 400 additional posts, 182 of which are administration posts to deal with procurement and tendering. In addition, 206 technical posts have been approved. We need to move from strategy and funding into the delivery phase. Deputy Wallace will know as a builder that it takes time to build. I was also in the building trade for more than 20 years. We need to acquire the sites, get planning permission and have tenders to get the builders on site. That process is under way. We are beginning to see the diggers going on site. I have seen them in Dolphin's Barn and other regeneration sites and hope to see many more over the coming months.

**Deputy Mick Wallace:** NAMA has nominated Cerberus as the preferred bidder for Project Arrow. The deal has not yet gone through so I do not understand why the Government does not take some of the built units which are ready for use. I can live with the idea of the developer providing 10% of the units instead of 20% because it would be particularly difficult for small builders to finance it if they provide 20% and lose money. Of the 90% that the builder retains for the private sector, the State should buy a large chunk to give to the local authorities for social housing. It would make a massive difference. It is not good enough that NAMA is building 20,000 units in the Dublin area in the next few years and only 2,000 of them are going to social housing. The State should buy more of them and give them to the local authorities. The waiting list in Dublin increased to 21,592 in July 2015, which is a 25% increase from July 2014. This is a major problem. We need local authority social housing units.

**Deputy Paudie Coffey:** To be fair to all Deputies present, I acknowledge that we are all trying to find solutions and quicker ways of delivering social housing. I assure the Deputy that the Minister, Deputy Kelly, and I are pursuing every avenue available to us to increase the number of available houses. Deputy Wallace was not here earlier when, in response to other Deputies, I made the point that initially NAMA identified more than 6,000 properties for social housing which it offered to local authorities and approved housing bodies. For various reasons, 2,500 of those were taken up and are in the process of being delivered for social housing. A large chunk of them, for one reason or another, were declined. I do not know if they were the wrong size or in the wrong place. It was the housing authorities that declined them, not the Government. It

is important to note that.

On top of that, any projects that have been prioritised by local authorities, are ready to go and are shovel ready have been approved for funding. Some have completed the planning process while others are going through it. Unfortunately, some of them are meeting barriers at local level because of opposition to some of the Part VIII applications. We need to see those getting over the line in order that tendering can take place and the builders can be on site. It is noticeable that sites throughout the country are beginning to open. One of the most noticeable ones I have seen is the Dolphin Barn's regeneration project on the canal in Dublin. At long last, we are seeing the diggers there knocking down the old flat complexes to allow for the regeneration of that area. That is only one example. There are more than 200 such projects under way.

### **Private Residential Tenancies Board**

8. **Deputy Barry Cowen** asked the Minister for the Environment, Community and Local Government when the new deposit retention scheme will come into operation after the residential tenancies Bill has been enacted; if this will be a custodial model fully operated by the Private Residential Tenancies Board or if it will be an agency that outsources some of the operation of the scheme; and what level of increase in staff, expertise and resources the board will require to manage this scheme and to undertake its enhanced adjudication role in disputes between landlords and tenants. [44122/15]

**Deputy Barry Cowen:** One element of the recent Residential Tenancies (Amendment) (No. 2) Bill 2015 was the new deposit retention scheme. I welcome that element of the Bill because it is long overdue. I was surprised to learn since its passage that it could be up to 18 months before that element of the Bill comes into force. I would like the Minister of State to comment on that and explain the reasons for what appears to be an undue delay.

**Deputy Paudie Coffey:** I acknowledge that the Deputy welcomes the deposit protection scheme because it is a scheme that has been long called for. I am glad we were able to legislate to allow for that recently in both Houses of the Oireachtas. The Residential Tenancies (Amendment) (No. 2) Act 2015 was enacted on 4 December 2015 and provides for the establishment of a tenancy deposit protection scheme. Under the scheme, landlords will lodge tenancy deposits with the PRTB at the same time that they register the tenancy. The PRTB will hold these deposits for the duration of the tenancy and will retain the interest generated on the deposit funds to fund the cost of operating the scheme. At the end of the tenancy, where there is agreement, the deposit will be repaid to the tenant. Where there is disagreement, the parties may apply to the PRTB for dispute resolution. The scheme will be a custodial scheme, operated by the PRTB. It is likely that the PRTB will outsource aspects of scheme administration in much the same way as it outsources its registration functions.

The deposit protection scheme provisions of the Act will be commenced as soon as the necessary conditions are in place to support its roll-out. These will include changes to the supporting information technology and contracts with outsourced project partners, where appropriate. The establishment of the scheme will be a major project and the priority for 2016 will be the necessary planning and procurement activities associated with its set up. It is expected that the scheme will be operational later in 2016 or early in 2017. Until the scheme is operational and ready to go live, there will be no change in the administration of tenancy deposits under the Act.

My Department is working closely with the PRTB in the planning process and is preparing for the scheme, including the necessary resources for its effective implementation. Exchequer funding of €1.2 million was provided in budget 2016 to cover the costs of scheme set-up and development, including IT development costs, system analysis and design and build costs. Additional staff resources for the PRTB were approved in the context of the Government's recent announcement on a package of measures for rent stability and housing supply. My Department continues to keep the resources available to the PRTB under close review and engages regularly with the board on this matter.

**Deputy Barry Cowen:** I thank the Minister of State for his response and the great detail he went into to describe the various aspects of the scheme which he acknowledged that I welcome. It has been a long time in the offing and a long time being called for from this side of the House. That being the case, I had hoped and presumed that the preparatory work for its enactment would have allowed for it to be put into practice much sooner than is anticipated. I am quite surprised and disappointed by the Minister of State's answer, which clarifies what I have been told elsewhere, that it could be 2017 before that section of the legislation comes into force. I had feared it was because of the lack of resources and available staff in the PRTB. The Minister of State alluded to the fact that funding has been provided in the budget for preparatory work and that staffing is not an issue. I am at pains to understand why, despite us and others calling for this for the past two or three years and despite the legislation being in place, it could be two years before the section is in force.

**Deputy Paudie Coffey:** I acknowledge the Deputy's concerns but we should acknowledge the practicality of the situation. The PRTB has substantially improved its efficiency in latter years and has introduced new IT systems to deal with its database and tenancy registration. This new deposit protection scheme is a substantial body of work. If one considers the number of deposits of each registered tenant, there is a system behind that to ensure full compliance and proper management of the registration system. It will require additional resources to set it up and procure the necessary support and staffing systems that support all that. In the context of the Government's publication in November of Stabilising Rents, Boosting Supply, as I said to the Deputy previously, sanction for a further five staff to establish the deposit protection scheme and three staff to administer the new rent stability arrangements were secured. Those staff were only recruited recently to deal specifically with the establishment of this new scheme. I assure the Deputy that we will roll it out as soon as is practically possible.

**Deputy Barry Cowen:** I again acknowledge the commitment and effort of the Minister to advance this but, unfortunately, the consequences of the 50% reduction in staff numbers within the PRTB since the Government came into office are plain to see across a wide range of issues. Perhaps, more specifically, it appears obvious the staff were not in place to do the preparatory work necessary for this element of the legislation to come into force much sooner. It is very disappointing that it could be up to two years before the scheme is in place.

**Deputy Paudie Coffey:** The reduction in staff to which the Deputy refers was entirely attributable to the introduction of new IT systems to deal with tenancy registration and the database within the PRTB. The Deputy will know that registration was dealt with initially using hard copies, which was inefficient, cumbersome and labour intensive. With the new IT systems, it was found the process did not need to be as labour intensive. It was far more efficient and streamlined. The introduction of the deposit protection scheme, which I am glad the Deputy has welcomed, will send a signal to the rental market and landlords that tenancies will be secure. There will be more certainty as tenants transfer from one tenancy to another. That is

all very important. I assure the Deputy that the additional staff have been appointed. A practical process must now be commenced to establish the new scheme. This requires a substantial body of work, and we will deliver on it as soon as practicable.

### **Housing Issues**

9. **Deputy Charlie McConalogue** asked the Minister for the Environment, Community and Local Government when the investigation panel to examine the mica issue will be set up and functioning, its terms of reference and when it will report its findings; and if he will make a statement on the matter. [44136/15]

**Deputy Charlie McConalogue:** As the Minister of State knows, many hundreds of householders are affected by crumbling houses and defects in the blocks used in those houses. When will the panel to investigate the issue relating to mica be set up and functioning? What are its terms of reference? Importantly, when will it report its findings? Could the Minister of State update the House and assure the many affected householders that this problem will be dealt with as promptly as possible according to a timeline?

**Deputy Paudie Coffey:** I thank the Deputy for raising this because it is very serious and concerns me greatly. As the Deputy knows, I visited Donegal earlier this year with the Minister of State, Deputy Joe McHugh, and met the mica action group and many affected householders. I acknowledge their current distress.

While building defects are, in the first instance, matters for resolution between the relevant contracting parties, I recently announced my intention to establish an expert group to investigate the problems that have emerged in the concrete blockwork of certain dwellings in both Donegal and Mayo to assist the parties directly affected in reaching a satisfactory resolution to their difficulties. The small group, which will have a strong technical background, will be set up to establish, in so far as it is possible, the number of affected dwellings in Donegal and Mayo, the root cause of the problems, and the technical solutions for remediation. In this regard, the expert group will have the following terms of reference: to identify, in so far as it is possible, the numbers of private dwellings which appear to be affected by defects in the blockwork in the counties of Donegal and Mayo; to carry out a desktop study, which would include a consultation process with affected homeowners, public representatives, local authorities, product manufacturers, building professionals, testing laboratories, industry stakeholders and other relevant parties, to establish the nature of the problem in the affected dwellings; to outline a range of technical options for remediation and the means by which those technical options could be applied; and to submit a report by 31 May 2016.

Arrangements are now under way within my Department to identify a suitable chair for the expert group, and nominations will be sought shortly from a number of professional bodies for suitable persons to participate on the group. Once established, the expert group will decide upon the means by which it will carry out its investigations, including the means by which it will interact with affected homeowners on the issues concerned.

**Deputy Charlie McConalogue:** I thank the Minister of State for his reply. I welcome the announcement that an expert panel is to be established to ascertain what exactly is causing the cracks in the houses, assess what kinds of remedies might exist and establish the number of householders affected. I acknowledge that the Minister of State visited some of the houses that

are affected in order to understand the impact of the problem at first hand and how it progresses, in addition to the impact on the many affected families.

Progress has been unduly slow in the context of reaching this point. It is two years since the issue first came to the attention of the Department. I have raised it in the Dáil several times with the Minister of State and the Minister, Deputy Kelly, and I emphasised the importance of setting up the expert panel. Doing so is the first step necessary if the issue is to be addressed. It is welcome, nonetheless, that this is now happening.

Is the Minister of State confident that a full report on the work of the expert panel will be completed by 21 May 2016? What is the position of the Government on redress for home owners who may not be able to obtain assistance in any other way to address the problems with their homes?

**Deputy Paudie Coffey:** It is important that the expert panel be constructed properly and have the expertise necessary to deal with and investigate the problem comprehensively. The Deputy will accept and agree with that. I expect the chairperson to have considerable experience in communications, negotiation and other fields relating to solving complex problems. This is a very complex problem in so far as it affects families. I have met the families and noted they are very distressed. We need to have a structural engineer and geologist, and possibly a standards expert, on the panel to identify the problem.

Although the Deputy might legitimately be critical of the delay in setting up the expert panel, he should note that I have been engaging continuously on this matter since it was first brought to my attention. One of the first steps I took was to visit the affected houses to see them at first hand. I personally asked the Irish Concrete Federation and other bodies to determine whether they would mediate with some of the suppliers we believe were involved. Some progress was made in this regard initially but then everything just stopped, unfortunately, and there was no further progress. There were efforts to assist in the normal way through mediation and other means. The decision on the expert panel has now been taken, as acknowledged and welcomed by the Deputy. The panel will investigate the problem properly and advise the Minister and make recommendations to him on the next course of action.

I cannot speculate on redress, as the Deputy will acknowledge. The builders' and suppliers' products that may be defective need to be analysed in the first instance.

**Deputy Charlie McConalogue:** I acknowledge that the Minister of State has been in office for a relatively short period. Since he took on his role, he has certainly engaged by visiting County Donegal and inspecting the affected homes. There was a delay prior to this, that is, from the moment the problem was initially raised and when it became clear that something needed to be done to address the matter.

A number of householders whose problem has already worsened to a great extent have already taken remedial action to stymie the progression of the cracking in their homes. The issue of financial assistance arises for them because many have got into very difficult circumstances by consequence of having done work already without knowing what assistance might become available. There are many who may not be able to wait and who may need to take action in the meantime. Could the Minister of State comment on this?

From a number of tests carried out by homeowners, it seems the primary problem is muscovite mica in the blocks. However, it is important for the Minister of State to be aware that a

recent test result indicated the presence of pyrite, certainly in one home. However, there has been only one case of pyrite so far. Is the Minister of State confident that the report will be finalised by 21 May 2016?

**Deputy Paudie Coffey:** I thank the Deputy again for raising these important issues. Anywhere that building defects are found, it is a matter for resolution, in the first instance, between the contracting parties, including the builders and product suppliers. I am conscious that there is a trend indicating building defects in Donegal and Mayo. I am not an expert in the field but I know some preliminary tests have been carried out privately by individuals who have found issues that need to be addressed. The Government and I made the decision to establish the expert panel so we could investigate and analyse the problem properly and produce a report for the Minister. I cannot speculate beyond that, although I expect the report to be comprehensive and completed by 31 May 2016. At that point, we will decide what action we can take. Someone must be held accountable for building defects and that person must be identifiable. The type of investigation and analysis we have initiated will, I hope, assist those who are stressed because their properties are affected by defects. I am prepared to work with everyone involved. The expert panel is being established and I have put out a call to the relevant professional bodies. Let us wait for the panel to report back to us.

### **Rental Accommodation Scheme Eligibility**

10. **Deputy Richard Boyd Barrett** asked the Minister for the Environment, Community and Local Government to lift the restriction in the rental accommodation scheme which requires applicants to be in receipt of rent allowance to allow those in low-paid work to access the scheme, as the housing assistance payment has not been rolled out across all local authorities; and if he will make a statement on the matter. [44132/15]

**Deputy Richard Boyd Barrett:** We had news again today that rents continue to spiral out of control, which will result in more evictions and make it more difficult for people to secure private rented accommodation. My question relates to a measure the Government could take to prevent evictions. I refer to circumstances where a tenant is working and his or her landlord wishes to raise the rent but is willing to enter into an arrangement with the local authority under the rental accommodation scheme. In such cases, the tenant may not enter the scheme because local authorities will not allow people to transfer to the scheme unless they are in receipt of rent allowance, even though persons who are in the scheme may work subsequently. This is a crazy anomaly. If the Government were to change the rental accommodation scheme to allow landlords who are willing to engage with the scheme to do so, it would prevent people who are working from being evicted.

**Deputy Paudie Coffey:** I thank the Deputy for raising this important matter. The rental accommodation scheme, RAS, is a social housing scheme which has two key objectives, namely, the elimination of dependence on rent supplement by persons assessed as being qualified for and in need of social housing support, and the enhancement of the position of local authorities to respond to social housing need. As such, RAS is a social housing support targeted at those already in receipt of rent supplement and I have no plans to change that.

The Government's social housing strategy recognises that the rental accommodation scheme continues to be a successful programme which has achieved considerable output levels to date and delivered quality housing to a large number of households. Over the lifetime of the strat-

egy, an additional 6,000 households are targeted to transfer from rent supplement to RAS.

As noted by the Deputy, the housing assistance payment, HAP, will, over time, provide for the transfer of responsibility for rent supplement recipients with a long-term housing need from the Department of Social Protection to local authorities. Similar to the rental accommodation scheme, the housing assistance payment will facilitate the removal of a potential barrier to employment by allowing recipients to remain in the scheme if they gain full-time employment.

The HAP scheme is being rolled out incrementally and is currently operational in 18 local authority areas. Some 1,940 of more than 5,400 households accommodated through HAP were in receipt of rent supplement when they transferred to the scheme. I am committed to the continued roll-out of HAP and to increasing the number of transfers from rent supplement in 2016. In that regard, I expect some 10,000 additional households, including rent supplement transfers, to be accommodated through HAP next year. In the meantime, until such time as HAP becomes operational in the remaining local authority areas, rent supplement will continue to be available to those households requiring support in meeting their housing needs in the rental market.

**Deputy Richard Boyd Barrett:** The Minister of State said he would do everything he could to prevent homelessness. I have cited a specific scenario, examples of which will increase as rents continue to spiral. I have encountered a number of these cases. People who are working and living in private rented accommodation for which the landlord is seeking to increase the rent are being unnecessarily evicted because local authorities are precluded, under the terms of the rental accommodation scheme, from allowing such tenants to transfer into the scheme. This is despite the fact that persons who transfer to RAS are allowed to work. In the cases I have highlighted, the landlords are willing to enter the rental accommodation scheme. Given that most local authorities do not operate the housing assistance payment, it is no good for the Minister of State to be telling us that the HAP is coming down the line. It is crazy that the Minister has not issued an instruction to local authorities to accept cases where the landlord of a tenant who happens to be working is willing to enter a lease arrangement with the local authority. This simple measure would prevent tenants being put out on the street.

**Deputy Paudie Coffey:** All of us are working towards trying to keep people in their homes. Threshold and other agencies have a tenancy sustainment protocol which provides that, irrespective of a person's circumstances, he or she cannot be evicted at the whim of a landlord or as a result of a rent increase. As the Deputy will be aware, the recent package of rent measures we introduced brings an element of stability which will help to protect many of the tenants to whom he refers.

I would not dismiss the housing assistance payment scheme as quickly as the Deputy did.

**Deputy Richard Boyd Barrett:** The scheme is not available in many areas.

**Deputy Paudie Coffey:** While I appreciate it is not in place in the Deputy's area, it is being rolled out in tranches of six or seven local authorities at a time. It will be a nationwide scheme once it has been rolled out to the remaining local authorities.

The rent supplement is essentially a short-term payment for people who need it. It was never intended to be a long-term support. The Deputy dismisses the housing assistance payment because the scheme is not available in his local area. The HAP is part of the strategy the Government is pursuing and we want to introduce it in the Deputy's local authority area. It will have the additional benefit of ensuring people continue to receive support from the State,

even when they secure full-time employment. The measures the Government has taken to help sustain tenancies and keep people in their homes should be acknowledged. Tenants cannot be evicted at the whim of a landlord, as the Deputy suggested.

**Deputy Richard Boyd Barrett:** I am not dismissing the HAP scheme. While I am not terribly happy with it, my point is that it is ridiculous to operate it in some local authorities and not in others. As a result of the failure of the Government to instruct local authorities to make a deal with landlords who are willing to enter an arrangement with them, tenants are being put out on the street. All I am asking is that an administrative change is made. There is nothing to prevent the Minister making this change to prevent people from being put out. It is a ridiculous anomaly that people who are working are being evicted, even though under the terms of the rental accommodation scheme, a recipient may remain in the scheme after he or she gets a job. Councils are not allowed to sanction the transfer into the rental accommodation scheme of tenants threatened with eviction, even in cases where the landlord is willing to enter RAS, simply because the tenant is working. This is ridiculous.

**Deputy Paudie Coffey:** The housing authorities, namely, local councils, have a number of options available to them in terms of housing people under threat of homelessness. The Minister and I have both made direct interventions to provide additional funding to local authorities which have been presented with such cases.

**Deputy Richard Boyd Barrett:** Funding is not the issue.

**Deputy Paudie Coffey:** All these issues are related. The Deputy is essentially arguing that people are being evicted at the whim of a landlord, which is not possible under current legislation. If someone finds himself or herself in homelessness, the local housing authority will have been funded to respond in one way or another.

**Deputy Richard Boyd Barrett:** The Minister of State does not understand the question.

**Deputy Paudie Coffey:** I do understand it. We are extending the housing assistance payment and we will, in time, eliminate the rental accommodation scheme. The HAP scheme is a long-term supplement to assist people to retain their tenancy and allow them to remain in work where they are in employment.

**Deputy Richard Boyd Barrett:** I will explain the matter to the Minister of State afterwards.

**Deputy Paudie Coffey:** It will be rolled out to all local authorities, including the Deputy's local authority, in the coming period.

*Written Answers follow Adjournment.*

### **Criminal Justice (Burglary of Dwellings) Bill 2015: Order for Report Stage**

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** I move: "That Report Stage be taken now."

Question put and agreed to.

## **Criminal Justice (Burglary of Dwellings) Bill 2015: Report and Final Stages**

Bill received for final consideration and passed.

### **International Protection Bill 2015 [Seanad]: Second Stage**

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** I move: “That the Bill be now read a Second Time.”

I am pleased to have this opportunity to introduce the International Protection Bill 2015. I look forward to engaging with Deputies as we progress the Bill through the various stages. I thank Members of both Houses who contributed to the pre-legislative scrutiny of the general scheme of the Bill as part of the work of the Joint Oireachtas Committee on Justice, Defence and Equality. The committee issued an interim report in July. I take this opportunity to pay tribute to the Chairman of the justice committee, Deputy David Stanton, for the amount of work the committee has done. Deputy Collins, who is present, is a member of that committee as well. The committee worked through the pre-legislative scrutiny and a range of hearings not only on this Bill but on many different Bills and legislation. The committee has heard submissions from many interested parties during the course of this Dáil.

The principal purpose of the International Protection Bill is to reform the system for determining applications for international protection in Ireland through the introduction of a single applications procedure. This delivers on the commitment from Government in the statement of Government priorities 2014-16 to legislate to reduce the length of time the asylum applicant spends in the asylum determination system and, consequently, in direct provision through the establishment of a single applications procedure. The Government and I have singled out this aspect of our immigration and asylum system. We have given it a special priority rather than waiting for the broader immigration Bill, which is certainly needed. It is important that this matter can be addressed with a specific and timely focus under today’s Bill.

It is also intended that the Bill will be in compliance with the United Nations convention relating to the status of refugees and with the related EU directives on asylum procedures and qualifications - these are directives to which Ireland has opted in.

We are working on various aspects of the working group report. One of the key issues that arose during this work was the length of time people are in the direct provision system. We need to be in compliance, as it were, with all other EU countries - we are not at present - in terms of how we deal with asylum applications and the many layers in the system. This Bill is intended to address the problem.

The publication of the Bill and its early enactment and implementation was a key recommendation of the working group. Some people on the working group made a number of points about this Bill. However, this Bill was not intended to address all the recommendations of the working group. Action is being taken on various matters by different Departments and some decisions are still to be taken by Government. Anyway, we are dealing with a specific aspect of asylum. The Bill does not stray into other areas that have featured in commentary, such as direct provision. Those matters continue to be on the agenda of the Cabinet committee on social policy. Some decisions have already been taken and the process is under way.

To address the unacceptable lengthy delay in processing applications the Government is fast-tracking this Bill. This will end the experience of people who come to Ireland seeking protection and end up in a long-term limbo situation. We are all very concerned about that and we do not want it to continue under any circumstances.

This Bill responds to 26 of the 78 specific recommendations of the working group in the protection process. An analysis of the specific recommendations is available to Deputies. The Bill mitigates the causes of many other problems addressed in the report recommendations. For example, the Bill addresses the length of time in the process. It will ensure that a speedy grant of status, where merited, will address many of the demands of applicants delayed by a slow decision-making process.

Amendments were tabled in Seanad Éireann seeking for the right to work to be acknowledged after an applicant passes a period of nine months awaiting a decision. Under this Bill, when successfully implemented, the intention will be to deliver a decision within six months in the case of people who are granted the status of being allowed to work. The reality is that if applicants get through the process and are deemed to be refugees, then they can work. If we have an application system that is speedier and gives a decision within a shorter period than at present, effectively applicants will know their status and whether they are going to be allowed to remain in Ireland as refugees or whether they fail the test of who is deemed to be a refugee. If they are deemed to be refugees, they have all the rights that come with that determination. Clearly, if they are not, then they should not have been here in the first place - that is the reality.

We are fully committed to ensuring that the best interests of the child remain at the centre of our processing standards and law. We have demonstrated this clearly. I wish to draw the attention of Deputies to the Government amendment passed by Seanad Éireann which provides that Tusla should consider legal advice in assessing when a child in the care of the agency should become an applicant.

Through a referendum passed by the people, and with the support of the Deputies in this House, the Government has ensured that children now have full constitutional protection. I am obliged to point out that this Bill must be read in the context of the constitutional obligations set out in Article 42A.1. It should be read in the context of the EU Charter of Fundamental Rights, including Article 24.1. The charter holds that in all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration. The Charter of Fundamental Rights applies in specific circumstances pertaining to children as does the best practice we are embedding in this new process. We will continue to err on the side of caution where children are concerned.

The working group was unaware that Part 13 of this Bill brings in key reforms in the immigration area. The report had called for an overarching provision in the best interests of the child in the protection area, something all Members, including State representatives, agreed with. This Bill has evolved considerably since the recommendation was made and has a twofold remit: protection and immigration. Reform of our immigration and protection laws are intertwined in this Bill and it is not possible to disentangle them. This legal tension alone prevents any overarching provision in the best interests of the child from being included now.

I acknowledge the serious and helpful engagement of various Senators, including Senator Jillian van Turnhout, and the Children's Rights Alliance with my officials as well as their combined efforts to address this legal dilemma. I am pleased to confirm that I will table some

amendments on Committee Stage prompted by the Senator, the Children's Rights Alliance and our further consideration. I am keen to assure everyone of our intent to place the best interests of the child at the heart of the protection process, something this Bill will do.

The recent refugee flows to and across our Continent and the life-threatening risks being taken highlight the fact that the asylum and protection process is one that has at its heart individual stories. These include stories of individual Syrians who are fleeing their homes that have been bombed and who are looking for protection now. It includes stories of Eritreans who face serious challenges in their home country. When we speak about Syrian refugees going across the Mediterranean, we are talking about men, women and children who, some weeks previously, had a home and a community. However, because of the conflict, they do not have those anymore and are looking for asylum, as the Irish did post-Famine on the coffin ships. They are looking for asylum and that is what we are trying to provide them with through the actions of our relocation and resettlement programme. I have a real sense of who we are dealing with under this Bill and why we are doing so.

I have come from the latest task force meeting, where I met all the representatives of the different organisations which will be providing services to the migrants and the people who are more than likely to be deemed refugees because of where they come from. The meeting was in preparation for the refugees who will be arriving here.

The timeframe is slower because many of the refugees are still going directly to Sweden and Germany. Sweden is establishing approximately 100 new classes a week for children as a result of the inflows into it at present. That illustrates the scale of the challenge. Ireland, of course, is in a different position for geographical reasons but our general asylum applications have increased by 120% this year. We have made a commitment under the relocation and resettlement programme, which will take longer than envisaged. We are fully committed to the numbers the Government agreed earlier this year.

A very real sense of who we are dealing with and why we are doing what we are doing under this Bill is conveyed by the fact that international protection can be secured by a person who is eligible for refugee protection on the basis of a well-founded fear of persecution in his or her country of origin or as a person who is eligible for subsidiary protection on the basis of a real risk of suffering serious harm if he or she is returned to his or her country of origin. Deputies know the very serious cases that lie at the heart of the refugee applications process.

The introduction of a new, fair and streamlined procedure will help to remove some of the human stresses and strains. We have all heard about them from those who have been in direct provision for a long period, in some cases for over three, five and nine years. I do not want to stand over that and I know Deputies in the House do not want to either. That is why we are moving from what I would describe as the cumbersome and multi-layered applications process and sequential application framework which has led to the situation. Everybody agrees that we should move to a more streamlined process. We are out of kilter with other European countries. They have the type of system towards which we are moving. It is really important to understand this because, under the Bill and its protected procedure, an applicant will make one application. All of the grounds for seeking international protection and permission to remain in the State will be examined in that one application and determined by means of one proper process.

In keeping with the Geneva Convention - I again stress that what we are doing is in line with EU, UN and Geneva Convention rules - under the Bill, persecution can arise by reason of

race, religion, nationality, political opinion or membership of a particular social group. Acts of persecution are defined in the Bill as constituting a severe violation of human rights. The term “serious harm” is defined to include execution, torture and serious threat to a civilian’s life in a situation of armed conflict. We can see all of this when we consider the situation in Syria. That is why the vast majority of people who leave Syria are deemed, almost automatically, to be refugees. The threshold is approximately 85% or 90% because the situation there is so serious.

The term “international protection” is defined as status in the State, either as a refugee or as a person eligible for subsidiary protection on the basis of a declaration given under the Bill. In broad terms, the introduction of a single application procedure will include certain benefits. Ireland’s international protection system will be brought into line, as I have said repeatedly, with other EU member states. We are not doing something that is different from what other member states are doing. There will be speedier and proper processing of new applications for international protection and significantly reduced times for applicants in direct provision accommodation, which will, in turn, reduce costs to the State.

Section 6 of the Bill will make changes to current legislation, in particular the Refugee Act, which will be repealed. Originally enacted in 1996, Deputies will be aware that the latter has been heavily amended over the years and its provisions will be significantly updated by the Bill. The Bill will also give rise to the revocation of a number of the regulations made under the European Communities Acts 2006 to 2015 for the purpose of giving effect in Irish law to provisions of EU directives in the area of asylum. I am very pleased that the Bill provides the opportunity to have these legislative aspects consolidated in one item of legislation.

It is increasingly evident from discussions at national and EU level that we need to have a balanced migration policy. The reform to the protection system will ensure that Ireland effectively lives up to our international humanitarian obligations. The accompanying changes to immigration laws will ensure that Ireland is equally effective in enforcing deportations and border controls to prevent and tackle those wishing to enter and remain illegally in a country without proper cause. I do not think it is good enough that if a person’s working visa has expired in another country, he or she should be able to come to Ireland and abuse the system here. Everybody is entitled to be assessed as to whether he or she is a refugee but there are international rules and procedures in place. There is a very clear system of assessment of whether someone is a refugee. That is not to say that Ireland does not recognise the scale of the humanitarian crisis. The EU recognises the scale of the crisis but the system must be ordered and we have to have mechanisms in place if we are to ensure that those entering, relocating to or being resettled in Europe have their fingerprints taken, are subject to proper security and vetting and are supported.

This is not for a moment to say that any migrants or refugees should not be supported in the best possible way. That is the idea behind the kind of initiative being put in place by the EU, with the development of hot-spots in Italy and Greece, something which was slower than expected for a range of reasons but which is now under way. From the discussions I had on Thursday and Friday last, it appears that those relocation initiatives will begin to work more effectively and efficiently. Changes are also necessary because of the situation in Sweden, where a large number of new classrooms have to be provided for migrant children every week. Sweden and Germany can no longer cope with the scale of what is happening.

The Bill contains important new amendments to the Immigration Acts. These relate to deportation and border controls and a number of them are aimed at improving the effectiveness of

legislative provisions dealing with arrest and removal from the State, the appointment of immigration officers and the designation of an approved port for the purposes of entry into the State. A number of structural changes are being introduced in the Bill. There will be a new national international protection appeals tribunal and a new office of the refugee applications commissioner. Priority has been given to ensuring existing best practices and standards regarding the processing of asylum and subsidiary protection applications will be embedded and maintained under the new dispensation.

As the Bill will repeal the Refugee Act 1996, the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal will be abolished. A new international protection appeals tribunal will replace the existing Refugee Appeals Tribunal, which will provide an effective remedy against decisions taken on applications, including a decision to refuse. The new tribunal will be independent in its functions and designed to enable the efficient conduct of its business and consistency in its decisions. The Office of the Refugee Applications Commissioner will be replaced by a dedicated unit within my Department acting as the determining authority on the business about which I have spoken. The unit will be known as the protection office. Priority has been given to ensuring that existing best practices and standards for processing will be embedded and maintained under the new dispensation. Staff in the unit will be trained to UNHCR standards and transferred to the new protection office.

I will now turn to the architecture and provisions of the Bill. I will not go into detail on a section-by-section basis because information in this regard is provided in the explanatory memorandum to the Bill. Deputies may wish to consult the latter for information. The Bill consists of 17 sections, laid out in 13 Parts, and two Schedules.

Part 1 contains six sections dealing with such matters as commencement, interpretation, regulation, expenses and other aspects, Parts 2 to 10, inclusive, deal with new arrangements, Parts 11 and 12 deal with transition and miscellaneous matters, Part 13 deals with various amendments to immigration legislation, and Schedules 1 and 2 set out for ease of reference the text of the 1951 convention and the 1967 protocol relating to the status of refugees.

Part 2 deals with the qualifications for international protection and consists of sections 7 to 12, inclusive. These provisions are intended to be in compliance with the EU asylum qualification directive. The Bill is in absolute compliance with the EU and UN and with the Geneva Convention, and it is very important that we note this. It will bring Ireland into line with other European countries. The directive was adopted in 2004 and recast in 2011 to provide a uniform status in EU member states for refugees or for persons eligible for subsidiary protection. The Bill has been prepared to be in compliance with the 2011 recast. I have spoken about the definition of acts of persecution, and we also have the elaboration in the United Nations Convention relating to the Status of Refugees. The Bill sets out the circumstances in which a person shall be excluded.

Part 3 deals with applications for international protection and comprises sections 13 to 25, inclusive. I will not go into detail on each of these sections but, for example, section 13 provides for the conducting of a preliminary interview with a person who may wish to apply for international protection in Ireland.

Section 14 provides for the Child and Family Agency to be notified of an unaccompanied person under the age of 18 years who seeks to make an application. As somebody who some years ago did a study of unaccompanied minors in this country and examined the circum-

stances of their lives, we have seen very positive changes in how we deal with unaccompanied minors in this country. When I did my original study, young unaccompanied minors were in hostels. They were seen to be very vulnerable to exploitation. We now have a situation where an unaccompanied minor who arrives in this country, and I am still amazed at some of the stories we hear and the vulnerability of these young people, is provided with foster care. It is a transformed situation in terms of the work Tusla, the Child and Family Agency, is doing with these children compared with how they were dealt with before. We are seeing unaccompanied children in the current refugee crisis.

Sections 15 to 17, inclusive, set out the procedure for making an application for international protection and giving permission to an applicant to remain in the State for the duration of the single procedure. Provision is made in section 18 to issue to an applicant a statement in writing specifying the procedures to be followed under the Bill. Section 19 provides for fingerprints to be taken. Section 20 provides for the grounds of the detention of an applicant under the supervision of the District Court. Sections 21 and 22 deal with matters relating to inadmissible applications and subsequent applications. Section 23 provides that the Minister or the international protection appeals tribunal may require examination of an applicant with regard to his or her physical or psychological health. Section 24 provides for an examination to determine the age of an applicant who is presenting as an unaccompanied minor. It was suggested in the Seanad that we should allow for a second opinion on this and I believe we can do this. Section 25 provides for the protection of the identity of an applicant whereby the Minister and the tribunal are obliged to take all practicable steps to ensure the identity of an applicant is kept confidential. This has been followed very effectively in this country to date.

Part 4 deals with the assessment of applications for international protection and comprises sections 26 to 32, inclusive. It ensures the applicant co-operates and provides the information necessary and deals with international protection needs based on events which have taken place since the applicant left his or her country of origin. Somebody could apply and the circumstances in the country of origin could change during the process while the person is here. We allow for this in both directions in the sense that there may be much greater stabilisation or the situation could have deteriorated.

In section 29 we have the important provision that actors of persecution or serious harm include a state, parties controlling a state or part of a state, or non-state actors where protection against persecution or serious harm is not provided. We have examples in some countries at present where 85% or 90% of people would be considered to be refugees because of the actions of the state. This is an important provision.

Section 30 provides that protection against persecution or serious harm can only be provided by a state or parties controlling a state or part of a state provided they are willing and able to offer protection which is effective and of a non-temporary nature. Section 31 deals with the concept of internal protection whereby a part of a country of origin is safe for an applicant.

Section 32 provides for a finding that the country of origin is safe in respect of an individual applicant. This is being examined at EU level in an attempt to get an agreement on what is considered a safe country of origin. This is important in considering refugee applications. Obviously every individual circumstance must be taken into account, but clearly there are countries that are considered safe from where we would not expect a refugee application. A list is being compiled at EU level of safe countries of origin. Obviously circumstances can change, and I appreciate that, but as a concept it is worth considering.

Part 5 deals with the examination of applications for international protection at first instance, and covers the various guarantees in the case of applicants who are unaccompanied minors. Part 6 deals with the international protection appeals tribunal.

Part 7 deals with the various outcomes. These provisions represent the watershed of the new applications procedure. In summary, in respect of an application for international protection which is admissible for processing in Ireland and is not subsequently withdrawn, the applicant concerned can have one of the following outcomes: refugee status, subsidiary protection status, permission to remain in the State, voluntary return to the country of origin or deportation order. These are outlined in various provisions.

Section 49 provides for return based on the refugee convention and the European Convention on Human Rights. Section 50 provides for the making of a deportation order. Section 51 goes into detail with regard to people excluded from, or who have ceased to be eligible for, international protection.

Part 8 deals with international protection aspects and consists of sections 52 to 57, inclusive. Section 52 provides for the extension to persons given a refugee declaration or a subsidiary declaration of rights to which Irish citizens are entitled, such as access to the labour market, health, social welfare and housing services. Sections 53 and 54 provide for the granting of permission to reside and travel documents.

Part 9 provides for the matters relating to programme refugees and the temporary protection of displaced persons. Section 58 provides for the admission to the State of persons for resettlement, which is usually in co-operation with the UNHCR. Deputies are aware a resettlement programme is being worked on at present, and already this year more than 100 refugees have arrived in the country under the resettlement programme.

Section 60 provides for the establishment of the international protection appeals tribunal, which will be independent in the performance of inspections. Section 61 provides that the tribunal shall consist of a chairperson, not more than two deputy chairpersons and such number of other members as the Minister may appoint with the consent of the Minister for Public Expenditure and Reform. In the succeeding sections, we outline the details of the work that is to be done.

Part 13 reflects the requirement that an effective immigration and asylum system must ensure that those entitled to a positive decision receive it as soon as possible. At the same time, we must also provide effective safeguards for removing persons who are without sustainable grounds for remaining in Ireland. The amendments set out in this Part address, among other things, a number of gaps in the existing legislation in the area of deportation that have been identified in a whole range of court procedures.

I assure Deputies that the Bill will bring the sort of certainty to the applications process, particularly in terms of waiting times, that has been missing up to now and has led to many of the difficulties we have seen with the direct provision system. I reiterate that these provisions are in accordance with all of our human rights obligations and the requirements of the EU directive. The legislation will bring procedural and operational clarity to all stages of the protection process and bring us into line in that respect with other European countries. The new system will provide applicants with a final decision on their status in a straightforward and timely fashion and reduce the length of time people are spending in direct provision, which was the main criti-

cism articulated by the working group. It will allow the identification at a much earlier stage of persons who have no entitlement to remain in the State and who may be safely returned to their country of origin. I accept there is more work to be done on a broader migration policy. This important Bill has a specific function, namely, to reform the protection process by streamlining asylum and protection provisions for the dignity of all concerned. I commend the Bill to the House.

**Deputy Niall Collins:** Fianna Fáil will support this Bill, which provides for the introduction of a single, unified procedure for international protection applications. This is very welcome as the sequential nature of the existing system has led to excessive delays in the processing of applications, resulting in asylum seekers spending many years awaiting a decision on their application. Nevertheless, from our contacts with a number of groups, including Nasc Ireland in Cork and the Irish Refugee Council, we know that while there was a broad welcome and support for the Bill, there is also some concern about and disappointment with some of the provisions. We intend to bring forward amendments on Committee Stage to address those concerns.

The Bill has just passed through the Seanad and the proceedings there last week were described by some Senators as shambolic. Indeed, the Leader of the House, Senator Maurice Cummins, criticised the Department of Justice and Equality in this regard and questioned why the Bill was published in the first place, given that 90 amendments were introduced by the Department. In the wake of the Seanad shambles, three non-governmental organisations that initially welcomed the Bill with reservations are now calling for it to be withdrawn. While I do not support that call, I share their disappointment that the Bill does not incorporate any of the amendments recommended by the working group on the protection process and by the Oireachtas justice committee in its interim report. The Irish Refugee Council has reservations that if the Bill is passed in its current form, there is a real possibility that it will lead to people in need of protection being refused that protection and being either returned to countries where they are at risk or engaged in lengthy and expensive challenges in court. That is the opposite of what the Bill is intended to achieve.

A key concern about this legislation relates to the welfare of children, with the argument being put forward that it does not go far enough in that regard. As the Irish Refugee Council has pointed out, the best interests of the child, as declared in the United Nations Convention on the Rights of the Child, are a paramount consideration for both accompanied and separated children seeking international protection. Ireland, as a state party to that convention, must honour commitments to promote and respect children's rights in a non-discriminatory manner, including in situations where children are seeking protection here, whether accompanied or separated. As it stands, however, the Bill mentions the best interests of the child principle in only a limited way and does not reflect the general principle that the best interests of the child should be a primary consideration in all actions concerning all children at every stage of the process. Only section 24, dealing with medical assessment to determine the age of unaccompanied minors, section 35, concerning unaccompanied minors, and sections 52 to 56, inclusive, which extend to qualified persons certain rights, such as permission to reside in the State, the right to travel documents and the right to family reunification, contain provisions setting down that the best interests of the child be a primary consideration.

It is essential to ensure the best interests of the child are a primary consideration in all aspects of the protection procedure. The current provision is contrary to Ireland's obligations under the Convention on the Rights of the Child as it only extends to children once they have been granted a protection status. In addition, there is only a limited reference to the best inter-

ests of the child in the context of the personal interview. Under Article 22 of the Convention on the Rights of the Child, Ireland is obliged to take appropriate measures to ensure a child who is seeking refugee status or who is considered a refugee shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the convention. Furthermore, the recast asylum procedures directive calls upon states, in assessing the best interests of the child, to take particular account of the “minor’s well-being and social development, including his or her background”.

We are proposing that the Bill include a definition of unaccompanied minor and separated child. This is crucial to ensure early identification of those children separated from their parents or caregivers, including those who are in the company of smugglers or traffickers. While section 14 goes some way to defining an unaccompanied minor, there is a lack of clarity on how a determination is made as to whether someone is “taking responsibility for the care and protection” of the child concerned. This is particularly concerning in the context of situations where a child is being trafficked. We are proposing to bring the Bill more in line with the Separated Children in Europe Programme, SCEP, and the Office of the United Nations High Commissioner for Refugees, UNHCR, definition of separated children. Section 15 of the Bill precludes an accompanied child or a child born in Ireland from making an application for asylum independently of the accompanying adult. By amending section 15 to clearly articulate that right, it will remove any potential conflict with section 7(2)(f), which makes explicit reference to acts of persecution of a child-specific nature.

In its observations on these provisions, the Irish Human Rights and Equality Commission recommended that the best interests of the child should be a primary consideration in respect of all aspects of the Bill, not just in the limited context of children who have been granted refugee status or subsidiary protection status. The commission proposes that a general provision be inserted to the effect that in all decisions relating to children under the operation of the Bill, the best interests of the child be a primary consideration. This recommendation was also reflected in the interim report of the Joint Committee on Justice, Defence and Equality and in the report of the working group on the protection process.

Concerns have also been expressed that the family reunification provisions in the Bill are not in line with the existing rights of persons granted international protection in Ireland. The Irish Human Rights and Equality Commission points out that the definition of a “member of family” who may enter and reside in the State in section 55 is narrow and it notably excludes dependants. The commission recommends that consideration be given to the range of family relationships to which Article 8 of the European Convention on Human Rights can apply in the context of this legislative proposal.

Section 55(5) permits the Minister to provide a time limit by which a family member granted family reunification must have entered the State. There is concern that the introduction of any such restrictions may not take into consideration any exceptional measures or obligations which may arise which may prevent travel. It is also worth noting that the cost of travel is usually borne entirely by the sponsor and can represent a very significant cost, particularly for those with large families. In the experience of many groups working in this area, it is common for delays to occur in family members travelling to Ireland. These may include delays in obtaining entry visas to Ireland or exit visas from the home country; difficulties in obtaining travel documents; raising the cost of travel, particularly for large families; and making arrangements for the care of any family members who may not be eligible to travel. There is concern that in

some circumstances the safety of the family may be jeopardised if they are required to travel when it may not be safe to do so.

As they stand, sections 55(6) and 56(5) do not provide for any exemptions on the loss of the right to reside in the State for family members of refugees. There is concern that this may disproportionately impact on spouses or civil partners who experience domestic abuse. The experience of domestic violence organisations is that victims of domestic abuse often remain in abusive and-or dangerous relationships as they believe it may otherwise compromise their immigration status. Those who have experience in assisting family members of refugees to resolve their immigration status in the event of the death of the sponsoring refugee believe that at a time of great personal grief and hardship for the families concerned, it is important that they be able to retain their status in the State.

Section 55(8) limits the right to family reunification to the 12-month period after the sponsor has been recognised as a person in need of international protection. Current legislation does not contain this restriction. This time period should be removed as it will severely impact the most vulnerable family members who may have become separated in fleeing conflicts or who may have been imprisoned. For example, Nasc in Cork has represented a number of sponsors who have only successfully found family members years after they have been granted status. Under the proposed legislation, they would have lost their right to family reunification.

While the extension of family reunification rights to civil partners of refugees is welcome, there is concern that LGBT refugees will remain unable to realise their rights to family reunification with same-sex spouses or partners. Section 55 provides that the relationship must have been subsisting at the time of the sponsor's application for protection in Ireland, but same-sex marriages or civil partnerships are generally illegal in the top refugee-producing countries. In the majority of such countries, same-sex sexual activity is illegal. It is quite possible that a sponsor's application for international protection may have been based on the risk of persecution because of his or her sexual orientation and it would be unrealistic in these circumstances to expect couples to have married or obtained a civil partnership prior to the sponsor fleeing their country of origin.

Section 55 does not provide any means for a refugee or person eligible for subsidiary protection to apply for family reunification with other dependent family members including parents, wards, grandchildren and adult children. As outlined by United Nations High Commissioner for Refugees, refugee families "rarely fit neatly into preconceived notions of a *nuclear* family (husband, wife and minor children)... A broad definition of a family unit – what may be termed an extended family – is necessary to accommodate the peculiarities in any given refugee situation." The Refugee Act 1996 includes the possibility for refugees to apply for dependent family members, meaning "any grandparent, parent, brother, sister, child, grandchild, ward or guardian of the refugee who is dependent on the refugee or is suffering from a mental or physical disability to such extent that it is not reasonable for him or her to maintain himself or herself fully". No similar provision is included in the Bill, so there is great concern that these provisions are inadequate and will particularly affect very vulnerable family members, including adults with disabilities and orphaned wards who have become part of the sponsor's family unit.

The Bill also does not provide for a right of appeal on a negative family reunification decision. If the sponsor wishes to challenge a decision, the only legal remedy open to him or her is judicial review proceedings. There is a strong case that judicial review is not an adequate remedy as it is not an appeal on the facts of the case and is an inefficient and costly mechanism.

Section 16(3)(b) places an outright ban on the protection applicants seeking, entering or being in employment. Ireland is now the only country in the EU, bar Lithuania, that has a blanket ban on protection applicants entering the workplace. The impact this has on the lives of protection applicants is well documented. Importantly, the working group on the protection process and direct provision recommended that protection applicants be granted the right to work if a decision on their application was not received within a nine-month period. There is great concern that, despite this, the prohibition on the right to work is restated in the current draft Bill.

The Irish Refugee Council is concerned that there are no provisions in the Bill for the training, qualification and skills of personnel engaged in the protection procedure. Although section 62 empowers the chairperson of the tribunal to convene training programmes, there is no equivalent provision for training requirements for personnel involved in the examination of international protection claims at first instance. Limited reference is made to the specific knowledge of authorised officers examining unaccompanied children but no substantive provision is included in the Bill for the comprehensive qualifications and training of personnel involved in all aspects of the protection procedure. It is essential that authorised officers, border officials, the Garda Síochána and other personnel who come into contact with persons seeking international protection have the necessary competencies, skills, knowledge, attitude and training for their respective roles.

The Irish Refugee Council is concerned that children under the age of 14 are subjected to having biometric data taken from them without their own informed consent in accordance with their age and maturity. It should also be noted that the recast Eurodac Regulation (EU) No. 603/2013 only allows for the fingerprinting of children who are 14 years or older, so the new proposal in the Bill to take the fingerprints of younger children is disproportionate to the aim to be achieved and potentially infringes their right to privacy and data protection under the European Convention on Human Rights and the Charter of Fundamental Rights.

While the Fianna Fáil Party will support this Bill and the introduction of a single or unified procedure to replace the current system, we strongly urge the Minister to take on board the concerns expressed about the Bill.

**Deputy Pádraig Mac Lochlainn:** This Bill promised to ensure asylum seekers were treated with respect and humanity within a framework of more efficient immigration procedures and safeguards. While Sinn Féin welcomes these attempts, the Bill fails to achieve those aims. It fails to embed the principle of the best interests of the child and the attendant weaknesses which will potentially expose children to harm. It fails to prevent the risk that wrong decisions will be made without adequate checks and balances and a right of redress. It fails in respecting the rights of refugees to obtain family reunification, vital if refugees are to be able to re-establish themselves in Ireland and settle in to their new communities. Sinn Féin submitted 45 amendments to the Bill in the Seanad in order to address these issues among many others, but the speed with which the Bill is being pushed through the Oireachtas does not inspire any confidence that the Government is taking the rights of the most vulnerable people seriously.

This Bill introduces a single procedure for applicants seeking international protection, but it is a single procedure that will lead to the most vulnerable failing to obtain the protections they need. Like the leading NGOs which work directly with those seeking international protection, Sinn Féin cannot support the passage of this legislation as it now stands.

There is an obsession by those who propose this legislation and are rushing it through these

Houses that the introduction of a single procedure is inherently good. They have repeated it *ad infinitum*. However, a single procedure is only good if it is based on solid grounds that reflect international norms and the laws that are based on those norms. This Bill introduces a single procedure but it is a single procedure that can be used by the Minister for Justice and Equality to deport those most vulnerable who are in need of protection more quickly.

When asked why he wished to pass this legislation so speedily through these Houses, the Minister of State, Deputy Ó Ríordáin, stated that he felt fearful. The Minister of State feared that the next Government would not deal with the pressing issue of introducing an efficient procedure for those applicants seeking international protection. That fear is understandable; however, such fear leads to rushed decisions that may do more harm than good. While the Minister of State may repeat that the legislation is based on law that currently reflects protection principles, such as the best interests of the child principle, he must be aware that where legislation is not clear and does not provide certainty, it will end up being open to abuse where counsel does not bring it to the appropriate forum and where the adjudicator is unaware of its existence.

Legislation is neither effective nor efficient when it does not clarify the law and where it may lead to legal uncertainty. That is what this legislation does. Its success rests on the belief that applicants will spend a maximum of six months before their application is accepted or rejected at first instance, and yet no such timeframe is present in law.

Sinn Féin also submitted a reasonable amendment to the Bill in the Seanad that would allow personal circumstances to be taken into account in regard to reporting requirements. The Minister stated that this is, in fact, what happens in practice so there is no need to codify it in this Bill. That is astoundingly naïve. There is no valid reason that the amendment could not have been accepted by the Government. It would allow pregnant applicants to attend hospital appointments, certain in the knowledge that reporting requirements would be relaxed. It would allow children in school to freely attend sporting and educational competitions away from home without fear that such reporting requirements may prevent them doing so. That minor amendment would reduce fear in vulnerable persons seeking protection and, indeed, state what the Minister states takes place in practice. Rejection of it ensures that legal uncertainty remains for the most vulnerable of international protection applicants.

I will turn to the claim made in the Seanad on Monday last that most of civil society and the NGOs backed this legislation. Either this was intentionally misleading or, more likely, the Seanadóir concerned had not listened to what the NGOs were actually saying on the published Bill. Either way, it does not inspire confidence in how well-thought out the legislation is.

The NGOs to which the Seanadóir referred stated quite clearly that they want this legislation withdrawn. I will restate that position here so that we are all clear as to the position of Doras Luimní, the Irish Refugee Council, Migrant Rights Centre Ireland and Nasc. Those parties, which are experts in this area and have the best interests of those seeking international protection, want this legislation withdrawn. Ms Sue Conlan, CEO of the Irish Refugee Council, stated:

A single procedure will not cure the problems in the Irish asylum system unless there are proper safeguards in place which protect asylum seekers from cursory examination of their applications and a swift move towards deportation. The outcome of passage of the Bill, as it stands, will lead to people being at risk of being returned to persecution or serious harm and refugees separated from family members. This will be at the time of the biggest refugee

crisis since the Second World War.

Ms Fiona Finn, CEO of Nasc and a member of the Government's working group on the protection process which reported at the end of June, stated:

The Minister claims that the Bill implements the key recommendations of the Working Group, this is simply not true. With the exception of the single procedure, the Minister has cherry picked a handful of the more conservative recommendations and ignored any positive recommendations, such as the right to work, early identification of vulnerable applicants, and the application of the Best Interests of Child principle for all asylum seeking children. In addition, the Bill erodes rights to family reunification and brings in harsher detention measures. The single procedure is necessary to improve the protection system, but not at this cost.

Ms Leonie Kerins, director of Doras Luimní, stated:

We are extremely concerned with the speed at which the Bill has been progressed. We see this as a deliberate attempt to prevent proper debate on the more alarming areas of the legislation. This legislation is an opportunity to address the failures of the current system and to bring Ireland in line with international practice and the Common European Asylum System in particular.

The Government, in particular the Labour Party, should account for the blatant disregard with which it is treating the democratic structures of this State.

It claims that, "Labour has changed Ireland for the better, and has made our country a more modern, equal and progressive place for everybody". Such hypocrisy. It is an insult to introduce this Bill on Human Rights Day. Is modernity reflected in the intrusive medical examinations on children in the absence of their consent that are facilitated in this Bill? Is equality reflected in the fact that victims of domestic violence are equally fearful of reporting violence inflicted by their partner in case it removes them from basic legal protections and opens up the appalling possibility of deportation? With regard to progressivity, this Bill reflects that persons seeking protection are seeing a progressive removal of minimum humane standards of international law.

In the Statement of Government Priorities 2014-2016, the Government committed to treating asylum seekers with the humanity and respect they deserve. The speed with which this Bill is being subjected to scrutiny puts shame to that claim. It is a shame that these Houses will not be afforded the length of time needed to rectify these oversights or incorporate the expert opinions available to make a difference to individual asylum seekers.

Sinn Féin stands in solidarity with the weakest in our society. Sinn Féin concurs with the opinions expressed by the experts and the Irish Refugee Council, Nasc, Migrant Rights Centre Ireland and Spirasi. I commend these organisations in their work and recognise their input into this debate. They are part of the wider democratic process and it is a pity the submissions they made on this Bill were not used to strengthen the democratic legitimacy of our legislative process.

As I stated recently on the Garda Síochána (Policing Authority and Miscellaneous Provisions) Bill 2015, I believe that, historically, the Department of Justice and Equality has been a conservative Department that has been resistant to progressing change and that this issue of the need for the State to tackle the issue of direct provision centres for asylum seekers has been

significantly curtailed. The issues those who hold right-wing views on asylum seekers and related matters would want addressed are speedy decision-making and deportation but those who are progressive in this State would want a supportive reaction for asylum seekers to reflect our history.

What is the history of our State? What is the history of this island? Ireland is the only country in the world that has a population lower than it was in the early 1800s. It is due to mass emigration in the past couple of hundred years, not just during the period of the Great Famine in the mid-1800s but throughout our history up to recent times. In recent years, 500,000 residents and citizens of the State emigrated from counties such as mine and others throughout the west of Ireland to Canada, Australia and, in lesser numbers than before, Britain and America.

A famous book written in the 1980s revealed that in the 65 years following the creation of the State, half of those who survived childhood emigrated. Our history is one of mass emigration, not as asylum seekers but as economic migrants. We have heard many speeches from Deputies on all sides, and rightly so, about the undocumented Irish and the need for us to give them the right to come home for occasions such as weddings and funerals if they wish, and then return to the US to work. However, our response to people in fear of their lives coming here from countries that have been devastated by wars, dictatorships and oppressive regimes, many of which were created or supported by the interventions of the West, has not been humane and respectful but shameful.

In my capacity as Chairman of the Oireachtas Joint Committee on Public Service Oversight and Petitions, I examined, along with colleagues, the direct provision system over a period of months. We visited the centres and met dozens of asylum seekers. Our report, which was endorsed by all parties, is very clear that the system is unfit for purpose and must be brought to an end. We cannot have adults and children languishing in receipt of €19 per week and €9 per week, respectively. We cannot have 4,500 applicants, of whom half are children, in the centres. Children grow up for years without being taught to cook and the basic things that happen in families are denied to them. The system is a betrayal of the otherwise decent approach of our people.

A number of years ago, Ireland made the highest *per capita* contribution to overseas development aid in the world. We have a proud legacy of overseas aid. Irish citizens' *per capita* contributions to charity organisations that work overseas is probably among the highest in the world. Irish people have a decent approach in their financial contributions, through their Government or personally, to overseas development aid in the very countries from which asylum seekers are coming. Yet our system has abandoned asylum seekers to direct provision for the past 15 years. There has been no legislation, or legislation has not been used, to address the issue. When we saw the images of the drowned child on the beach, we all said we needed to do something about it, to up our game, to step up to the plate and to honour our legacy.

The legislation is a major disappointment. The Minister should not take my word for it, given that I am far from the most important contributor on the issue. She should take the word of the NGOs that work with refugees. Those who work for the organisations in question are intelligent, thoughtful people who know our obligations under international law. They are very clear that the Bill should be withdrawn. Withdraw the Bill. The remaining Stages are scheduled to be taken next week. The Minister should take the opportunity to withdraw the Bill, take time out, return in the new year and make it a Bill worthy of the name. When she does that, she will be met with a response in kind, not just from me but from other members of the Opposition

who are saying it is not good enough and that it is not the response that was demanded by the Irish people after we saw the images on the beach. I ask the Minister and her Department to reflect on what we are saying, to withdraw the Bill and bring forward a Bill worthy of the name.

**Acting Chairman (Deputy Dinny McGinley):** I call Deputy Clare Daly. She is welcome back, as is Deputy Mick Wallace.

**Deputy Clare Daly:** I thank the Acting Chairman very much. I am very happy to be here. It is a tragedy that the Taoiseach did not call an election in November. With every passing day, the Government is becoming an even bigger joke - ramming legislation through to give the illusion that it is dealing with issues and, in so doing, probably leaving behind a legacy of disaster. It is reprehensible not only that the Bill does not end direct provision and deal with the continuing human rights violations but also that it facilitates a process of keeping people in direct provision and speeding up the deportation at the end of it.

The fact that so many organisations that gave their time to the process are objecting to it should be a wake-up call. The Government's own watchdog, the Irish Human Rights and Equality Commission, IHREC, is saying the Bill should not be passed without amendments dealing with the crucial issues relating to the rights of the child. The key organisations at the coalface are saying the Bill should be withdrawn. The Minister convened a working group to engage stakeholders in pre-legislative scrutiny on the Bill but has ignored all its recommendations. The recommendations were fully costed and agreed by consensus over eight months of deliberations with members of all relevant Departments, NGOs, the United Nations High Commissioner for Refugees, UNHCR, and experts in the field of asylum and refugee law. I do not understand why those recommendations have been ignored.

There is much more to direct provision than the speed at which applications are processed. The conditions in direct provision facilities have been roundly condemned by many of those who have been forced to live in them. We do not know the full cost to the taxpayer. When people asked the Minister what it cost, she was not able to tell the House due to fear of competitive scrutiny and because it was not in the public interest. The public will be very interested to know that many of the private companies which run direct provision centres are making a very nice, tidy profit from them. A company that owns a centre so awful the refugees called it "Guantanamo Bay" made €2.5 million in operating profit in 2014. As previous speakers stated, the Government rejected a range of amendments in the Seanad which would have improved the Bill. Presumably, the Minister will do the same in this House. This alone is a reason the Bill should go no further.

The Bill relates to people whose lives have been devastated in their own countries, who have given testimonies such as the following:

I left Rwanda 20 years ago. I was a refugee in the Congo. I was not in a wheelchair in the Congo, I was shot and tortured there and became paralysed.

Another testimony is as follows:

In the last incident that led me to leave Zimbabwe and come here, we were taken to a farm. We were tortured to the extent that I was unconscious. I have scars and bruises all over my body. We were beaten [...] I left for my own safety.

The conditions these people are living in are absolutely disgraceful. One of the key reasons

people seek asylum is war and we are complicit in the creation of such situations by continuing to allow the US military to use Shannon Airport. Some 33 million refugees have been displaced by war. The two issues are linked.

Debate adjourned.

### Topical Issue Matters

**Acting Chairman (Deputy Dinny McGinley):** 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 Michael Fitzmaurice - the need for preventive measures, including the dredging and cleaning of rivers across the west, to alleviate the problems and distress caused to home owners, businesses, farmers and road users by severe flooding; (2) Deputy Thomas P. Broughan - the need for the Road Safety Authority to compile and monitor statistics on the operation of the penalty point system, especially with regard to drink driving and dangerous driving; (3) Deputy Michelle Mulherin - the need for Pobal to provide additional funding to community service programme projects for 2016 in order to cover the increase in the minimum wage to €9.15 from 1 January 2016; (4) Deputy Regina Doherty - EirGrid's new sponsorship deal with Louth Meath FM radio station; (5) Deputy Pat Breen - the measures being taken to protect homes and property in Springfield, Clonlara and surrounding areas in south-east Clare adjacent to the River Shannon from flooding and the release of waters from the Parteen Weir; (6) Deputy Paul Murphy - the ongoing detention of Ibrahim Halawa in Egypt; (7) Deputy Barry Cowen - the need to provide more resources and support to local authorities and to enhance their communications with local residents in regard to flooding; (8) Deputy Clare Daly - the dysfunctional system of people being arrested for non-payment of fines; and (9) Deputy Mick Wallace - to discuss the dysfunctional system of people being arrested for non-payment of fines.

The matters raised by Deputies Michelle Mulherin, Barry Cowen, Michael Fitzmaurice and Thomas P. Broughan have been selected for discussion.

### Leaders' Questions

**Deputy Colm Keaveney:** Scoliosis is a condition that affects several hundred children and adolescents in Ireland. It is a progressive disease that involves the curvature of the spine. It causes increasing difficulty with breathing and has an impact on the heart and other internal organs. As the Tánaiste can imagine, it has a particular effect on children who are sensitive with respect to their appearance as they travel through their school lives. It is a very sensitive situation. Scoliosis has an impact on the condition and mental health of children and affects how they get about the place.

*12 o'clock*

This issue was forcefully brought to my attention by a young woman called Sophie from Galway. She is 15 years old. She once led a cheerful, confident and outgoing life. She had an excellent attendance record in school. She was once a grade A student. In February 2014, she was diagnosed with scoliosis. By the summer of that year, her condition had deteriorated and urgent surgery was recommended. She went through many tests and scans in preparation for the necessary surgery. Neither Sophie nor Sophie's mother has heard a word from the HSE since those tests and scans were done. She has been left in limbo since that time. That has too

often been the experience of many families who carry the burden of scoliosis. It seems the HSE and the Minister do not act until people in the media, such as Ferghal Blaney of the *Irish Daily Mail*, contact the HSE to ask about scoliosis cases.

The delay of almost two years is now having an impact on Sophie's internal organs. When she presented herself to a GP yesterday, she learned that the curvature of her spine is now at an angle of 80°. The impact of this could puncture her lung. Worse still has been the impact on her mental health. She is no longer able to attend school. Sophie is now on anti-depressants as a consequence of having to wait two years for an intervention.

**Deputy Mattie McGrath:** Shame.

**Deputy Colm Keaveney:** To add insult to injury, Sophie, who is a child, received a personal letter from the HSE last week telling her that she would be sent to Barringtons Hospital in Limerick. The members of her family members celebrated and were relieved. When they rang the HSE this week, they were advised that the letter had been sent in error. Hundreds of adolescents like Sophie are languishing on waiting lists as they wait for treatment. Is the Tánaiste happy with how such children are being treated by the Government and the HSE?

**The Tánaiste:** Anybody who has experienced scoliosis, who has family members or friends who suffer from it or who knows someone who suffers from it will be aware that it is a very difficult condition. The impact of it is obvious when one considers that it affects growing children. I am not familiar with the details of the particular case highlighted by Deputy Keaveney. I will ask the Minister for Health to ask for a report from the HSE on the subject. I apologise for any error that has been made by the HSE. I hope the HSE will have apologised for any such error as well. I hope any error has not had too severe an impact on Sophie and her family.

In a general sense, people who are familiar with scoliosis may know that it has been the subject of a significant expansion of resources in our health system. It is important that we acknowledge that the provision being made for the number of cases to be treated has pretty much doubled in the lifetime of the Government. Treatment is now available in many different locations, some of which have seen increased capacity, including Blackrock Clinic, Cappagh hospital, which is a dedicated orthopaedic hospital, and Temple Street children's hospital. As we speak, the construction of a new theatre at Our Lady's Children's Hospital in Crumlin is under way. This will provide additional resources for dealing with this difficult condition. Two additional orthopaedic consultants have been appointed at University Hospital Galway.

This particular disease, which has a stronger presence in Ireland than in many other countries, has received significant attention. There has been a doubling of resources and an increase in the number of locations where patients are treated. In addition to dealing with cases in Blackrock, Temple Street and Crumlin, we are also now referring a number of cases to the UK Royal National Orthopaedic Hospital in Stanmore near London. This is a mechanism for dealing as quickly as possible with the cases on the list, particularly those presenting great complexity and those involving patients who may have one or more conditions in addition to scoliosis. As medical technology develops, the capacity to deal with more complex cases is improving. I assure the Deputy that the HSE, the Minister for Health and the Department of Health are allocating significant additional resources. Treatment is being provided at a number of locations in the country and, for the first time, in Stanmore near London. I hope the families and individuals who are suffering from this condition will understand that we intend to provide a greatly expanded and enhanced level of treatment. We are doing that by doubling the resources

and providing orthopaedic treatment in some of the premier institutions in Ireland.

**Deputy Colm Keaveney:** I acknowledge the Tánaiste's response. The waiting list for children with scoliosis is increasing. The time that children are having to spend on the waiting list is increasing. Teenagers with scoliosis are having to wait up to three years for early interventions. Dr. David Moore, who is a consultant in orthopaedic paediatrics, has said:

Operating on a child who has been subject to unnecessary delays between diagnosis and surgery is like [dealing with a very profound situation]. Research shows that when a child's surgery is delayed until they hit a 70° curvature ... they are subject to a longer surgery, greater intraoperative blood loss, more fused vertebrae [and] double the blood transfusion risk.

The issue here is early intervention.

The waiting lists in Crumlin's orthopaedic department have increased significantly since March. I ask that the Tánaiste roll up her sleeves to give some level of hope to families who have been languishing on waiting lists and to children who are suffering in pain. I ask her to ensure the Minister rolls up his sleeves too. He is one of the highest paid Ministers for Health in Europe. We are asking for action for children who are languishing in pain on waiting lists.

Early intervention is the key because, after the age of 16, there is little or no point in intervening because the likelihood is that an operation to address curvature will fail. After diagnosis, what is required is investment but we do not see any urgency or political will on the part of Government in this area. Look at the waiting lists in Crumlin - they have increased since March. I acknowledge that, at a very late stage, the Government is attempting to do something but that is only because it is exposed.

**The Tánaiste:** Dr. Moore is known to families right around Ireland and to many Members of this House as one of our outstanding surgeons. I assure the Deputy that anything said by David Moore will be taken very seriously by me personally-----

**Deputy Finian McGrath:** What about the Minister for Health?

**The Tánaiste:** -----because I am very aware of his personal reputation and his commitment to children. His family has a very strong history of involvement in medical matters in this country. I said an additional theatre was being built in Crumlin. The Minister for Health has met Professor Moore on several occasions and additional theatre space was one of the proposals from him. The theatre is under construction at the moment and I anticipate it will be finished and available shortly. In order to reduce the waiting list, a specific examination has been done to look at the different issues which face different children. Some are straightforward but others are more complex. In order to help with that, the Stanmore clinic in London, a renowned location, has been commissioned to do some work in conjunction with the hospitals here, namely, Temple Street clinic, the royal hospital and the orthopaedic hospital. Stanmore has accepted 11 patients from Temple Street, five of whom have been waiting for a long time. Two of the families have decided not to progress with surgery-----

**Deputy Colm Keaveney:** For a good reason.

**The Tánaiste:** -----on the basis of second opinions while two will be followed up with outpatient appointments in Crumlin. In fairness to the HSE and the hospitals, the staff nurses and medical consultants have a tremendous record of service to children. Anyone who is familiar

with scoliosis will know how difficult it is to deal with and one has to get it right. Orthopaedic operations have to have a high level of success although that does not refer to the situation with Sophie which the Deputy said arose from a cancellation. I assure the Deputy that, in resourcing the HSE and individual hospitals and departments dealing with these issues, a concerted effort is under way to deal with children and teenagers who have been waiting a long time. As the Deputy said, this affects their whole lives.

**Deputy Sandra McLellan:** The photographs in many of today's papers are very stark. They show entire communities under water and vast swathes of the country are now flooded. Many of us here today come from communities that have been devastated by the recent bad weather, including my own county of Cork. Homes and businesses have been destroyed. People's livelihoods are literally being washed away, and this is not the first time for many citizens. People in these areas cannot get insurance to cover their homes and businesses against this type of damage and this is a major problem. The Taoiseach was asked yesterday by my colleague, Deputy Pádraig Mac Lochlainn, if he would introduce a State-funded aid package for houses and businesses in areas at high risk of flooding which cannot get insurance cover through no fault of their own. He would not give that commitment. I ask the Tánaiste to argue for this desperately needed package at Cabinet level. Will she tell her Fine Gael partners in Government that we need this package of funding to help the thousands of families whose homes have been destroyed as a result of bad weather this week? This bad weather is set to continue and even get worse so will the Tánaiste please send a message to the people at high risk of flooding that their Government will be there to support them with practical and monetary assistance?

**The Tánaiste:** All our commiserations go to all the households, families and businesses affected by the flooding. Hopefully, as the weekend progresses all the work that has been done on the ground by local authorities, the Defence Forces and community welfare staff of my own Department will help to mitigate this very traumatic and upsetting event for any family, particularly in the run-up to Christmas. This is the largest weather event of this type since 2009. The current weather forecast is for a long front and we are not yet sure where it will land. The Department of Social Protection's humanitarian assistance emergency programme was activated approximately three weeks ago, when the first spate of flooding started. Last weekend, together with the county councils of Kerry and Clare, we assisted families to access alternative homes, where appropriate, and other accommodation on a temporary basis. Most people want to stay at or close to their homes so that they can begin the clean-up.

The Department of Social Protection is also activating a €10 million fund to help to meet the immediate costs of the flooding. As the waters recede and the clean-up starts, this fund will help with the provision of furniture and white goods, such as fridges and freezers, which have been destroyed. The third phase will be to help people carry out structural work which may be required on their homes. On the previous occasion this happened in 2009, which Deputy Keaveney will remember, we worked extensively with families in east Galway. In a number of cases, homes had to be knocked and replacement homes built because they were built on flood plains. This work was done in conjunction with the local authority and the OPW. All the measures outlined in emergency provisioning are now in place and under way but it takes some time, particularly with major structural damage, to identify what has happened to a house and what needs to be done.

In Cabinet the other day, we agreed to establish a €5 million fund in conjunction with the Red Cross to assist small businesses who are at a loss and unable to get insurance. Discussions on that are under way as we speak and more will take place over the coming weekend. It is

difficult for traders in places like Bandon who have been looking forward to one of the best Christmases since 2007 and 2008.

On the question about insurance, there have been detailed discussions on this issue both in committees and with the Minister for Finance as it relates to his remit. There are a range of views on possible insurance supports and schemes. I do not know if the Deputy has identified the type of scheme she wishes to propose, but it is certainly something that should be examined again. However, we must be careful. Are we saying we will allow the private insurance industry in Ireland to walk away from responsibility for providing general insurance for people's properties, and how will we identify those areas and the insurance risks that will be taken on by the general policyholder in the form of higher insurance payments or through some other scheme? I would be interested to hear the Deputy's proposals on that.

**Deputy Sandra McLellan:** The Government has cut the OPW's flood risk management programme in 2016 by €15.6 million, or 25%.

**The Tánaiste:** That is not true.

**Deputy Sandra McLellan:** The €5 million the Government has committed to providing for flood relief will do nothing for home owners as it is allocated to help businesses. The €10 million allocation is means tested and is obviously very restrictive. That is the reason it has not been drawn down.

**The Tánaiste:** That is not true.

**Deputy Sandra McLellan:** It has never been fully drawn down. We know this situation will only get worse. The weather forecast is not good. The increased prevalence of flooding in Ireland in recent years has been linked to climate change. There has been an increase in the annual rainfall in northern and western areas, while there have been decreases or small increases in the south and east. The Taoiseach has said we will not meet our emissions targets. This will cost the State €600 million in fines. The risk of flooding is increasing and will continue to increase. Does the Government have a long-term strategy to deal with the risk of flooding and to improve our flood defences? Will the Tánaiste outline that plan? People across the island need to know that our political leaders have a plan to prevent this from happening again.

**The Tánaiste:** With regard to the figures the Deputy put forward, in the past 20 years Governments have invested €410 million in flood relief schemes. By comparison, this Government has provided €430 million, in terms of national planning, for flood risk in the coming six years. A number of very successful flood defence and flood alleviation schemes have been put in place in recent times, such as in Clonmel, close to the Deputy's area, where it is working well and, one hopes, will continue to work well. Flood defence schemes have also been installed in a wide range of towns at risk of flooding while work is at a very advanced stage for a number of other schemes.

The Deputy referred to EU rules. EU rules relating to flooding require, for the best of reasons, intensive local consultation on the provision of flood defence schemes. In some cases, this has given rise to serious objections at local level. The Deputy is probably familiar with the discussions in Dublin about some of the flood defence schemes. The public discussion process in the planning process, as required by EU rules, is lengthy. However, the Government has provided for more funding in recent years and over the next six years for flood defences than previous Governments provided over 20 years.

**Deputy Michael Fitzmaurice:** As the previous speaker said, in rural parts of Ireland and in towns such as Athlone, Ballinasloe and Athleague, throughout most of Galway and in County Clare down to the mouth of the Shannon, people are holding their breath because they do not know what will happen in the next few days. Schools have been closed all week in various parts of the west. There are a number of issues we must examine, including what is happening in county councils. In most areas the number of outdoor staff who carry out the water cuttings on roads has been reduced by 60% over the past ten years.

This country appears to be the greatest country in the world for telling people how they cannot do something. Whenever somebody tries to do something positive, they are blocked. The Shannon, Suck and most rivers in this country are blocked with silt. I spoke to a person yesterday who has a canoe on the Suck. Two months ago the person failed to get through part of the river due to the amount of silt in it. When somebody tries to do something on their land or in a river in these parts of the country, five different bodies try to put obstacles before them. They will talk about EU legislation, most of which was signed by this Government in 2011, regarding environmental impact assessments, EIAs, and appropriate assessments. The National Parks and Wildlife Service is the biggest villain of them all. Last year there was a flood on a road in Galway and the road was opened and closed five times. In the end the Garda had to intervene because one arm of the State was blocking another. We saw what happened to people in England two years ago when a number of rivers flooded. However, England, unlike this country, took the bull by the horns. People there decided to take out the dredging machines and to carry out the required work.

Many people do not understand that in rural Ireland we have a managed landscape. It is a landscape where one must manage drains and rivers. However, we are blocked from that because of all the bureaucracy. The Tánaiste spoke about spending €400 million on flood relief. I am aware of a town where €280,000 was allocated for that. In fact, the job itself cost €100,000. People in suits called consultants and engineers spent the rest of the money. We must cut down on this. Is the Tánaiste prepared to put more outdoor workers in place? I travelled around the roads last weekend with a sled containing signs which the council gave me to erect on roads where there were floods in case cars would be destroyed. There were not enough outdoor staff to do it. In addition, the Government should allow ordinary people in communities to get involved and help, because councils are afraid to tell them. Is the Tánaiste willing to put more outdoor staff in place? Will she get the OPW to spend its budgets and not return them to the Exchequer? There was a €15 million underspend this year and a large underspend last year.

Is the Tánaiste prepared to get rid of the bureaucracy in terms of the cost of consultants? I attended a Department of Agriculture, Food and the Marine event in Castlerea, County Roscommon, this week and heard there was nothing we could do. There was a group of consultants present and I asked them what we could do and whether they had a report. They said they had but the funds were not available to solve it. Is the Tánaiste prepared to stand with England? The opportunity is coming. Instead of telling their businesses how to vote, will the Government stand with England and change the EU and its bureaucracy? We have the habitats directive and the water framework directive, but one is colliding with the other. Will the Government introduce emergency legislation to overrule the bureaucracy in this country in order that we can let water flow in rivers? People will do it in their own areas if they are given the opportunity. Will the Government overrule the EU bureaucracy and the bullshit that is coming from it?

**An Leas-Cheann Comhairle:** I would appreciate it if the Deputy did not use unparliamentary language.

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**The Tánaiste:** I am not sure the UK is the perfect model.

**Deputy Michael Fitzmaurice:** They have dredged all the rivers.

**The Tánaiste:** I do not know if the Deputy has read about Cumbria and what is happening there.

**Deputy Michael Fitzmaurice:** They dredged there.

**The Tánaiste:** Is he proposing the Cumbrian model-----

**Deputy Michael Fitzmaurice:** They have dredged there.

**The Tánaiste:** -----where they have spent tens of millions and the result has been no great defence of the poor people?

**Deputy Michael Fitzmaurice:** They have dredged there.

**An Leas-Cheann Comhairle:** Please, no more interruptions.

**The Tánaiste:** What the Deputy is also suggesting is that there would not be consultation in a way that would provide solutions that support local communities and also support wildlife and habitats-----

**Deputy Mattie McGrath:** People are more important.

**The Tánaiste:** -----as we are required to do under EU legislation.

**Deputy Mattie McGrath:** And ahead of the people.

**The Tánaiste:** A moment ago, Sinn Féin was suggesting that we needed to take drastic action to cut emissions. Sinn Féin knows that is shorthand for cutting our national herd and cutting the livelihoods and activities of farmers throughout the country.

**Deputy Peadar Tóibín:** If the land is under water, where will the herd go?

**Deputy Aengus Ó Snodaigh:** The Tánaiste does not have a clue, God love her.

**Deputy Sandra McLellan:** We have emissions targets to reach.

**The Tánaiste:** Instead of a structured, organised approach to the relief of flooding, we are hearing-----

**Deputy Dessie Ellis:** It is emissions from the Tánaiste.

**The Tánaiste:** -----a little bit of political grandstanding on the misery of people who are undoubtedly petrified of what may happen over the next four or five days. If the Opposition wants to engage in positive proposals, we need to address the bad planning which located buildings and properties in areas which are no longer appropriate. We need to review that. The climate of the earth is changing and part of that has been, as the Deputy said and as I agree, more difficult conditions in terms of rain, floods and storms in certain parts of Ireland. In terms of the ongoing discussions in Paris, we have a number of challenges. In terms of making progress on this, the €430 million allocated by the Government is a significant amount of money. Deputy Fitzmaurice is suggesting that simple dredging of river beds would address most of the issues. While

the Deputy may be right in some cases, I doubt seriously that he is right in all cases. People who are involved in tourism and fishing might not support his view that the rivers of Ireland should simply be gouged out. Deputy Fitzmaurice is making some valuable proposals but he is also making proposals which might have serious unintended consequences for farming and tourism.

**Deputy Finian McGrath:** He is a man of the land. He knows what he is talking about.

**Deputy Michael Fitzmaurice:** I am a farmer.

**The Tánaiste:** What we need is a conversation that protects both. People all along the Shannon are very interested in promoting the value of tourism, including fishing, along the river.

**Deputy Michael Fitzmaurice:** They do not want to be drowned out of it. They will not be able to promote tourism if they are drowned.

**The Tánaiste:** While the Deputy suggests that simply gouging out the rivers is a solution, he needs to think about it. He should, along with communities and other affected people, work out the best solution which is sustainable and which does not damage livelihoods in different areas. I welcome the Deputy's contribution, but he needs to expand it at greater length to say what should be done.

**Deputy Finian McGrath:** No better man.

**The Tánaiste:** Taking the UK model, he should look at Cumbria and what is happening there at the moment.

**Deputy Michael Fitzmaurice:** Look at what they have done.

**An Leas-Cheann Comhairle:** I call Deputy Fitzmaurice to ask a supplementary question.

**Deputy Michael Fitzmaurice:** Some of us in the west come from marginal land and have dealt with water and improving our lands our whole lives. That means trying to get water away to grow grass. As such, we may have some idea of how to shift water. I note that Holland is below sea level and is not drowned out of it at the moment. Reference has been made to nature. We grew up with nature in those areas and looked after it. However, the so-called experts came in and told us how to live our lives. The fact is that nature has now been drowned out of it, which is completely wrong and should not have happened, as a result of what has gone on with bureaucracy in this country.

I did not say that dredging the rivers would solve every problem. I understand there are some areas which are low lying. However, in most areas, it would solve the problem. The Tánaiste did not address the point about council workers. I point out to her that putting cuttings on the roads would have gotten rid of a great deal of water. I have seen areas where works carried out in 2009 to install pipes to bring water from A to B have worked. Sadly, there are too many bodies at the moment which are interfering and it is a problem. The people of the land know how to move water. That is the reality. The Tánaiste referred to consultation. The people around Athlone would prefer if there was less water in the area. They are able to farm their land and would be supported in doing so, but the Tánaiste should not patronise them by saying they would much rather be at tourism or whatever. They are well capable of running their lives, but their lives are being taken away because their houses, farms and sheds are flooded.

If we do not decide to address the problem, we will be in trouble as a country. If we do not stand up to what is happening, the west will become a theme park with rules and regulations coming in from Europe. A person should be allowed to live in his or her house without being drowned out of it.

**The Tánaiste:** As a Minister I have had to help to resolve situations in parts of the west where, unfortunately, due to changes in the climate and the events arising from the floods of 2009, we had to get some people to move from beautiful homes they had lived in for many years. Deputy Keaveney can confirm that, as would Deputy Grealish if he were here.

**Deputy Michael Fitzmaurice:** That was planning.

**The Tánaiste:** All I am saying to the Deputy is that his earlier suggestions of a one-size-fits-all solution and the UK solution, while well meant, are not necessarily the solution.

**Deputy Michael Fitzmaurice:** I never said one size fits all.

**The Tánaiste:** We need to work on a scheme of flood protection for the country as a whole. We must change some of our approaches to planning to ensure we do not build permanent structures in areas which are continually subject to flooding on a five to ten-year cycle. That is a nightmare for the people involved. We must revert to local authorities and say they have a responsibility in their approach to planning.

**Deputy Mattie McGrath:** They have no outdoor staff.

**Deputy Michael Fitzmaurice:** What about outdoor staff?

**Deputy Aengus Ó Snodaigh:** We might as well move to Bandon.

**The Tánaiste:** Local authorities have significant income and are, as we speak, devoting significant staff resources to helping people.

**Deputy Michael Fitzmaurice:** They do not have the staff and are 60% down in ten years.

**The Tánaiste:** They are helping people in areas affected by flooding. As the Deputy knows, the Defence Forces have also been assisting. We all take our hats off to the people who have been out working night and day with the local communities.

**Deputy Mattie McGrath:** Give them wellies.

**The Tánaiste:** Our country is now experiencing 20-year weather events every five years and we must respond to that. Most people in the west value and love their landscape. They have to make a living, but that is done in a variety of ways, not just from farming but also from tourism.

## Order of Business

**The Tánaiste:** It is proposed to take No. 14a, motion re referral to joint committee of proposed approval by Dáil Éireann of the Planning and Development (Amendment) (No. 4) Regulations 2015; No. 2a, International Protection Bill 2015 [Seanad] - Second Stage (resumed); and No. 2b, Planning and Development (Amendment) Bill 2015 [Seanad] - Second Stage.

It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 5.30 p.m. tonight and shall adjourn on the conclusion of Topical Issues, and there shall be a suspension of sitting for 30 minutes on the conclusion of No. 2a; No. 14a shall be decided without debate; the proceedings on Second Stage of No. 2a shall, if not previously concluded, be brought to a conclusion at 4.30 p.m. by one question which shall be put from the Chair, and the sitting shall be suspended for 30 minutes; the proceedings on Second Stage of No. 2b shall, if not previously concluded, be brought to a conclusion after two and a half hours by one question which shall be put from the Chair; and the Dáil shall sit tomorrow at 10 a.m., shall adjourn on the conclusion of No. 69, Coroners Bill 2015 – Second Stage, there shall be no Order of Business within the meaning of Standing Order 26, the sitting shall be suspended on the conclusion of No. 2c for 30 minutes and the following business shall be transacted accordingly: No. 37, Finance (Tax Appeals) Bill 2015 - Order for Report Stage, Report and Final Stages, with the proceedings thereon, if not previously concluded, brought to a conclusion after two and a half hours by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Finance; No. 2c, Finance (Local Property Tax) (Amendment) (No. 2) Bill 2015 [*Seanad*] - Second and Remaining Stages, with the proceedings on Second Stage, if not previously concluded, brought to a conclusion after two and a half hours by one question which shall be put from the Chair; the proceedings on Committee and Remaining Stages shall, if not previously concluded, be brought to a conclusion after 30 minutes by one question which shall be put from the Chair and which shall, in respect of amendments, include only those set down or accepted by the Minister for Finance; and the sitting shall be suspended for 30 minutes; No. 7a, Appropriation Bill 2015 - Order for Second Stage, Second and Remaining Stages, with the proceedings on Second Stage, if not previously concluded, brought to a conclusion after 45 minutes by one question which shall be put from the Chair; the speeches shall be confined to a Minister or Minister of State and the spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order, and shall not exceed ten minutes in each case, such Members may share their time and a Minister or Minister of State shall be called upon to make a speech in reply, which shall not exceed five minutes; and the proceedings on Committee and Remaining Stages shall, if not previously concluded, be brought to a conclusion after 20 minutes by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Public Expenditure and Reform; No. a8, Houses of the Oireachtas Commission (Amendment) Bill 2015 - Order for Second Stage, Second and Remaining Stages, with the proceedings on Second Stage, if not previously concluded, brought to a conclusion after one and a half hours by one question which shall be put from the Chair; the opening speeches of a Minister or Minister of State and of the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order, shall not exceed 15 minutes in each case and such Members may share their time; the speech of each other Member called upon shall not exceed ten minutes in each case and such Members may share their time and a Minister or Minister of State shall be called upon to make a speech in reply that shall not exceed five minutes; and the proceedings on Committee and Remaining Stages shall, if not previously concluded, be brought to a conclusion after 30 minutes by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Public Expenditure and Reform; and the following Private Members' Bills shall be taken on the conclusion of No. a8 and any division demanded on either Bill shall be taken on the conclusion of the Order of Business on Tuesday, 15 December 2015: No. 68, Ramming of Garda Vehicles Bill 2015 – Second Stage, and No. 69, Coroners Bill 2015 – Second Stage.

In the event the following items of business conclude in the Seanad, it is proposed, notwith-

standing anything in Standing Orders, that the Dáil shall sit on Monday, 14 December 2015 at 12 noon and shall adjourn on the conclusion of the Prisons Bill 2015 [*Seanad*], there shall be no Order of Business within the meaning of Standing Order 26 and the following business shall be transacted accordingly: Courts Bill 2015 [*Seanad*] - Second and Remaining Stages, with the proceedings on Second Stage, if not previously concluded, brought to a conclusion after two and a half hours by one question which shall be put from the Chair; and the proceedings on Committee and Remaining Stages shall, if not previously concluded, be brought to a conclusion after 30 minutes by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Justice and Equality; Prisons Bill 2015 [*Seanad*] – motion to instruct the committee, with the proceedings, if not previously concluded, brought to a conclusion after one hour, the speech of a Minister or Minister of State and of the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order, shall not exceed 15 minutes in each case and such Members may share their time; and Prisons Bill 2015 [*Seanad*] - Second and Remaining Stages, with the proceedings on Second Stage, if not previously concluded, brought to a conclusion after two and a half hours by one question which shall be put from the Chair; and the proceedings on Committee and Remaining Stages shall, if not previously concluded, be brought to a conclusion after 30 minutes by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Justice and Equality.

It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit on Tuesday, 15 December 2015 at 11 a.m. and the business to be transacted at that time shall be as follows: Bankruptcy (Amendment) Bill 2015 – Order for Second Stage, Second and Remaining Stages, with the proceedings on Second Stage, if not previously concluded, brought to a conclusion at 1 p.m. by one question which shall be put from the Chair, the opening speeches of a Minister or Minister of State and of the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order, shall not exceed 15 minutes in each case, such Members may share their time; the speech of each other Member called upon shall not exceed ten minutes in each case, such Members may share their time and a Minister or Minister of State shall be called upon to make a speech in reply that shall not exceed five minutes; and the proceedings on Committee and Remaining Stages shall, if not previously concluded, be brought to a conclusion at 1.45 p.m. by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Justice and Equality.

**An Leas-Cheann Comhairle:** Go raibh maith agat.

**The Tánaiste:** I think I will sit down now and have a rest.

**Deputy Tom Hayes:** Let them feed on that.

**An Leas-Cheann Comhairle:** There are seven proposals to be put to the House. Is the proposal for dealing with the late sitting agreed to? Agreed. Is the proposal for dealing with No. 14a, without debate, agreed to? Agreed. Is the proposal for dealing with No. 2a agreed to?

**Deputy Colm Keaveney:** No.

**Deputy Sandra McLellan:** Not agreed.

**Deputy Colm Keaveney:** Nine guillotines are being imposed on the House.

**Deputy Mattie McGrath:** She is some woman with a knife.

**Deputy Colm Keaveney:** This is due to the fact that there was a late return of the Dáil after the summer recess. The frequent use of the guillotine is undermining the call for a more transparent, open Oireachtas. In this light, I must object to the proposal and call for a vote.

**Deputy Sandra McLellan:** A number of important Bills covering planning, crime, property, the courts and prisons are being guillotined between now and Tuesday in order to railroad them through the Houses before Christmas. Today, which is UN Human Rights Day, only two and a half hours are being set aside for Second Stage of the International Protection Bill. Tomorrow, approximately two to three hours have been allowed for all Stages of each of the Finance (Tax Appeals) Bill, the Finance (Local Property Tax) (Amendment) Bill, the Houses of the Oireachtas Commission Bill and the Appropriations Bill. Although in some cases such Bills are considered within the time allowed and although the House has had to suspend in the past week because it did not have enough legislation to discuss, what is happening is not the way to do business.

**Deputy Joe Higgins:** I strongly oppose the guillotining of the International Protection Bill. It beggars belief that a Bill with such profound implications for those seeking human rights protection in this State should be brutally guillotined on Second Stage today, with Remaining Stages probably rammed through next week. This Bill would abolish the Office of the Refugee Applications Commissioner and have its responsibilities subsumed under the Department of Justice and Equality, thereby annihilating even a semblance of independence. The Bill would effectively remove the option of the State to grant leave to remain in Ireland on humanitarian grounds to those whose initial applications are unsuccessful. For those people, this is a rapid deportation Bill providing that applications for refugee protection may be rammed through on a fast-track basis, with those who are not initially successful denied effective recourse to the courts to challenge their threatened deportation. This effectively rules out leave to remain on humanitarian grounds. Many Deputies have lobbied on behalf of various individuals seeking leave to remain because it was correct to do so. The idea is that the whole process will be rammed through in nine months.

The Labour Party has said loudly over recent months that it will end the discredited and inhuman direct provision system for refugee status applicants. Now, in a move that can only be called Orwellian, it proposes to meet the objections to and repugnance towards the direct provision arrangement not by making it humane and changing it fundamentally, but by kicking out of the State anybody who, after a period of months, is not granted leave to remain without giving him or her further recourse to the courts or even the Minister and State to seek leave to remain on humanitarian grounds. It is grotesque in the extreme.

**The Tánaiste:** The purpose of this Bill is to enact the recommendations of the recent report by retired judge, Mr. Bryan MacMahon, and the group working with him. In fact, people such as the Deputy have complained at length about individuals spending very many years in direct provision. Through the Bill, we are seeking to have a single procedure and a five-year period. That is what has been recommended by all those who have been knowledgeable about this down through the years.

Question put: "That the proposal for dealing with No. 2a, International Protection Bill 2015 [Seanad] - Second Stage, be agreed to."

<i>The Dáil divided: Tá, 65; Níl, 37.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Barry, Tom.</i>	<i>Adams, Gerry.</i>
<i>Breen, Pat.</i>	<i>Aylward, Bobby.</i>
<i>Bruton, Richard.</i>	<i>Boyd Barrett, Richard.</i>
<i>Burton, Joan.</i>	<i>Calleary, Dara.</i>
<i>Butler, Ray.</i>	<i>Collins, Niall.</i>
<i>Buttimer, Jerry.</i>	<i>Colreavy, Michael.</i>
<i>Byrne, Catherine.</i>	<i>Cowen, Barry.</i>
<i>Byrne, Eric.</i>	<i>Creighton, Lucinda.</i>
<i>Carey, Joe.</i>	<i>Crowe, Seán.</i>
<i>Coffey, Paudie.</i>	<i>Daly, Clare.</i>
<i>Collins, Áine.</i>	<i>Ellis, Dessie.</i>
<i>Conaghan, Michael.</i>	<i>Fitzmaurice, Michael.</i>
<i>Connaughton, Paul J.</i>	<i>Fleming, Tom.</i>
<i>Conway, Ciara.</i>	<i>Healy, Seamus.</i>
<i>Coonan, Noel.</i>	<i>Higgins, Joe.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Keaveney, Colm.</i>
<i>Costello, Joe.</i>	<i>Kelleher, Billy.</i>
<i>Coveney, Simon.</i>	<i>Kirk, Seamus.</i>
<i>Creed, Michael.</i>	<i>Mac Lochlainn, Pádraig.</i>
<i>Daly, Jim.</i>	<i>McConalogue, Charlie.</i>
<i>Deasy, John.</i>	<i>McGrath, Finian.</i>
<i>Deering, Pat.</i>	<i>McGrath, Mattie.</i>
<i>Doherty, Regina.</i>	<i>McLellan, Sandra.</i>
<i>Dowds, Robert.</i>	<i>Martin, Micheál.</i>
<i>Doyle, Andrew.</i>	<i>Moynihan, Michael.</i>
<i>Durkan, Bernard J.</i>	<i>Murphy, Catherine.</i>
<i>English, Damien.</i>	<i>Murphy, Paul.</i>
<i>Ferris, Anne.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Fitzgerald, Frances.</i>	<i>Ó Cuív, Éamon.</i>
<i>Fitzpatrick, Peter.</i>	<i>Ó Fearghail, Seán.</i>
<i>Hannigan, Dominic.</i>	<i>Ó Snodaigh, Aengus</i>
<i>Harrington, Noel.</i>	<i>O'Brien, Jonathan.</i>
<i>Harris, Simon.</i>	<i>O'Sullivan, Maureen.</i>
<i>Hayes, Tom.</i>	<i>Smith, Brendan.</i>
<i>Heydon, Martin.</i>	<i>Tóibín, Peadar.</i>
<i>Howlin, Brendan.</i>	<i>Troy, Robert.</i>
<i>Humphreys, Kevin.</i>	<i>Wallace, Mick.</i>
<i>Keating, Derek.</i>	
<i>Kehoe, Paul.</i>	
<i>Kenny, Seán.</i>	
<i>Kyne, Seán.</i>	

<i>Lawlor, Anthony.</i>	
<i>Lynch, Kathleen.</i>	
<i>Lyons, John.</i>	
<i>McEntee, Helen.</i>	
<i>McFadden, Gabrielle.</i>	
<i>McGinley, Dinny.</i>	
<i>McLoughlin, Tony.</i>	
<i>Mitchell, Olivia.</i>	
<i>Neville, Dan.</i>	
<i>Nolan, Derek.</i>	
<i>O'Donovan, Patrick.</i>	
<i>O'Dowd, Fergus.</i>	
<i>O'Reilly, Joe.</i>	
<i>O'Sullivan, Jan.</i>	
<i>Penrose, Willie.</i>	
<i>Perry, John.</i>	
<i>Phelan, Ann.</i>	
<i>Rabbitte, Pat.</i>	
<i>Ring, Michael.</i>	
<i>Ryan, Brendan.</i>	
<i>Stagg, Emmet.</i>	
<i>Stanton, David.</i>	
<i>Tuffy, Joanna.</i>	
<i>Wall, Jack.</i>	

Tellers: Tá, Deputies Emmet Stagg and Paul Kehoe; Níl, Deputies Aengus Ó Snodaigh and Joe Higgins.

Question declared carried.

*1 o'clock*

**An Leas-Cheann Comhairle:** Is the proposal for dealing with No. 2*b*, Second Stage of the Planning and Development (Amendment) Bill 2015, agreed to?

**Deputy Sandra McLellan:** I object again to the use of the guillotine for the same reasons I outlined earlier.

Question, "That the proposal for dealing with No. 2*b*, Planning and Development (Amendment) Bill 2015 [*Seanad*] - Second Stage, be agreed to", put and declared carried.

**An Leas-Cheann Comhairle:** Is the proposal for dealing with the sitting and business of the Dáil tomorrow agreed to? Agreed. Is the proposal that the Dáil shall sit at 12 noon on Monday in the event that certain business concludes in the Seanad agreed to?

**Deputy Sandra McLellan:** I oppose the proposal on the basis that when legislation on

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which the House can divide comes before us either a Friday or Monday, the business should include Leaders' Questions, Topical Issues and Oral Questions, as is the case on normal sitting days.

**Deputy Brendan Howlin:** Will the Deputy be here on Monday?

**Deputy Sandra McLellan:** Yes, I will be here.

Question, "That the proposal that in the event of certain items of business concluding in the Seanad, the Dáil shall sit at 12 noon on Monday, 14 December 2015, be agreed to", put and declared carried.

**An Leas-Cheann Comhairle:** Is the proposal for dealing with the business and sitting of the Dáil at 11 a.m. on Tuesday, 15 December 2015 agreed to?

**Deputy Colm Keaveney:** It is not agreed. There was a significant amount of downtime yesterday when we lost more than three hours in recession - in recess, I should say.

*(Interruptions).*

**Deputy Brendan Howlin:** The recession happened on the watch of the Deputy's party.

**Deputy Jerry Buttimer:** Give him back his application form.

**An Leas-Cheann Comhairle:** Many a slip is made in the Chamber.

**Deputy Colm Keaveney:** I appreciate that this is a laughing matter for many.

*(Interruptions).*

**An Leas-Cheann Comhairle:** Order, please. Deputy Keaveney has the floor.

**Deputy Mattie McGrath:** The people will have the last laugh.

**Deputy Jerry Buttimer:** Deputy McGrath voted for Bertie.

*(Interruptions).*

**An Leas-Cheann Comhairle:** Order please. I have called Deputy Keaveney.

**Deputy Colm Keaveney:** I see certain people are suffering as a consequence of their Christmas dinners last night. For some, it is either the Christmas dinner or the last supper.

*(Interruptions).*

**Deputy Colm Keaveney:** I do not think it is a laughing matter to hear Pontius Pilate washing his hands.

**Deputy Brendan Howlin:** Did you hear what he said, a Leas-Cheann Comhairle?

**Deputy Jerry Buttimer:** It is a good job Deputy Keaveney was not in the Garden of Gethsemane.

**Deputy Colm Keaveney:** It is no laughing matter, in light of the fact that-----

**Deputy Jerry Buttimer:** I have only been in one party.

**An Leas-Cheann Comhairle:** I cannot hear what is going on.

*(Interruptions).*

**An Leas-Cheann Comhairle:** We will start again. Settle down.

*(Interruptions).*

**Deputy Jerry Buttimer:** Deputy Keaveney is some apostle to have.

**Deputy Colm Keaveney:** Deputy Buttimer is the man who crossed the Rubicon more than once.

**Deputy Jerry Buttimer:** I have only been in one political party.

**An Leas-Cheann Comhairle:** Come on, Deputy Keaveney, through the Chair.

**Deputy Colm Keaveney:** In light of the very serious issues raised this morning, in particular-----

**A Deputy:** He is still pirouetting.

**Deputy Colm Keaveney:** We should consider this in light of the conversation we had this morning with respect to scarce resources. We had three hours of downtime yesterday. Despite scarce resources and the lack of investment in our health service, we had three hours of downtime in the Chamber yesterday. These are fair and good grounds to object to the waste of those resources. That is why we are objecting to the guillotine.

*(Interruptions).*

**Deputy Sandra McLellan:** I object to the guillotine for the reasons I have outlined previously. On a point of order or information, we had previously looked for Tuesday morning sittings but they were opposed because of Cabinet meetings. I object to that.

**The Tánaiste:** First of all, I wish to advise Deputy Keaveney that there was only one Opposition person here during three hours of debate on the Legal Services Regulation Bill.

*(Interruptions).*

**The Tánaiste:** Second, the business of Tuesday morning is very important and significant for families throughout the country with debt difficulties. It has been very much inspired by the work of Deputy Willie Penrose. Not only that, I wish to advise Deputy Keaveney of something which may have escaped his attention. The leader of the Fianna Fáil party has put himself on the record on several occasions as supporting Deputy Penrose in respect of this legislation, so why Deputy Keaveney is objecting I do not know.

Question, "That the proposal for dealing with the business and sitting of the Dáil on Tuesday, 15 December 2015 at 11 a.m. be agreed to", put and declared carried.

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## **Broadcasting (Amendment) Bill 2015: First Stage**

**Deputy Willie Penrose:** I move:

That leave be granted to introduce a Bill entitled an Act to provide for a minimum percentage of Irish works in radio music programmes and for that purpose to amend the Broadcasting Act 2009, and to provide for related matters.

I seek leave to introduce the Broadcasting (Amendment) Bill 2015 on the floor of the Dáil today. I thank the Leas-Cheann Comhairle and my colleagues for facilitating this process.

The purpose of this Bill is to introduce a quota for Irish music on the Irish airwaves and, for that purpose, to amend the Broadcasting Act 2009 by inserting a new section 65A, which would provide that it shall be a condition for the award of a sound broadcasting contract under section 65(8) that at least 40% of the aggregate amount of transmission time allocated to music content programmes provided under contract shall be reserved for musical compositions that relate to some distinguishing or distinctive element of the culture of the whole people of the island of Ireland.

I first raised this issue in the Dáil on 7 October 2014, having been inspired to do so by discussions I had with various musicians, composers and singers, as well as by the excellent polemics and reasoned arguments in support of a quota system put forward by Limerick man Johnny Duhan, the brilliant composer, singer and musician who is now based in Galway. Indeed, the remainder of my speech on this matter is clearly informed by a series of articles in the *Sunday Independent* during the past year by Johnny Duhan. The arguments he has made are absolutely compelling.

One particular article had a lasting impression on me. The writer reminded us that part of the reason the men who went out and sacrificed their lives in the 1916 Rising was to establish Ireland's separate cultural identity to that of Great Britain. Following in the footsteps of Yeats and Lady Gregory, who had worked tirelessly towards that end, many of the volunteers who lost their lives were poets and writers. By a strange irony, they made what is now considered one of the first broadcasts ever made from the General Post Office on the Easter weekend of the rebellion through a primitive telegraph system. They informed the world in Morse code that they were establishing an independent Irish republic.

It may be ironic that the building at the centre of the Rising later became the headquarters of our national broadcaster, RTE. In the first decades of its history, RTE was based in the GPO. In that time it remained loyal to an Irish musical culture, while, at the same time, embracing musical culture from throughout the world, especially America and Great Britain, because of our shared language. Up until the 1950s, 1960s and even the 1970s, as much as 40% of the music that went out over the national airwaves was influenced, in one way or another, by our musical heritage. Things started changing in the 1960s when popular music, as we know it today, coming from the US and Great Britain started taking a grip throughout Europe. By the time we joined the then EEC in the early 1970s, US or UK pop music, run by an aggressive industry, was beginning to make serious inroads throughout Europe and further afield.

Meanwhile, versed in the ways of revolution, the French wisely took precautions to protect their national interests and fast-tracked legislation that enacted a quota to ensure 40% of all music played on French radio had to be sung in French. They used the argument that they were

protecting the French language and French culture with this manoeuvre. However, this decisive action was as much about economics as anything else. On the other side of the world, Canada did the same thing and used the argument that its indigenous music industry was under threat of being wiped out by the overpowering presence of the US next door. Since the Canadians acted as decisively as the French in this matter, they now have a thriving indigenous industry.

Although those of us in Ireland were even more exposed to the towering influence of Great Britain on one side and the US on the other, we have been hamstrung from doing anything about it by a limp argument that has prevailed until this day. This argument holds that because our music and culture is primarily conducted in English, we cannot resort to the same argument that the French used to legislate for their quota. However, we need not use the French argument. On the question of language, most EU countries, including France, have a clear advantage over the Irish because Europeans still have a taste for hearing songs in their mother tongues. Therefore, their playlists are automatically made up of a high percentage of their indigenous songs. Besides that argument, we also have a legitimate case by pointing out that although most of our contemporary songs are sung in English, the best of them have a distinctive Irish musical character in their make-up. More than any other independent country in Europe, Ireland should have demanded and been given clearance to enact legislation for a music quota decades ago. The sad fact is that we were given such licence by the relevant EU authorities in the final years of the last century but we did not act on it.

After independent commercial radio stations were given licence to operate in Ireland the percentage of Irish music of all genres starting to plummet. A former chairman of the Irish broadcasting authority is on record as stating that the levels in some Dublin stations dropped to as low as 3% despite the fact that an edict had been put in place by the Government broadcasting authority that a 30% quota should be applied. In an effort to counteract the near extinction of Irish music from the Irish airwaves, the same chairman of the broadcasting authority and his chief executive officer approached Brussels to propose enacting an Irish music quota through legislation. They came up with a wording for inclusion in the current Broadcasting Act that was eventually accepted by EU authorities. However, this was never implemented. Since that failed attempt to introduce legislation to enact an Irish music quota on radio at the end of the last century, the level of Irish music being played on Irish radio has continued to drop, especially in our cities and larger towns. Literally thousands of fine Irish musicians are being excluded from our airwaves simply because we have allowed ourselves to be steered into the current situation by musical trends and fashions primarily constructed in the US and Great Britain.

**Deputy Finian McGrath:** We need more northside bands.

**Deputy Willie Penrose:** Next year, no doubt, Irish radio will pull out all the stops and do what they do every St. Patrick's Day. As Mr. Duhan put it, they will fill the prime time airwaves with an array of the best Irish music that we have to offer. Given that 2016 marks 100 years of Irish independence, the radio bosses that control our airways may even extend the remit for Irish music to be included in prime time playlists during the entire centenary year.

If we do not apply ourselves to enacting legislation to maintain a quota of 40% in the near future, things will not only revert to the way they are now, but practically no Irish music will be played on our prime time airways. Things will get much worse. We need to draw on the kind of courage that the men of 1916 found in themselves when they set out to forge an independent Irish republic so that we, in our time, can start to build a true national music culture, informed by the cultures of other countries, but forged primarily from the wealth of our own rich heritage.

10 December 2015

Our forebears would expect this of us and our descendants are entitled to no less.

**An Leas-Cheann Comhairle:** Is the Bill opposed?

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** No.

Question put and agreed to.

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

**Deputy Willie Penrose:** I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

### **Planning and Development (Amendment) (No. 4) Regulations 2015: Referral to Joint Committee**

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** I move:

That the proposal that Dáil Éireann approves the following regulations in draft:

Planning and Development (Amendment) (No. 4) Regulations 2015,

copies of which were laid in draft form before Dáil Éireann on 9 December 2015, be referred to the Joint Committee on Environment, Culture and the Gaeltacht, in accordance with Standing Order 82A(4)(j), which, not later than 17 December 2015, shall send a message to the Dáil in the manner prescribed in Standing Order 87, and Standing Order 86(2) shall accordingly apply.

Question put and agreed to.

### **International Protection Bill 2015 [Seanad]: Second Stage (Resumed)**

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

**An Leas-Cheann Comhairle:** Deputy Clare Daly was in possession.

**Deputy Clare Daly:** I have one minute left.

**An Leas-Cheann Comhairle:** She is sharing time with Deputies Mick Wallace, Paul Murphy, Shane Ross, Richard Boyd Barrett, Finian McGrath and Maureen O'Sullivan.

**Deputy Clare Daly:** The point I made before the debate was suspended was that we cannot forget our complicity in creating the conditions that make people seek asylum in the first place, a complicity that makes this Bill and how it is being handled even more unforgivable. There are currently 60 million people all over the world who are displaced - that is one in every 122 people worldwide. Thanks to what Dr. Tom Clonan has described as the virtual forward air base of the US military that lies in Shannon Airport, Ireland has had a significant part to play in that displacement. That is just a fact. We have done nothing about it. We facilitate war and the movement of weapons to places like Saudi Arabia. We play a central role in all of this, and then

turn round to the people who are the victims of it and offer them this appalling travesty of a Bill.

**Deputy Mick Wallace:** The Government says that this is a short-term solution which will solve people's accommodation needs as they seek an application for protection in this country. I understood, from listening to the Minister for State, that direct provision would be abolished, given how poorly it had functioned over the years. Fast-tracking the process will not necessarily solve all of the problems. It will obviously help, but it is interesting that various NGOs have pointed out that there are not sufficient safeguards in the Bill to prevent people being fast-tracked through the system and out of the country again, with insufficient scrutiny of whether they actually need protection. That hardly seems like a just or reasonable solution.

Another problem is the fact that the direct provision system remains a largely private system, with only seven out of the 34 direct provision centres being run by the State. The others are run by private companies. The Ombudsman and the Ombudsman for Children have no oversight role and, despite the working group's recommendation that they should be given one under this Bill, it was another suggestion that was ignored. People live in caravans, prefabs and hotel rooms, sometimes four or five people to a room. They are not permitted to cook their own food and have almost no control over their own lives. Leaving in place the system as it is currently constituted is disappointing.

Ireland is probably unique in that it totally strips asylum seekers of their independence and forces them to be directly provided for by the State, to the tune of €19 per adult per week, with a caravan in Mosney sometimes being thrown in. It is unfortunate that the Bill does not go a lot further. The fact that NGOs are so disappointed with it should surely raise concerns for the Government.

The Minister said people are looking for safe asylum, and I agree with her that they are. We must keep highlighting the fact that there is a reason 33 million people are displaced today because of war. It is unfortunate that we pretend we are not facilitating it, but we are complicit by allowing Shannon Airport to be used as a US military airbase. The Minister can shake her head all she likes, but if we allow international law to be broken on a regular basis by military planes coming through Shannon carrying arms and munitions, which is against international law, and to refuse to inspect them, we are complicit in the war effort.

Some 2.5 million US troops have passed through Shannon since 2001. What have they been doing? Almost 2 million innocent civilians have been killed in Afghanistan and Iraq since 2001. We have played a large part in that. It was nauseating to listen to the Minister for Health yesterday feign concern about Deputies breaking the law when he is not remotely worried about international laws being broken almost daily in Shannon by US military planes bringing munitions and arms through the airport. Why is he not concerned about that? Why is he not concerned about the health of the people in the Middle East and the 2 million innocent civilians who have been killed? I do not understand him.

**Deputy Paul Murphy:** It was truly shameful to see Deputies Wallace and Daly jailed yesterday for their part in highlighting the disgusting role the Irish Government has played and continues to play in facilitating warmongering and the killing of ordinary people in the Middle East through the use of Shannon Airport. For most people, that contrasts very greatly with the inaction we are likely to see in terms of fairly openly corrupt politicians.

The Anti-Austerity Alliance opposes the International Protection Bill, the manner in which

it has been brought forward and the Government's attempt to railroad it through without proper debate and discussion. The Bill comes against the backdrop of the humanitarian crisis we are witnessing in Syria and across North Africa, where people who are fleeing war are now being met with tighter EU border controls, the construction of barriers, barbed wire and police brutality. People can see the horrific scenes on their television screens.

The Irish Government has committed to welcoming 4,000 people, but only 100 have been offered assistance so far and it is planned to resettle only 30. That is completely unacceptable. Right wing and racist forces, most graphically demonstrated by the comments of Donald Trump in America, cannot and must not be allowed to use horrific crimes, such as the Paris terrorist attacks, to make scapegoats of the refugees who are fleeing the same reactionary right-wing forces like ISIS which carried out the attacks.

The right of people to seek asylum for themselves and their families is a fundamental right which must be defended. The need for change in Ireland's asylum process is something that this and previous Governments have discussed for over a decade, yet this week the Minister is trying to drive through the Bill with very little debate and against the wishes of groups like the Irish Refugee Council and the Migrant Rights Centre Ireland, which have raised serious concerns about the Bill.

The Minister established a working group on the protection process, involving groups like the Irish Refugee Council, the Migrant Rights Centre Ireland, Doras Luimní and others. The working group made 173 recommendations on how the asylum process could be improved in a range of different areas. However, what has been brought forward is an insult to the work of these groups. Very few of the working group's recommendations have been taken on board. In a press conference earlier this week, Fiona Finn, the chief executive of Nasc, the immigrant support centre, in a damning comment described the approach taken as the Minister cherry-picking a handful of the more conservative recommendations and ignoring any positive recommendations.

The creation of a single procedure for asylum claims is something for which different organisations have campaigned for many years. It is intended to speed up the asylum process, rather than the current system which can take years. However, without the other measures that those organisations recommended, such as an independent body to decide on these issues, proper training of people who will be the first point of contact for those seeking asylum and putting child welfare at the centre of the policy, it is fundamentally flawed. The single process without those measures will simply speed up the process, but in doing so will put people's lives in danger by potentially refusing them entry or returning them to countries where they are at risk.

This Bill will see the number of people being deported from this country rise. It will give gardaí more powers to arrest people to be deported. Part of the aim of the Bill seems to be about enforcing the country's borders in a more rigorous way and giving the authorities more powers to expel people quickly, rather than being about offering people the vital right to asylum. This follows the unfortunate trend we are seeing throughout Europe. Decisions will now be made by the Minister who will have the power to decide who gets to stay.

The Bill does nothing to address direct provision, the degrading dehumanising horrific situation in which people can live for years in what are akin to open prison camps where people survive on €19 a week without the right to work. Direct provision needs to be ended, people need to be treated humanely and the right to asylum needs to be defended.

**Deputy Finian McGrath:** I welcome this debate, as we have all seen the huge international crisis with people fleeing their homes in Syria, Iraq, Libya and throughout the Middle East. To make matters worse, some western governments want to bomb more, kill more innocent people, destroy people's homes and completely destroy innocent lives with their aerial bombings, which ignore the reality on the ground. In this country we have our own cheerleaders, particularly in the Government, who want to make the situation worse.

I raise this in the context of the International Protection Bill, as we all need to support international protection of these refugees. Sitting on the fence should not be an option at a time of international crisis. We should not blame the refugees for the mass murders in Paris, whether they are in Beirut, Iraq or Syria. They are the ones risking their lives to get away from the conflicts and the slaughter. We all need to focus on the real issues and reach out and support these people at risk.

Our history of immigration and asylum is part of who we are, and it is a bit rich and a bit hypocritical to campaign for the illegal Irish in the United States and not do enough in our own country. The Ombudsman for Children, who deals with the welfare and rights of children, said the Bill could be enhanced to help accompanied and unaccompanied children. I strongly support this position.

Many groups have concerns about the Bill. Anti-Deportation Ireland is a national campaign for asylum seekers, and many of those involved are former asylum seekers and their supporters. It opposes the Bill on a number of grounds, not least because it believes the single application procedure being introduced in the Bill will lead to quicker and more frequent deportations from Ireland. Deportation can be a violent and inhumane process which separates families and has directly led to the death of at least one identifiable person, Mohamed Ali Sleyum, who was beaten by police in Tanzania immediately after being deported from Ireland in April 2014.

The Bill is deeply flawed. These flaws can be addressed on Committee Stage and I am highlighting these issues because I would appreciate if the Minister examined them. We need to deal with the Irish Human Rights and Equality Commission's recommendations on the best interests of the child, unaccompanied minors, family reunification, the assessment of credibility and detention. These are important issues we need to examine in the legislation. I urge the Minister to be more proactive and support the people on the ground.

**Deputy Richard Boyd Barrett:** The Government should be utterly ashamed of itself for the Bill and for bringing it to the Dáil on international human rights day. The Labour Party should be especially ashamed of itself, as its members parade around as champions of equality but support a Bill which is regressive, cruel and draconian with regard to some of the most vulnerable people in the world.

It is deeply ironic that a Bill such as this could be put forward when we have a disaster in Syria which has forced half the country's population to flee in desperate circumstances. They have been herded into camps surrounded by barbed wire in Greece and elsewhere, they have drowned in the Mediterranean and they are desperately in need of assistance and refuge. What we should have is a Bill which offers a compassionate, generous and independent system of asylum which does away with the utter scandal of direct provision and gives rights to asylum seekers, particularly to their children, prioritises them, gives them the support they need and gives them the right to work and participate in society. All these things which should be in the Bill, especially at this time, are not in the Bill. Instead what we have is a Bill which is about

fast-tracking cruel deportations and making them easier to carry out, with none of the safeguards necessary to vindicate the rights of some of the most desperate and vulnerable people in the world. It is utterly shameful.

Mohamed Ali Sleyum was mentioned earlier. He is an example of what needed to be addressed in the Bill. He was a Tanzanian man who was deported from this country in April 2014, and within hours of going back to Tanzania he was beaten and a few hours later he was dead, because we got it wrong. We deported somebody who should not have been deported. Now we have a Bill which makes the kind of tragic mistake more and not less likely. The Bill removes the right to a proper appeals process and the necessary supports, essentially refuses to recognise the reality of people arriving here, and instead facilitates a fast-track deportation process and more dawn raids by gardaí bursting into people's houses without warrants from a court to pack them off on planes and, potentially in many cases, put them back to the horror they tried to escape in the first place.

It is shameful and it is a damning indictment that the Irish Refugee Council, Nasc, Doras Luimní, the Children's Rights Alliance and Anti-Deportation Ireland, and the list goes on, have either opposed and condemned the Bill outright or have said it is way short of what it should be and needs to be very substantially amended. Instead this is what we get.

All of the key issues of injustice in the scandal of direct provision that were identified by the Joint Committee on Public Service Oversight and Petitions, of which I am a member, and by working groups were all ignored and instead what we have is a process to fast-track deportation and deny proper justice to people.

I underline the point that all this is made even more shameful when the Government is again complicit in creating the conditions which lead to desperate people fleeing their countries by facilitating the US war machine at Shannon Airport, which has resulted in the barbaric wars in Afghanistan and Iraq and now another war in Syria. These have created the conditions that gave rise to organisations such as Daesh and have produced this unprecedented refugee crisis. We either create the conditions for people to be forced to flee their homes or we do nothing, at least, to speak up against the actions that lead to the crises in the first place, and then we have a cruel fortress which denies people the right to asylum and human dignity and the protection of their rights and the rights of their children and their families. The Government should be ashamed.

**Deputy Maureen O'Sullivan:** There is no doubt that the system in Ireland is in need of major reform because there have been so many problems, difficulties and delays in the past for those foreign nationals who have arrived here. It is an abuse of their human rights and we have been guilty of abuse of human rights, which makes a mockery of our position on the UN Human Rights Council. Regardless of the circumstances in which people arrive in Ireland, all should be treated with respect and dignity, but unfortunately this has not happened.

What is to be welcomed is this is a first step in delivering the undertaking to reduce the length of time asylum applicants spend in the direct provision system by establishing a single application procedure. I visited Spirasi, which is based on the North Circular Road. It works with the victims of torture. In 2014, it worked with 600 victims of torture from more than 75 different countries. The group provided counselling, psychotherapy, medical support and legal support to those victims. Spirasi has welcomed the publication of the Bill and, in particular, the provision for a single application procedure, as do most of the concerned organisations.

There is general agreement on that principle. Spirasi has made the point that if it is correctly resourced by the Government, the new system will speed up and improve the protection system for everybody concerned.

However, the group has concerns regarding how the position of vulnerable persons is dealt with in the legislation. The expectation was that the Bill would lay down some basis for the establishment of mechanisms to actively identify vulnerable groups early in the protection process. The key word here is “early”. While the Bill does provide that “due regard” be accorded to vulnerability, that only applies where refugee status has been bestowed. Over the years, I have met large numbers of foreign national people in Dublin Central of all ages and nationalities. I am always struck by their sad stories of long waiting times, separation from loved ones, not being able to work or working illegally, with the difficulties that brings, as well as issues around education. We have a real opportunity here to get these things right. The provisions requiring that due regard be given to vulnerability should not be confined to sections 52 to 56, inclusive, but should be applied to the whole Bill. I support the call that care, consideration and monitoring be provided to vulnerable applicants throughout the whole asylum procedure. Many people within the asylum-seeking population are very marginalised and have made very difficult journeys to get to Ireland. They have paid a high cost economically, socially, psychologically and mentally. They are no different from the Irish people who left this country after the Famine and at other times since then.

It is alarming that the Bill is being rushed through the Houses. It might seem like a contradiction, given we have been seeking it for so long, that we are now taking a critical approach when it looks like the legislation will be passed into law. The point is that it is vital to get it right. When concerns are raised by those working directly with and supporting persons in the asylum process, those concerns should be listened to and acted upon. It will completely undermine those persons who engage in working groups if their discussions and recommendations are not part of the finished process. In this instance, it is their considered opinion that these proposals require more consideration and in-depth debate. That is reflected in the number of amendments that have been brought forward, including from the Government.

It is agreed that the Bill will reduce the length of time asylum seekers spend in the direct provision stream and help to ensure they are treated with respect and humanely. However, it also gives a lot of power to the Garda and the immigration service. For instance, the Bill provides that asylum seekers may be detained where they are considered a threat to national security. Unfortunately, what constitutes a threat to national security is very vague. This is the sort of thing the British Government has been hiding behind for years when it comes to engaging with the Justice for the Forgotten group and dealing with prisoner issues in Northern Ireland. We cannot just take the term “national security” and apply it willy-nilly. There is a need for greater discussion on the training needed for immigration officers and gardai working with asylum seekers. It is vital that there be an independent appeals mechanism. There are concerns, too, in respect of unaccompanied minors. A number of youth groups and schools, including some in the north inner city, have been working with unaccompanied minors. Only for these youth projects and the active engagement of the schools, those minors would have been even more exploited than they have been.

The Minister said that the new system will identify at a much earlier stage those persons who are not entitled to remain in the State and who may be “safely returned” to their country of origin. We must be 100% sure in those cases that we do not expose vulnerable people to dangerous situations in their country of origin, whether the peril is to do with gender, sexual-

ity, religion or ethnicity. There is always a danger in rushing to get legislation through that something will be missed. There is a danger in this case that amendments will not be given the consideration they merit, which will store up problems for the future.

**Deputy Olivia Mitchell:** I welcome the opportunity to contribute to the debate. Given the huge upsurge in the numbers seeking protection, few Bills have been more timely or more needed. However, last weekend, I received 752 e-mails asking that I press for the withdrawal of the legislation. I am completely baffled by this. I do not know who orchestrated the campaign or how they formed the view that refugees' interests would be better served by not passing this Bill. I wonder how many of them read the Bill or are aware that its purpose is to address the main concerns expressed by asylum seekers themselves.

We surely all agree that the painfully slow determination of status has been an outrage over the years. Nobody should be waiting up to seven years, or even more, for an outcome to an application for protection. The system simply had to be streamlined and made more efficient. The current lengthy process is no more likely to produce a better or fairer outcome for applicants than would a shorter process. I disagree with Deputy Boyd Barrett's claim that a shorter process is somehow a way of getting refugees out of the country. There is far more focus and a sense of urgency when there is a single process rather than a drawn out one. The endless waiting period applicants have had to endure must have been utterly demoralising. I disagree, too, with Deputy Boyd Barrett's argument that there is no proper appeals process. The safeguard of a completely independent appeals system is included in the Bill.

I accept there may be disappointment that not all of the recommendations of the working group are provided for in the Bill. However, that was never the purpose of this legislation. Its function is to provide for a single application process that will bring our system into line with those in other countries. It is what people have been clamouring for in recent years. The legislation also introduces enhanced compliance with the UN Convention on Refugees and with EU directives. In fact, the Bill provides for 26 of the recommendations of the working group. Crucially, it addresses the major concerns of asylum seekers currently residing in reception centres. Addressing the length of time issue will make the other recommendations far less urgent. If people are moved more quickly through the system, it certainly will make it easier to address many of the other concerns, such as providing single rooms for individuals and making family-appropriate accommodation available.

The Minister has clearly noted that speeding up the process by introducing a single application system is a priority but there is more to come. This Bill addresses the first and most pressing issue and is one step in an ongoing effort. The refugee crisis is changing almost daily in terms of scale and the attendant dangers for those seeking asylum. There is no sign of any abatement in that crisis. Inevitably, Ireland and Europe's responses will be under constant review, but we must begin with the measures set out in this Bill. Such is the scale of the challenge, it is inevitable too that we must clarify and update our laws and procedures dealing with applications. We also need to tighten up and make our deportation procedures much more orderly and safe. In addition, we need to strengthen our border controls. We owe it to the genuine cases seeking our protection that we register them, know who they are and where they are, and give a speedy outcome to their applications. At the same time, where persons are found not to be in need of protection, we must have a system that safely, promptly and cost-effectively arranges for their deportation. It is ludicrous that until relatively recently, 10% of people in reception centres had already had their applications rejected and were the subject of deportation orders. That percentage does not take account of those who have been lost in the system but

presumably remain in the country.

I welcome, in particular, Part 9 which provides for matters relating to programme refugees, the admission into the State of persons for resettlement and the possible invocation of the Council of Ministers under the temporary protection directive. We in Ireland have gone beyond our EU commitment requirements in agreeing to take 4,000 refugees for resettlement here. It seems to be little understood that when one takes family reunification commitments into account, we will probably accept some four times that number. The Minister might not be able to do so in this Bill but I ask her to consider implementing as soon as possible the recommendations on including elderly relatives, for example, in the family reunification provisions. When people are fleeing conflict, elderly people are often too infirm to travel. When one sees the pictures of people travelling, it is easy to see how elderly relatives may have to be left behind. Mothers, fathers and grandmothers are left out of the definition and they should be included. The recommended period of a year within which one must make an application should be extended, particularly where people are escaping from war-torn areas.

There has also been criticism about the delay in starting resettlement, but when one is resettling people, it is far better to be ready for them. Given our current housing situation, it is in everybody's interest if we are really ready to accommodate migrants. They will inevitably go to reception centres for processing and familiarisation, but given that nearly all those chosen for resettlement here will already have an established case for protection, it is likely that they will be able to move quite quickly through the first phase in reception centres and then hopefully move on into houses. If they are to be integrated and not left homeless or hanging around in reception centres, it is better to be ready and to take our time and maybe receive them in the new year, rather than trying to get them out immediately from the camps or wherever they are at the moment.

There has also been criticism that we are not accepting enough refugees and that 4,000, growing to 16,000, is a mere drop in the ocean. It is a drop in the ocean and we probably could be more generous. Indeed, we probably will be more generous, and I hope we will be. When we see the pictures on our televisions of hapless Syrians packed into boats, of children's bodies being washed up on beaches and of pregnant women who have travelled for months through Africa arriving to a less than welcoming Europe, our natural inclination is to respond with compassion, to be generous and to say that maybe we should open our doors to all comers. I understand that, because it is my own instinctive reaction, but while we could probably be more generous, the sad truth is that even if we were to accept into Europe all of those currently seeking asylum - most doing so legitimately - who are based in reception and detention centres in Europe, in camps in Turkey, Jordan and Lebanon, within a very short time, they would be replaced by as many more. It is sometimes not grasped that this is not a finite problem that we can solve by saying we will settle 4,000, 40,000 or 400,000. There will, for the foreseeable future, be wave after wave of migrants escaping war who want and are seeking protection, shelter and a better way of life in Europe. Even if the Syrian war ended tomorrow, the instability in the Middle East created by war and devastated economies, the lack of any kind of rule of law in some north African countries, like Libya, and the unrest, wars and hunger of sub-Saharan Africa all combine to ensure a steady flow of humanity from south to north for years to come. It is not just Africa and Syria: we read in today's newspapers of 1,200 refugees being bussed from the Macedonian border to Athens. They were not coming from Syria but from places like Iraq, Iran, Pakistan and Afghanistan. It is an inexorable flow to Europe.

The world's population is to grow between now and 2050 by almost 2.5 billion and most of

that population growth will come from sub-Saharan Africa, where we have some of the poorest people in the world and many war-torn countries. In Nigeria alone, the population will more than double, rising from 173 million to almost 400 million people, surpassing the population of the US and Indonesia and becoming the world's third most populous state, after India and China. That is just Nigeria; the trend is the same all over sub-Saharan Africa. If they are fleeing that region now, escaping poverty and hunger and seeking a better way of life in Europe, as the population grows and they become ever poorer and ever hungrier, they will come in ever-greater numbers. They will keep coming, seeking a better, safer way of life for themselves and their children for as long as the standard of living in Europe is better than theirs. Who could blame them? It is a perfectly natural thing to want to do. They do not have much but they do have mobile phones and access to the Internet and they know there is a better world than the one they live in, so they will come and they will take risks. They will continue to come until either their standard of living rises nearer to ours or ours falls to theirs, so that it is no longer attractive for them to come to Europe. That is the grim reality and we have to ask ourselves which option we want and what we will do to ensure that option is available. I am talking about doing something about poverty in Africa.

Squabbles over who takes how many refugees are very short-term problems compared with the future trend and what it means for Europe's stability. Ending conflicts and improving economies and governance in Africa are problems without easy solutions, but that is a debate we urgently need to have in Europe and beyond. We need to see what we are dealing with in the broader context of what is to come. Meanwhile, migration must be managed and regulated, minimising exposure to danger for refugees through taking hazardous journeys. This must take the shape of funding camps in the countries where they first arrive, outside the EU. It must involve establishing a regulated programme of resettlement into Europe and putting in place improved border controls, which allow for the managed and ordered registration and reception of the many genuine asylum seekers.

I also want to comment on the criticism I have heard of Ireland, and Europe generally, paying money to Turkey to fund its refugee programme. Approximately €3 billion in funding was agreed in Europe. Critics accuse Turkey of human rights abuses, curbing the media and so on. Maybe they are right and maybe they are not. Maybe they are partly right. However, we have a bit of a hard neck to criticise Turkey when it comes to the refugee issue. Turkey is not Ireland. It is a country at the crossroads of continents, cultures and religion, and it is struggling to find a way to build a secular democracy appropriate to its place and time. They may not be all we want them to be, but they never will be if we leave them to deal with all the refugees they have had to cope with in recent years. Last June, I spent a few days on the Turkish-Syrian border, visiting refugee camps. As far as I am concerned, the Turkish Government and people have been heroic in the generosity and compassion they have shown to the almost 3 million refugees they have received and who have fled over the borders in the last four years. There are over 1 million people in towns and villages, absorbed into villages and swamping villages in many cases, along the border. There are also over 1 million people in the camps. One could not fault the Turkish people and Government for the efforts they have made to make those camps as safe, comfortable and well provided for as possible. They have provided schools, health centres and training centres, all in as culturally appropriate a manner as could be arranged. When I was there in June, they had already spent over \$6 billion and they were pleading for more help. The initial refugees who came over the border into Turkey only envisaged staying there a few months. They assumed the war would be over soon and that they would go back. As the war drags on, temporary camp conditions, no matter how good, are clearly not a long-term solution.

Consequently, these people are beginning to leave the camps and come north into Europe if they can. If we are to avoid those hazardous journeys, the least we can do is to give financial support to the receiving countries to improve conditions for the asylum seekers who are going to be there as the war goes on much longer than was envisaged in the first few months.

I also welcome and support the measures to improve the policing of our borders, here and in Europe. The prime function of any state is to protect its borders and that function is growing in importance as the terrorist threat in Europe grows. Apart from terrorism, the only way to register and assess those genuinely needing protection is to know who they are and where they are. I also welcome the agreement requiring airlines to pass on passenger lists. I know this has been criticised heavily because people say this exchange of data is an invasion of their privacy, but I would be happy to exchange my privacy for my protection and security. Most people would agree with that and would recognise that unfortunately there is a price we have to pay for security in the new world dominated by the threat of terrorism. I congratulate the Minister on this Bill. I utterly support everything in it and look forward to the further measures that will come in time.

**Deputy Joe Costello:** I welcome the opportunity to contribute to the debate on this legislation. I also welcome the Minister.

This is a serious issue, elements of which have reached crisis proportions right across the globe. It is having a major impact on the entire world at present. It raises serious questions about our own behaviour and activities in the context of how we deal with migrants and how the European Union does likewise.

We all have seen on television and heard on radio - some have seen in person - the large numbers of desperate people who are fleeing war, famine, poverty and inhuman conditions. They are trying to get away from circumstances where they cannot feed, clothe or education their children and are looking to what they see as the promised land, much of which is in Europe - western Europe in particular.

Of the countries that are affected at present, of course, Syria is top of the list, followed by Libya and Iraq. Then, as one moves down further into Africa, there are Mali and Eritrea. Migrants are coming in increasingly large numbers from north Africa and the Middle East. The extent of this flood of people is a new phenomenon. In many ways, it reflects the policies we have adopted over the years and the inability or unwillingness of wealthier countries to deal properly with the problems that are experienced in other parts of the world. It also reflects some of the policies that have been operated by certain countries. I refer to Iraq, Syria and Libya, and, indeed, western countries in the European Union as well as the United States, that have been involved in some of those. These policies have not improved the situation, rather they have led to it becoming worse. We must take stock of the situation and examine the problem that has led to this. We must also put in place measures to ensure that the situation cannot continue to obtain because if it does so, we simply will be unable to cope with it such is the deluge of immigration.

One can well understand why people are leaving their homes. It is not easy for anybody to leave his or her home and travel hundreds of thousands of miles to get a better home for himself or herself. We know too well how millions of our own people - in the 19th century, in the early part of the 20th century and right up to recent times - went abroad seeking a better future. Some of those who went in the 19th century did so in dire circumstances. That is the situation in the

war-torn Middle East and north Africa at present.

We have been derelict in our duty in dealing with the countries adjacent to the conflicts. When I was Minister of State at the Department of Foreign Affairs and Trade with responsibility for trade and development, in 2012 and 2013, I travelled to the Middle East and visited Jordan, Lebanon and Turkey. This was during the early stages of the Syrian war. I witnessed the heroic efforts that were made by those countries - with precious few resources in the case of Lebanon and Jordan - to take in refugees streaming across their borders from Syria with very few resources. Irish Aid did fantastic work in providing funding, food and equipment there at a level that was disproportionate to that supplied by many other countries in the European Union and elsewhere.

I particularly recall visiting a camp in Jordan and seeing the situation which obtained there. It is a camp which is now home to over 200,000 people but at that time there were only 16,000 refugees in it. Already, three countries, two of which are two of the largest member states in the European Union, had decided - off their own bat and despite requests from the Government of Jordan for the type of aid it wanted - that they would send field hospitals. Three fully equipped field hospitals were sent - two by two prominent European countries and one by an Arab nation - and they used the opportunity to highlight the generosity of those countries. At the same time, the Jordanian authorities were telling us that they did not need any field hospitals because they had already provided one themselves and specified that they needed other types of resources, funding and equipment. Often, we can have a situation where countries will decide to donate something that they think is appropriate but that is not appropriate to the situation.

The Governments and Ministers of the countries to which I refer were telling us they needed more resources and asked how they were going to educate the children coming to their country from Syria and generate employment for them, particularly as the refugees would be coming into camps. Initially, they were spread around the country and they had been received in a welcoming fashion but these countries, which lack major resources, were overwhelmed by the numbers.

The next step then is, of course, that if the countries adjacent to the conflict are overwhelmed with refugees, the flow of the latter will move further afield. That is precisely what has happened. The requisite resources were not put in place as they should have been and the situation became like that which obtains in this country at present with the Shannon overflowing its banks. As a result, all of the emigrants are now heading for Europe.

There has been a lack of coherence, of a serious approach and of unity on the part of the European Union in dealing with this matter. That is the context in which immigration is taking place at such a level at present. I compliment the Minister on agreeing to accept a particular number of refugees.

The Bill deals largely with the current situation but it also looks to the future as well. Certainly, it deals with the unacceptable system which obtains in Ireland and which is not fit for purpose. I refer here to the system of direct provision. The latter was presented and developed as a short-term measure but it has become a long-term one. That is unacceptable. It has been both inhumane and degrading for people to have had to live for extended periods in the circumstances in which they have been obliged to live. That is not done for the worst of reasons by the authorities. However, the process can be long and drawn out and it needs to be streamlined and fast-tracked. We need to ensure that people spend the minimum amount of time in this type

of institutional detention or containment. It would be welcome if we could seriously address that issue. I am delighted the latter is a particular focus of the Bill because it means that those who have been living in direct provision for donkeys' years can now begin to live normal and fulfilling lives and their children can be properly raised and properly educated. There are approximately 4,500 people still in direct provision. The numbers have come down somewhat but they remain high. Many of those in direct provision have Irish-born children. Nevertheless, they languish in a system which is not only ineffective but which is damaging to both young people and adults.

If we can reduce the length of time it takes to deal with the matter, it would be wonderful. A previous Minister indicated that he intended to have everything resolved within six months of somebody applying for, at the very least, residency or refugee status here. We will be obliged to find a mechanism that will deal with all applications within a short period. I recognise the difficulty in doing that because so many people will arrive without proper documents. The circumstances in which migrants are being trafficked into the country - some of them having been obliged to travel long distances to get here - and the systems which obtain in certain of the countries from which they come, mean that many arrive without passports or other documentation that would help them prove their identities. While our authorities must be careful, the process of getting back to the country of origin and determining exactly the situation there is a long, drawn-out process.

I deal with many people who have difficulty getting refugee status and naturalisation. A man I know from Zimbabwe who has a stamp 4 visa is unable to apply for naturalisation given that he is unable to get a valid passport from his country of birth. He has been waiting for 14 years and no reply is forthcoming. I have spoken repeatedly to the Irish Naturalisation and Immigration Service, INIS. He initially received leave to remain and now has a stamp 4 visa. He was born in Zimbabwe but grew up in an orphanage in South Africa and knows little about his background in Zimbabwe. Despite his best efforts, he has been unable to get a birth certificate or passport from Zimbabwe or South Africa. He has two daughters, one born in Ireland, and has custody of both. He is frustrated at every turn. There are hard cases involving people who have been living in Ireland for many years and we seem unable to deal with them efficiently. I would like cases of this nature dealt with, if possible. I could speak for a long time on the issue.

I am sure other speakers have brought to the Minister's attention the fact that the Irish Human Rights and Equality Commission, IHREC, and the Irish Refugee Council have expressed a number of concerns about the legislation, which they have enumerated in 20 to 30 points. It would be good to go through them carefully, as I am sure the Minister will. I am sure the Minister will have a ready ear to all the suggestions for amendments or improvements in the long list of concerns expressed by those who have been at the forefront of dealing with refugees over the years. I am delighted that the legislation is being brought forward after 19 years and that the Minister has taken the initiative. We should progress it as quickly as possible and pass it before the Government comes to an end.

**Deputy Fergus O'Dowd:** I, too, welcome the Bill and I welcome the Minister. I have listened to many of the speeches. While I found a number of the speeches enlightening and interesting, I am seriously concerned about some of the statements, particularly from the absent members of the Opposition. The primary purpose of the Bill is to introduce a single procedure for the processing of applications for international protection, which is the term used to describe the protection granted by a state to a refugee or person eligible for subsidiary protection. It is a significant issue in my constituency, in the Louth and Meath area, where a number of people

seeking protection are living in Mosney, or have left Mosney and are residing in the community, and still have significant issues regarding stamp 4 visas and family members.

I acknowledge the excellent work the INIS does. Whenever we raise issues regarding people seeking a different status or to have their status recognised, there is a very efficient and professional response. The introduction of a single procedure will address current delays in the protection application system. There are very significant delays and there have been significant increases in the number of people seeking refugee status. Applications for refugee status increased by 53% in 2014, and in February 2015 the number of applications was 138% ahead of the same period in 2014.

There is a significant international crisis due to geopolitical events, and many Members have spoken about them. When there is military intervention, from whatever side, in countries such as Iraq, Afghanistan and Libya, it leads to major destabilisation of the lives of ordinary people. Millions of people are refugees as a result of it. I support the view that we should do whatever can be done to support countries that are adjacent to those countries and offer protection to the refugees. I welcome that the EU, the US, Russia and other countries recognise the need to create stability in the locations nearest to the home countries of the refugees in order that when political stability is restored, they are in a position to return. There is an urgent need to do this. There is no point in replacing one evil dictator with another one, as has been done, regrettably, and allowing more of the same.

I agree with the parallels that have been drawn between refugees from Ireland in the 18th and 19th centuries and the refugees who are here now. The millions of Irish people who left our shores in the 18th and 19th centuries went due to extreme poverty at home because they had no education or future and because the only place of hope and opportunity was America. Roman Catholics were a minority in America when they went there first. The Irish people had a different religion, spoke a different language, did not have education and skills and were looked down on and discriminated against for a significant number of years. Only after the American Civil War and the sacrifices Irish people made during it were Irish people fully integrated into American society. Despite this, we have made significant progress in America.

We need to ensure there is continuing progress by refugees who live in our society, who have the right to remain here and whose children are as Irish as anybody else's children. We need to integrate people from the immigrant community into public life. Whoever the next Taoiseach is, I suggest he or she consider appointing somebody from the immigrant community to the Seanad to give them a clear voice in our Parliament to speak with clarity, knowledge and authority about the issues immigrants face as they fully integrate into our society. We often have a difficulty finding a clear voice for immigrants. No doubt immigrant candidates will stand for election. If they are not elected to the Oireachtas, we should ensure and insist they are represented here in order that their views can be taken into account by the Members of the next Dáil.

Some issues have been raised about the Bill. I have received a huge number of e-mails, many of which came from abroad. I do not mind reading e-mails and it is a very important issue. While they all seem to have the same text, the subtext is that people are concerned about issues regarding the legislation, and it is right and proper that we address them. The main advantage of the Bill is that it will create a one-stop-shop. A family that comes here will go through a process at the end of which they will have a clear, definitive decision in a very short time. It will make a significant difference to all the families and the State. The proposed procedures in the Bill are clearly outlined.

The Bill provides for the right of a person granted refugee or subsidiary protection to apply for permission for certain family members to enter and reside in the State, or where a family member is in the State, permission to reside. It is limited to the nuclear family and does not include dependants. I ask the Minister to expand on it on Committee Stage. I refer to cases in which parents who have dependants have been allowed in. If the mum and dad can come in, I would not have an issue with their dependants coming in as well.

Obviously, the other issue that arises is the question of an alternative permission to remain. When a recommendation is made that an applicant should not be given refugee status or subsidiary protection, and the declaration of the tribunal affirms such a recommendation, the Minister must consider whether to give the applicant permission to remain in the State. This Bill requires the Minister to do certain things in such circumstances. It also requires the interviewer to deal with the issue in a separate way. It provides that an applicant can submit information that is relevant to obtaining permission to remain in the context of the preparation of a report on the matter. This appears to be the only provision in the Bill that expressly allows an applicant to submit representations for permission to remain. This potentially creates a separate process for applying for permission to remain. In doing so, it raises the issue of whether the Bill in fact provides for a single procedure in which each applicant has to make one application only and will have all grounds for seeking international protection, and being permitted to remain in the State, examined and determined in a single process.

Those are the issues with the Bill. I now want to deal with the serious issues that have arisen in relation to children in direct provision. Those issues were addressed, first, by HIQA in its report of November 2014 and subsequently by Tusla in May of this year when it replied to what HIQA had said about them. I compliment HIQA, which is to be commended on the absolute integrity of its reportage, on the conviction and professionalism with which its reports are done and on the decisive and incisive analysis it gives. I would like to read some of its findings on the record:

Data from the Child and Family Agency showed that there were 209 referrals of child protection and welfare concerns about 229 children living in direct provision accommodation in the 12 months between August 2013 and 2014. This represented approximately 14% of the population of children living in direct provision. This is a significantly higher referral rate than for the general child population of 1.6%. Of the 209 referrals, 178 (85%) reached the relevant threshold criteria for an initial assessment. This is considerably higher than the average threshold of 50% of all referrals in 2013 that required initial assessment and [this] requires further analysis by key stakeholders to determine reasons for the disparity.

The report continues:

During fieldwork in four areas, inspectors found common themes arising from welfare concerns including physical or mental illness of parents impacting on their capacity to care for their children, children's mental health issues, and gaps in the provision of practical support. The child protection concerns included exposure of children to domestic violence, physical abuse due to excessive physical chastisement, protection concerns about older children left caring for younger children, and children being left alone unsupervised.

Of concern were referrals arising from children's living conditions that were outside of the control of the Child and Family Agency but had resulted in referrals to their service. These included inappropriate contact by adults towards some children in accommodation

centres; children sustaining accidental injuries where cramped living conditions were identified as a contributing factor; and exposure of children to violence between residents. Other [issues] from accommodation providers reflected breaches in the rules of the centres such as children left 'home alone' or unsupervised. However, following assessment by social workers, they found that many of these children were left alone for short periods when a lone parent went to queue for laundry or food. To support these children and families, many practitioners provided excellent child-centred services and strived to meet [their] needs ...

For a small number of children, action was not taken to protect them. Cases were closed prematurely and in one area, Louth-Meath, there were significant delays in completing assessments and sharing information, which placed children at risk and some children were not interviewed as part of the assessment process. In this area children did not receive the services they needed, initial assessments were not completed and some risks were not addressed. Inspectors found that on occasion the Reception and Integration Agency moved families for safety reasons but gaps in communication ... at local level meant that this information was not always passed on and, as a result, some social work interventions were delayed or did not happen and potentially placed children at risk.

The quality of the child protection and welfare service ... was inconsistent. The quality and level of service varied across the four areas visited. In Sligo-Leitrim-West Cavan and in Dublin North City a good quality of service was provided to these children and their families, in the Midlands the service was mixed, indicating a variance in the quality of service provided between the two teams, but in Louth-Meath, the service was much poorer and some risks had not been identified and addressed by managers.

There was no strategic plan in place to identify and meet the needs of this particularly vulnerable group of children and families. Inspectors found there was no effective mechanism to gather data about these children and there was no process to identify risks to them ... The Child and Family Agency did not collect data on the different ethnic groups referred to their services and ethnicity was not regularly recorded in children's files. As a result, all of the areas struggled to provide the information requested by the Authority about referrals of children in direct provision accommodation. There was no analysis of emerging trends about referrals or the results of initial assessments in spite of the higher than average rate of referrals ... As a result it was not possible for managers to carry out a needs analysis [that was essential].

The report goes on in significant detail over 30 pages. It goes through all the different issues. As I live in and represent the area of Louth and east Meath, I am concerned to note that Tusla clearly failed in its duty of care to these children. It is not just the children who were failed. The HIQA report states that in the Louth-Meath area, Tusla met just one of the 27 parameters of assessment that child welfare services are required to meet. I met the chief executive and the chief operations officer of Tusla. Since then, I have met a number of people who work in the agency. I acknowledge their acknowledgement of the errors that were made and the failure to provide the supports that should have been there. I acknowledge their response in the action plan, particularly as it relates to children who are in direct provision, which was published on the HIQA website on 26 May last.

I welcome all the significant changes being made by Tusla. We have to ensure it has the support, resources, qualified people and social workers to provide the services that are needed. I do not doubt that Tusla wants to provide such services and that, as an Oireachtas, we want

it to do so. We want to ensure all our children are treated equally, regardless of whether they are in Louth and Meath, Cavan and Monaghan or Cork and Kerry. They are all entitled to the same professional supports, standards of care and resources. If financial resources are needed to ensure all our children are kept safe, that must be addressed immediately. I refer specifically today to the children who are in need and at risk in direct provision, as a greater proportion of them are at risk by comparison with the community outside direct provision.

This is a very important Bill. I do not think there is any controversy about the principle of having a one-stop-shop to deal with applications and put them through as quickly as possible. Many people from direct provision have come into my office with their children, who are not children anymore because they are going to university now. I welcome the Government's recent decision to support such students by giving them the same status as Irish-born students. This means they will not have to pay the huge fees that are paid by students from outside the EU. A great deal of progress has been made. The Government is recognising in this legislation that things need to change. They are changing. Behind all of this are children who are vulnerable and there are more such children than in the average community so we need greater support services to look after them. I look forward to the debate on Committee Stage.

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** I thank the Deputies who have contributed to the discussion on this Bill. I will take up a number of individual points that have been raised by Deputies. Deputy Olivia Mitchell asked whether older people could benefit from family reunification. Older people are identified as a category under section 57, which acknowledges categories of vulnerable people. The Bill fully complies with all rights set out in international law. I share Deputy Maureen O'Sullivan's points relating to vulnerable groups and section 57 has a very comprehensive list of categories which includes people with disabilities, older people, pregnant women, single parents, victims of human trafficking, people with mental health concerns, people subject to torture, rape or serious psychological, physical or sexual violence. Domestic violence was raised earlier in the debate and there are a number of sections dealing with the best interest of the child, about which I will say a bit more in a moment.

There are wider issues relating to direct provision which I, the Minister of State at the Department of Justice and Equality, Deputy Aodhán Ó Ríordáin, and the Government are committed to addressing, and are addressing in a variety of ways. Work is going on in the area of direct provision and the people on the front line know about the decisions that have been taken recently on many individual cases. These people have sat in front of me and confirmed that it is happening. In another initiative, a number of agencies have gone into direct provision centres and held information meetings with residents who have gone through the process and are waiting for accommodation. New information material is being provided as a result of consultation with Citizens Information and other agencies, all of which are working together to make sure residents can be more empowered and better supported as they go through the process. The Minister of State at the Department of Justice and Equality, Deputy Aodhán Ó Ríordáin, is leading a working group dealing with the accommodation needs of people who are still in direct provision but who have gone through the process and need accommodation now because they have been deemed to be refugees. This is happening and the numbers have reduced.

There has been a decision from the Minister for Health on prescription charges not applying and from the Minister for Education and Skills on access to university. These are all very important initiatives and there is more work to be done. The Bill was not intended to deal with the very wide range of other issues. A number of Deputies have said there were X recom-

mendations in total but that we were only dealing with a certain number. However, not all of the recommendations were dealing with the process. Some dealt with other issues, such as the proper inspection of direct provision centres on which we have been working. Of the recommendations of the working group, we are putting forward 26 relating to individuals applying for protection.

People also made comments about victims of the conflict in Syria. Ireland did not have to opt in to the measures put forward at European level in the JHA Council. We opted in voluntarily, and very quickly, because we felt it was the right thing to do. Clearly, there is a huge international situation and a humanitarian crisis. As Deputy Mac Lochlainn said, it is one of the most serious crises the world has faced in respect of refugees. I have heard some very simplistic and reductionist comments about the international refugee situation from certain Deputies, who talked about the foreign policy of the Irish Government. I reject reductionist comments about the scale of the world's refugee problems and about the complicity of the Irish Government. Deputy Olivia Mitchell, in her very thoughtful contribution, pointed out the scale and complexity of the world refugee problem. Our Department of Foreign Affairs can look at funding we give internationally or we can consider, at the JHA meeting, the type of support we need to give to African countries near to the countries from where the vast majority of the exodus is happening. Clearly, there are major development aid issues and climate change is one of many factors causing the situation at present, as is the humanitarian crisis in Syria which is causing very significant numbers to come to Europe. A reductionist and simple view of this situation does nobody any favours as it is a complex international situation.

This Bill provides a framework compliant with international humanitarian law to make sure genuine asylum or protection seekers are not deported or made subject to prolonged direct provision, and that includes children. I want to give the best protection possible to children in the context of what is a protection and immigration Bill. I am mindful of the constitutional changes we have made relating to children and these apply to all children in this country. I will examine carefully the amendments being put forward for Committee Stage and I am accepting some amendments which have been made already relating to children. In so far as I am in a position to do so, I will make sure we have the strongest possible provisions in the context of immigration.

While we have constitutional protection for the rights of all children, we have specific rights relating to adoption and custody. There are certain legal issues which I have to keep in mind in framing the provisions in this Bill. Deputy Mac Lochlainn made certain points which were the subject of amendments put forward by his party in the Seanad. The language may not be precisely the same but I believe those points are already captured, in other language, in the Bill and I will address them on Committee Stage. Some amendments have come in suggesting we are not dealing with certain aspects but a closer examination of the Bill shows that we are dealing with them.

Section 24 concerns the examination to determine the age of an unaccompanied minor and it states: "The best interests of the child shall be a primary consideration in the application of this section." As regards applicants who are unaccompanied minors, section 35 states that the officer shall act "taking the best interests of the child as a primary consideration". For anything to do with unaccompanied minors, the person making the determination will act in the best interest of the child. For vulnerable persons, too, the best interest of the child shall be a primary consideration. Obviously, children who arrive here unaccompanied or are seeking refugee status are in vulnerable situations but their best interest will be a primary consideration.

Deputy Mac Lochlainn also made a point about children being prevented from competing in international sporting events because of reporting duties. The Minister can use discretion in this regard and specific circumstances are always considered. As applicants, they do not have permission to leave the State but there is a discretionary clause that can be used. It is right to use it and it should not be unnecessarily restrictive in those circumstances.

Deputy Clare Daly talked about the harrowing case of a tortured individual but that is precisely the sort of case that should get refugee status. As a result of this Bill, such a person will get recognition within a much shorter period than was the case previously. The Bill can only benefit genuine refugees, as we remove the delays in the system. The delays disadvantage qualified applicants because they have led to people having to spend years in direct provision. For example, we assume the new migrants will get refugee status because they are mainly from Syria, but those applications will be dealt with in a quick way as well. We have allocated funding to ensure there are extra officers so people can be assessed more quickly when they arrive here.

With regard to LGBT people, obviously they are to be considered under the protection category set out under international law. If they are being persecuted, they are protected under the Bill and are clearly recognised in our protection process already.

Senator Bacik outlined on the record the NGOs that welcome the Bill. I accept that a number of them have spoken about their various reservations, but the advice we got from various NGOs has shaped the approach to the Bill and influenced the amendments we tabled and which we will table in the Dáil.

I reject the notion that only a cursory examination will be given to applicants under the provisions of the Bill. That would be unlawful. It would unacceptably alter the current protection process, which complies with UNHCR standards. I cannot accept the argument that we should retain the very cumbersome and layered system we have at present. It is out of kilter with the approach taken by other European countries. The current approach is unacceptable to all who seek to rely on an effectively functioning, humane and beneficial protection system. We want to have such a system in place.

I refer to the discussion on the right to work, which was one of the recommendations in the working group report. The intention of the Bill is to give a protection decision within six months. People who are granted refugee status have a right to work. With this legislation in place, the determination will be received within six months, so people will know within six months whether they have the right to work. The Bill helps people in that situation because, again, they will not be waiting around endlessly.

With regard to family reunification, Ireland has prioritised families under the Irish refugee protection programme. People granted status under the Bill will have 12 months to apply for family reunification. Deputies expressed some concerns about the 12-month period. If there is a family member who, for whatever reason, is not identified in the first process and within the 12-month period, that person can always apply as an individual for refugee status. Their needs can be taken into account, including the fact that their family members are here already. It should be borne in mind that if somebody does not come here under family reunification, he or she can still make an individual application and be considered in that context.

On the points raised about education, all applicants have a right to access education at first

and second level and up to FETAC level 4. I mentioned the recent decision of the Minister for Education and Skills, Deputy Jan O'Sullivan, with regard to ensuring that children in the direct provision system will now have access to university. That was a humane and proper decision given the length of time and the fact that many of these young people, and it is not a large number, had been through primary and secondary schooling in this country.

At a time in Europe when there is clearly great need to offer protection, it is vital that our resources are targeted at, and available to, those in need of protection and that we ensure the security and integrity of the State are paramount at all times. I have said repeatedly that it is very important there is no confusion between the challenge of the international humanitarian situation, particularly the situation in the Balkans and the Mediterranean, and the other big challenge facing Europe in terms of security and tourism. I agree with what was said by a number of Deputies, including Deputy Mac Lochlainn, who made the point that we should not confuse the two. Obviously, however, some security considerations apply and we must ensure all of the initiatives in respect of fingerprinting and proper data being collected on those who seek refugee status are implemented as well.

This Bill establishes a single application procedure which brings us in line with the procedures undertaken in other EU member states. In supporting this Bill, we are moving closer to reforming the protection process into a single application procedure. I believe it will bring significant improvement in how the State conducts itself in the asylum area and in how we respond to those whose genuine applications deserve a timely and positive outcome. I commend the Bill to the House.

Question put:

<i>The Dáil divided: Tá, 71; Níl, 20.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Aylward, Bobby.</i>	<i>Boyd Barrett, Richard.</i>
<i>Breen, Pat.</i>	<i>Broughan, Thomas P.</i>
<i>Butler, Ray.</i>	<i>Collins, Joan.</i>
<i>Buttimer, Jerry.</i>	<i>Colreavy, Michael.</i>
<i>Byrne, Catherine.</i>	<i>Daly, Clare.</i>
<i>Byrne, Eric.</i>	<i>Donnelly, Stephen S.</i>
<i>Calleary, Dara.</i>	<i>Fleming, Tom.</i>
<i>Cannon, Ciarán.</i>	<i>Halligan, John.</i>
<i>Carey, Joe.</i>	<i>Healy, Seamus.</i>
<i>Coffey, Paudie.</i>	<i>Mac Lochlainn, Pádraig.</i>
<i>Collins, Áine.</i>	<i>McDonald, Mary Lou.</i>
<i>Conaghan, Michael.</i>	<i>McGrath, Finian.</i>
<i>Connaughton, Paul J.</i>	<i>McLellan, Sandra.</i>
<i>Conway, Ciara.</i>	<i>Murphy, Catherine.</i>
<i>Coonan, Noel.</i>	<i>Murphy, Paul.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Costello, Joe.</i>	<i>O'Brien, Jonathan.</i>
<i>Cowen, Barry.</i>	<i>Ross, Shane.</i>
<i>Creed, Michael.</i>	<i>Shortall, Róisín.</i>

<i>Daly, Jim.</i>	<i>Wallace, Mick.</i>
<i>Deasy, John.</i>	
<i>Deenihan, Jimmy.</i>	
<i>Deering, Pat.</i>	
<i>Doherty, Regina.</i>	
<i>Dowds, Robert.</i>	
<i>Doyle, Andrew.</i>	
<i>Durkan, Bernard J.</i>	
<i>Farrell, Alan.</i>	
<i>Ferris, Anne.</i>	
<i>Fitzgerald, Frances.</i>	
<i>Fitzpatrick, Peter.</i>	
<i>Harrington, Noel.</i>	
<i>Harris, Simon.</i>	
<i>Hayes, Tom.</i>	
<i>Heydon, Martin.</i>	
<i>Howlin, Brendan.</i>	
<i>Humphreys, Kevin.</i>	
<i>Keating, Derek.</i>	
<i>Kehoe, Paul.</i>	
<i>Kenny, Seán.</i>	
<i>Kirk, Seamus.</i>	
<i>Kitt, Michael P.</i>	
<i>Kyne, Seán.</i>	
<i>Lawlor, Anthony.</i>	
<i>Lynch, Kathleen.</i>	
<i>Lyons, John.</i>	
<i>McEntee, Helen.</i>	
<i>McFadden, Gabrielle.</i>	
<i>McGinley, Dinny.</i>	
<i>McLoughlin, Tony.</i>	
<i>Mitchell, Olivia.</i>	
<i>Nash, Gerald.</i>	
<i>Neville, Dan.</i>	
<i>Nolan, Derek.</i>	
<i>Ó Cuív, Éamon.</i>	
<i>Ó Fearghail, Seán.</i>	
<i>Ó Ríordáin, Aodhán.</i>	
<i>O'Donovan, Patrick.</i>	
<i>O'Dowd, Fergus.</i>	
<i>O'Reilly, Joe.</i>	
<i>O'Sullivan, Jan.</i>	
<i>Perry, John.</i>	

10 December 2015

<i>Rabbitte, Pat.</i>	
<i>Reilly, James.</i>	
<i>Ryan, Brendan.</i>	
<i>Smith, Brendan.</i>	
<i>Stagg, Emmet.</i>	
<i>Stanton, David.</i>	
<i>Troy, Robert.</i>	
<i>Varadkar, Leo.</i>	
<i>Wall, Jack.</i>	

Tellers: Tá, Deputies Emmet Stagg and Paul Kehoe; Níl, Deputies Mary Lou McDonald and Pádraig Mac Lochlainn.

Question declared carried.

**An Ceann Comhairle:** When is it proposed to take Committee Stage?

**Deputy Frances Fitzgerald:** Next Wednesday.

Committee Stage ordered for Wednesday, 16 December 2015.

### **Business of Dáil**

**An Ceann Comhairle:** A technical amendment is required, as the order of the day calls for a sos now, but that would be ridiculous.

**Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe):** It is proposed that, notwithstanding anything in Standing Orders, we proceed without a sos.

**An Ceann Comhairle:** Is that agreed? Agreed.

### **Planning and Development (Amendment) Bill 2015: Second Stage**

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Paudie Coffey):** I move: "That the Bill be now read a Second Time."

I am pleased to have the opportunity to introduce Second Stage of the Planning and Development (Amendment) Bill 2015 to the Dáil. It was introduced in the Seanad last week, where  
*3 o'clock* general support was expressed for its main provisions and purpose. The primary background to the Bill is the Government's recently approved package of measures to deal with the problems being observed in the housing market. The housing package, entitled Stabilising Rents, Boosting Supply, which followed on from extensive en-

gagement between the Minister for Finance and the Minister for the Environment, Community and Local Government, Deputy Alan Kelly, as well as officials from our respective Departments, encompasses a comprehensive range of measures to improve the operation of the private rental sector, tackle increasing homelessness and support increased housing supply.

The package's rent stability measures, which are primarily intended to give greater protection to tenants in the private rental sector, are being separately progressed in the Residential Tenancies (Amendment) (No. 2) Bill 2012. This follows on from the unprecedented €4 billion package for the provision of social housing in the period to 2020 that I announced this year. While the provision of new social housing and enhancements to the operation of the private rental sector are essential to help counteract homelessness and provide tenants with greater certainty in terms of security of tenure and the level of rents applied, boosting housing supply is also critical in addressing our overall housing problems. The housing supply shortage is unquestionably one of the most pressing and challenging priorities facing the Government, being particularly acute in Dublin with demand for housing well outstripping supply. This shortage has consequential knock-on effects for house prices and rents and impacts negatively on thousands of households throughout the country.

The housing package announced last month contains some important measures to help address the housing supply shortage problem, including the introduction of a targeted development contribution rebate scheme to support and make more economically viable the delivery of affordable starter homes in Dublin and Cork, which will need to be completed and sold in 2016 and 2017, and the provision of financial support by the Ireland Strategic Infrastructure Fund, ISIF, for the provision of housing-related enabling infrastructure in large-scale priority development areas. These measures follow on from previous actions, for example, a 26% reduction in development contributions in the Dublin area, legislative changes via the Urban Regeneration and Housing Act, which was enacted last July and allows for these development contribution reductions to be applied to certain unactivated planning permissions, reductions via the same Act in the Part V obligations on developers in respect of the provision of social and affordable housing, which are estimated to reduce housing costs by up to €10,000 per housing unit, and the suite of actions already being implemented under the Government's Construction 2020 strategy, which is aimed at restoring and increasing activity in the wider construction sector.

Two further elements of the housing package announced last month that are designed to increase housing supply require legislative underpinning and are incorporated in this Bill. These relate to ensuring that planning authorities do not seek requirements above the national standards set out in ministerial planning guidelines issued under section 28 of the Planning and Development Act 2000, as amended, for example, in respect of apartment standards, and streamlining the arrangements for the making of modifications to strategic development zone, SDZ, planning schemes.

The Bill contains seven sections that propose to amend sections 28 and 34 and Part IX of the 2000 Act. Section 1 provides for the necessary definitions. Sections 2 and 3 provide for amendments in connection with ministerial planning guidelines issued to planning authorities. Section 2 amends section 28 of the planning Act relating to the issuing of ministerial planning guidelines to planning authorities. Currently, section 28 provides that planning authorities shall have regard to ministerial guidelines in the performance of their planning functions, such as in the determination of planning applications and the adoption of development plans. The amendment to this section elaborates on that by introducing a new power whereby the Minister may, within the section 28 guidelines, expressly state specific national planning policy requirements

to be applied by An Bord Pleanála or planning authorities, as appropriate, in the exercise of their functions. Therefore, the content of guidelines will distinguish between advisory or general commentary on the one hand and, on the other, specific requirements that must be mandatorily applied by planning authorities.

This amendment is a critical underpinning to revisions that will shortly issue to replace the 2007 apartment standard guidelines. Those revisions will contain specific new requirements in respect of minimum apartment sizes, the number of lifts per number of apartments, car parking provision, floor-to-ceiling heights, the provision of dual aspect apartments, storage provision and so on with a view to ensuring their consistent application. Such revised guidelines would represent a change in national planning policy that should, on foot of this amendment, be implemented by planning authorities in the determination of planning applications and the adoption of development plans.

The amendment will also enable future revisions to any other current guideline, for example, on development management and sustainable residential development, as well as to new planning guidelines that may be developed to ensure that they are expressed and applied in a clearer manner. This will improve consistency and certainty in the planning process generally by distinguishing in policy terms between matters to be determined locally and by national policy.

Section 3 further underpins this approach by addressing a number of supplementary amendments required to section 34 of the 2000 Act relating to the granting of planning permissions by planning authorities. The first amendment in this section will require planning authorities to consider expressly any specific national planning policy requirements arising from section 28 guidelines issued by the Minister in the determination of planning applications. To avoid doubt, the second amendment provides that, where such guidelines and the standards or provisions of a local development plan differ, the national planning policy as reflected in ministerial guidelines takes precedence. This amendment will, for example, obviate the need for and preclude the adoption by planning authorities of their own local standards, thereby preventing a multiplicity of approaches throughout the country, effectively requiring planning authorities to comply with the national guidelines issued by the Minister of the time.

The third amendment in section 3 is aimed at streamlining the assessment of applications seeking modifications to existing planning permissions in respect of multi-unit housing developments - primarily apartment block and duplex-type developments - on foot of the issuing of new or revised apartment standard guidelines by the Minister of the time. The amendment will restrict the assessment of any such planning application to the modifications proposed for the purpose of complying with any new guideline and so that the whole previously granted permission and the question of the suitability of the development for housing as already determined are not reopened. In the case of internal changes only - regarding an apartment block, for instance - arising from new or revised apartment standard guidelines, and where there is no materially significant change to the external structure of the development, the amendment precludes the right of third party appeal.

Sections 4, 5 and 6 amend existing provisions of the Planning Act 2000 relating to strategic development zones, SDZs, or SDZ planning schemes. Section 4 amends section 169 of the Act of 2000 relating to the procedures to be followed in the adoption and approval of SDZ planning schemes. SDZs are set by Government order and designate areas that are considered to be of economic or social importance to the State.

Following designation, SDZ schemes setting out objectives for specified development in designated areas are drawn up by prescribed development agencies, which may include a local authority, in respect of the designated areas concerned and are subject to public consultation procedures before being submitted to the elected members of the relevant planning authority for adoption.

The experience has been that all SDZ planning schemes that have been approved by planning authorities to date have been appealed to An Bord Pleanála for final determination. Under the current section 169 provisions, An Bord Pleanála can make modifications to an SDZ scheme only where they are considered to be minor in nature and are, therefore, unlikely to have significant effects on the environment or on a European site designated under the habitats or birds directives. Where An Bord Pleanála considers that the scheme requires modification of a more material nature, it is effectively required to uphold the appeal and refuse the modification, requiring the recommencement of the overall SDZ planning scheme process under section 169 if the relevant planning authority or development agency wishes to pursue the scheme with the proposed modifications. Section 4, therefore, amends the current section 169 provisions to provide that An Bord Pleanála can, as before, approve an SDZ planning scheme with modifications of a minor nature. However, under the new section 4 provisions, An Bord Pleanála will now also be allowed to approve the SDZ planning scheme with a modification or modifications that would constitute a material change to the scheme provided that such modification or modifications would not constitute a change in the overall objectives of the scheme concerned.

These new arrangements would mean that where modifications of a material nature are considered necessary by An Bord Pleanála on appeal, the relevant planning authority or development agency responsible for bringing forward the scheme would not have to recommence the whole SDZ planning scheme process again. However, the proposed new procedures insert considerable checks and controls to ensure that where proposed modifications of a material nature to an SDZ planning scheme may have significant effects on the environment, An Bord Pleanála shall require the planning authority to undertake a strategic environmental assessment, as per the EU SEA directive, an appropriate assessment, as per the EU habitats directive, or both such assessments in regard to the proposed modifications; undertake full public consultation on the proposed changes, including the forwarding of the proposed changes to prescribed bodies, publishing notice of the proposed changes in local newspapers and putting them on public display for a minimum of four weeks; and, following the public consultation, prepare a detailed report for submission to An Bord Pleanála for its consideration.

Where An Bord Pleanála makes a determination to make a modification constituting a material change to an SDZ planning scheme, it shall approve the scheme with the modification and notify the relevant planning authority or development agency accordingly.

While these revised procedures for the modification of planning schemes will take some time, having regard to the built-in public display and public consultation timeframes, they will still save considerable time in the making of modifications deemed necessary by comparison with having to recommence the overall SDZ process again. This process can take up to two years under the current provisions based on previous SDZ planning schemes and can lead to significant delays in the progression of SDZs, with consequential delays in the provision of housing and other commercial development.

Section 5 inserts a new section 170A into the Planning Act to provide for a new more flexible process for the amendment of an already approved SDZ planning scheme. As indicated,

this is not possible under the current SDZ provisions where any amendment to a scheme requires the commencement of the overall SDZ planning scheme process again.

The new provisions in section 5 will allow a planning authority, on its own behalf where it is promoting an SDZ scheme, or on behalf of a development agency promoting an SDZ planning scheme, to make an application to An Bord Pleanála for an amendment to a previously approved SDZ scheme that may be in the course of being developed. Such a request may be in respect of modifications that are minor in nature or, although material in nature, meet certain specified criteria and do not affect the overall objectives of the scheme. The new provisions would, in effect, allow for amendments to an already approved SDZ scheme, as determined by An Bord Pleanála, following procedures along the lines of those contained in section 4 above, involving the undertaking of a strategic environmental assessment, an appropriate assessment, or both, as required, along with mandatory public consultation, but that would take a considerably shorter time than the current procedures requiring the commencement of the overall SDZ process again.

Section 6 is consequential to sections 4 and 5 and proposes the replacement of the existing section 171 of the 2000 Act relating to the revocation and amendment of SDZ planning schemes by inserting a new section 171. The new procedures in respect of the modification of SDZ planning schemes are now provided for in sections 4 and 5, as already outlined. Consequently section 6, inserting a replacement section 171 in the 2000 Act, now provides only for the procedures relating to the revocation of SDZ planning schemes.

Section 7 contains standard provisions relating to the Short Title, construction and collective citation.

I believe Members will agree this Bill contains a number of fundamental and important revisions to the Planning and Development Act 2000, emanating from the Government's housing package, Stabilising Rents, Boosting Supply, which are necessary to support increased housing supply.

As I have outlined, the amendments to sections 28 and 34 of the planning Act strengthen the status of aspects of ministerial guidelines to planning authorities to ensure their consistent application, particularly in regard to the proposed issue of revised apartment standard guidelines throughout the country and will require local authorities to comply with the national guidelines. This new provision will particularly apply in the first instance to revised apartment standard guidelines, which I propose to issue shortly. Even allowing for some reductions in the minimum floor areas as are currently applied by some local authorities, the revised guidelines will still ensure minimum floor sizes will be among the most generous in Europe.

In addition, the amendments to the Part IX provisions in respect of SDZ planning schemes will streamline the process for making modifications to such planning schemes that are not yet approved and are going through the approval process, in addition to planning schemes which have already been approved, thereby bringing greater flexibility in regard to the modification of SDZ schemes than is possible at present.

SDZ planning schemes are, by their nature, large-scale projects whose proposed development works can take a number of years to complete. They also contain a significant number of residential units. The timely delivery of SDZs, in the Dublin area especially, is critical to underpinning future housing supply. These SDZ streamlining proposals will also complete action

24 of the Construction 2020 strategy, aimed at revitalising the construction sector and bringing on stream housing units at a faster rate than at present.

I intend to make a number of amendments to the published Bill on Committee Stage in the Dáil, which is scheduled for next week. The amendments proposed are primarily technical and are aimed at strengthening and clarifying the provisions in the Bill regarding both the ministerial guidelines and the SDZ planning schemes.

Accordingly, I commend the Bill to the House.

**Deputy Barry Cowen:** The main purpose of this Bill is to give a basis to one of the recommendations of the Mahon tribunal report, namely, that the Minister should have the power to prescribe expressly specific planning policy requirements to be applied by local authorities in their county development plans. The Fianna Fáil Party welcomes this change to planning powers.

I will use this opportunity to briefly revisit some of the recommendations made by the Mahon tribunal on reform of the planning system.

**Deputy Paudie Coffey:** On a point of order, the Deputy may be referring to the Bill scheduled for next week. The Bill before us relates to apartment guidelines.

**Deputy Barry Cowen:** The Bill covers a broad spectrum of issues, including apartment guidelines. Planning and development legislation offers ample opportunity to refer to the Mahon report and note the unfortunate fact that the Government has not seen fit to implement many of the recommendations emanating from the various tribunals. This Bill deals with but one such recommendation.

The Fianna Fáil Party is committed to drawing from the lessons of the Mahon tribunal and implementing its recommendations. Building on strong action while we were in power, it is vital that we continue to put in place the legal and institutional framework to prevent the venal corruption that the Mahon tribunal uncovered. We call on the Government to implement as many as possible of the recommendations made in light of the findings of the Mahon and Moriarty tribunals. It is unfortunate that, to date, it has failed to implement a number of these recommendations.

One of the Government's worst sins, as it were, has been its decision to abolish the national spatial strategy, which the Mahon tribunal recommended be placed on a statutory footing. Perhaps the single most important recommendation of the tribunal - the establishment of an independent planning regulator - has been set aside by the Government. The new planning regulator it established has an advisory role to the Minister and is not a check on ministerial power, as the Mahon tribunal called for.

The Mahon tribunal's recommendation that the National Transport Authority be appointed by an independent appointments board rather than directly by the Minister has also been set aside and ignored. The Government has perpetuated political cronyism, with only one in five of its appointments drawn from open public advertising. Greater transparency on councillors to amend developments acts has not been introduced.

The Fine Gael Party exhibited hypocrisy on the issue of corporate financing when the Taoiseach, as leader of his party, reinstated corporate donations, which had been banned in 1992 by

his predecessor, the current Minister for Finance, Deputy Michael Noonan. It is a great pity that despite much talk of a democratic revolution by the Labour Party and Fine Gael, the Government has failed to implement most of the Mahon tribunal's recommendations.

I will now speak specifically on the main provisions of the Bill. I welcome the main provision and purpose of the Bill, namely, to introduce a new power whereby the Minister may expressly state specific planning policy requirements to be applied by planning authorities or An Bord Pleanála in the exercise of their functions. At present, under section 28 of the Planning and Development Act, local authorities shall have regard to ministerial guidelines in determining planning applications and drafting their development plans. It appears that future guidelines will be divided into the categories of advisory-optional and specific-mandatory, with the planning authorities required to apply those that fall into the latter category. The Bill is vague, however, and does not specify how the distinction between general and specific guidelines will be made in practice.

In effect, this means that county development plans will be subordinate to the national planning regulations issued by the Minister. The main benefit of these will be to ensure that planning and building standards will be applied more consistently across local authorities. For instance, the immediate implication of this legislation will be to ensure that guidelines on apartment standards, which contain specific new requirements on minimum apartment sizes, the ratio of lifts to apartments, car parking provision, floor-to-ceiling heights, the provision of dual aspect apartments, etc., will be included in county development plans. This will ensure their consistent application across the country.

Some matters need to be clarified in respect of how the Minister's new planning power will work. For instance, what will happen in cases where planning regulations and apartment standards issued by local authorities are stronger or more prescriptive than those set out in the Department's guidelines? Perhaps more important, how will disputes between local authorities and the Department be settled? Will the Department simply be able to dictate to local authorities the content of their development plans? It is important that an appeals mechanism is in place and open public consultation takes place on any apartment standards that are proposed in development plans.

It is important for local democracy and to maintain local flexibility in the planning system that the Minister will not be in a position to simply overrule local development plans. Flexibility in local planning standards across local authorities must be allowed and retained. Planning standards in dense urban areas should not necessarily be identical to those in place in suburban or rural areas. This is the purpose of planning being local.

While it is recognised that consistent planning guidelines at the upper end are important in the sense of absolute minimum construction and quality standards, it is essential that the new specific Department guidelines are not excessively prescriptive and provide considerable scope to local authorities in setting planning guidelines that best fit local circumstances and preferences.

Some questions also need to be answered regarding the scope of the Minister's new planning powers under the Bill. Specifically, what will happen in cases where planning regulations issued by local authorities are stronger and more prescriptive than the Department's guidelines? A case in point is the passive house building standards provided for in Dún Laoghaire-Rathdown County Council's development plan. It seems extraordinary that the Minister will

be able to deny local authorities the right to include higher building standards in their planning regulations without proper consultation.

The Fianna Fáil Party welcomes the provisions on special development zones or SDZs. The relevant section introduces a minor amendment to the Planning and Development Act 2006, which provides for the making to An Bord Pleanála of applications for planning permission in respect of certain proposed developments of strategic importance to the State, and for certain other amendments to the Planning and Development Acts 2000 to 2004. This Bill ensures that strategic issues will be rapidly dealt with outside the local authority structure.

Under the new section 4 provisions, An Bord Pleanála will also be allowed to approve a special development zone planning scheme that includes modifications which would constitute a material change to the scheme, provided the modifications do not constitute a change in the overall objectives of the scheme concerned. This was an anomaly in the special development zone planning process, which did not make sense to any of the stakeholders involved. The proposed change is, therefore, welcome and necessary and should assist in streamlining the special development zone planning process.

On the new apartment regulations, the amendment to section 28 will allow the Minister to set consistent guidelines across local authorities. The main motivation for the Minister giving himself this new power under the planning legislation is to implement national standards for apartment construction. This is to be welcomed in the main. New apartment regulations are required in certain parts of the country to better ensure that apartments are of high quality and are affordable and abundant. Some of the new apartment regulations introduced in recent years, especially those in Dublin city since 2008, have been misguided. The effect of the Dublin city regulations has been to make new apartments in the city centre unaffordable for everyone but the very wealthy. As a result, apartments are not being built in Dublin. The figures on construction speak for themselves. While there is significant scope for residential development in the city, new construction has been extremely limited, if not virtually non-existent.

Despite the serious supply problem and out-of-control rental market, figures indicate that house and apartment completions continue to stall in 2015. In the docklands area alone, there is development potential for more than 2,600 new housing units, yet residential development appears to be stalled, notwithstanding the attractiveness of the area. Completions for each of the four Dublin local authorities from January to March 2015 were very low and nowhere near what is required. Only 652 houses were completed in Dublin in the first quarter of the year, with only 182 of these units in the Dublin City Council area. Based on these levels, the greater Dublin area may have only 2,600 new houses completed this year. This compares with 2,591 in 2014, which means, remarkably, that there will be no increase in the rate of new housing construction in 2015. This comes at a time when we have an overall requirement for 20,000 residential units a year, with an immediate need this year for 6,000 units in Dublin alone.

We must ask the reason for the absence of new housing construction across the city, despite such significant unmet housing need and demand. The lack of supply in Dublin means that, despite rent increases of upwards of 11% in the capital this year, next year will be worse, with less than 30% of current demand for new homes being met in 2015. While the new apartment standards have not been published, it is understood that they will force Dublin City Council to revise its 2008 apartment standards, which prescribe that new apartments must be a minimum of 55 sq. m and a standard two-bedroom apartment must have two balconies, a lift and a basement car parking space. The regulations in Dublin have been cited as one reason for the lack of

new residential construction in the capital since 2008.

Without doubt, many of the new apartment regulations in Dublin are misguided. It has been said that Dublin City Council's apartment guidelines are anti-poor because they increase the cost of apartments in the city centre. By doing so, they make the cost of building apartments at the lower end of the market uneconomic, and, as a result, they are simply not being built. According to the economist Professor Ronan Lyons, the final price of building a new two-bedroom apartment in Dublin is currently €460,000, whereas it would be €345,000 if the standards that applied elsewhere in Ireland applied in central Dublin. This means the monthly rent required for a two-bedroom apartment in the city centre in order for the apartment to be feasible for investment, assuming a 6% yield, and thus for a developer to build, would be €2,750 per month. This level of rent is simply not affordable for any couple on a low or middle income.

The core goal of apartment standards and housing policy should be to ensure good quality accommodation is affordable and abundant. The Dublin City Council guidelines ensure neither is the case in the city at present. Of course, this does not mean Dublin needs to allow shoddy construction or miserable accommodation. We believe that new building and more effective regulations are required in Dublin. Costly and cumbersome regulation does not mean effective regulation. Apartment standards regulations need to be focused and sensible. They need to focus on construction standards that add value for tenants. In particular, higher standard regulations should focus on achieving high energy efficiency as well as community and quality of life standards, like green space regulations and build quality. These standards do the most to enhance quality of life and the value of a unit. We believe that new quality standards regulations should focus on energy efficiency and green space. It seems strange that despite the need for high energy efficiency and home heating standards on account of their proven ability to add value to an apartment for little cost, the Minister for the Environment, Community and Local Government, Deputy Kelly, has expressly demanded local authorities, in particular, Dún Laoghaire-Rathdown and Wexford, to delete all references to passive house building standards in their 2016-21 development plans. If they do not, he has threatened to issue a veto from the Department under section 31 of the Planning and Development Act 2000. This provision allows him to veto local development plans. The reason the Minister has given for deleting all reference to passive house standards in the development plan is that "such requirements are in excess of relevant national standards".

The Minister's argument against passive house standards is that traditional standards offer faster delivery and higher standards could impede new supply. Why is the Minister against higher energy efficiency standards for homes? It is extremely short-sighted of him to reject available passive house technology, which diminishes the need for fossil fuel, without even engaging in consultation with construction industry stakeholders. This is one reason to fear how the Minister's new planning powers might be used under such a Bill.

This is especially true in light of Ireland's failure to meet obligations under the EU effort sharing programme for dealing with climate change. This stance is being exposed at the Paris climate conference as we speak. Ireland has to meet the target whereby 12% of home heating comes from renewable sources by 2020 or face onerous and costly sanctions. However, there has been virtually no progress on meeting these targets since the Government came to power. It is extraordinary that the Department responsible for construction quality is objecting to higher standards, especially without any debate, consultation, study or pilot review.

There is ample evidence from Ireland and elsewhere, including the Brussels region, that

passive houses do not slow down construction. Passive house construction is often quicker because of the thorough design process involved and because much of the building is prefabricated. There is also considerable evidence that passive house regulations are not necessarily more costly than constructing to the current building regulations, provided builders and tradespeople understand the passive standards. The regional government of Brussels has made the passive house standard mandatory for all buildings since January 2015. This is something Dún Laoghaire-Rathdown County Council is seeking as well. The move has not slowed down construction activity or made it more costly. Since January, over 1 million sq. m of passive house projects have been completed to date in Brussels. Many of these projects have cost less than conventional construction.

We need to know whether the new provision inserted into the Planning and Development Act will allow the Minister simply to rule out of order county development plans that are deemed in excess of national standards. It seems extraordinary that the Minister can deny local authorities the right to include higher building standards to form part of local planning regulations, apparently without any proper consultation with the sector or any members within that sector.

While we welcome this Bill and the new powers, numerous questions need to be clarified in respect of how these powers will be exercised, as I have outlined. It is essential that local development plans are allowed to be set by local authorities rather than simply dictated by the Minister. Flexibility in local planning has to be retained. I find it extraordinary that this is the case as we discuss the contents of this Bill and the powers under the Minister's remit.

Let us consider the many local development plans in the country and the efforts those involved have made to adjust the plans to take account of the increased scale, size, height and extent of wind energy turbines. Many of those involved have been waiting close on two years for national guidelines to be set by the Department and Minister responsible. Despite repeated calls from many local authorities engaged in the setting of local development plans for clarity, they have had to proceed without national guidelines in place. Given this scenario, applications are being made under guidelines that are in no way reflective of the height, scale or extent of such applications. Regardless, applications are being submitted under guidelines that have been outdated since 2006. There is a duty, onus and responsibility on the Government to publish and set appropriate guidelines rather than hide behind them, something the Government has done for the past two years.

We have had local and European elections that have deflected the publication and setting of the necessary guidelines. Now, we fear that because of the onset of a general election these guidelines will still not be put in place. I understand there are difficulties within Government, specifically within two Departments, in respect of agreeing the guidelines. Anyway, I implore the Minister of State and the Government to be fair and reasonable with the electorate and the people from those areas and regions where certain applications are more prolific. It is incumbent on the Government to put in place guidelines that reflect today's market and technology rather than relying on outdated guidelines which do no service to the public, in other words, to the people the Government supposedly serves.

**Deputy Jonathan O'Brien:** I will only take approximately ten minutes. I wish to give notice of this to the Technical Group. The relevant Members are not here, but I do not want the Bill to collapse because they are not present. I offer apologies from Deputy Stanley to the Minister of State. He was unable to be in the House today to speak on behalf of Sinn Féin on

this Bill. He asked me to step in at the last minute and that is why I am here.

I agree with much of what the Minister of State said in his opening remarks. While we have had differences of opinion many times in this Chamber and across the floor in the areas of housing and homelessness, I do not doubt the Minister of State's sincerity in trying to address this problem. We have differing priorities and ideas on how we should address these problems, particularly the problems of homelessness, the lack of provision of social housing and the over-dependency on the private market. We do not believe that it goes far enough, but anything that increases house building, helps to eradicate homelessness and regulates the private rental market to give rent certainty is welcome.

I understand completely what the Minister of State is trying to do by bringing forward national guidelines. There are two ways of looking at it. By having national guidelines there will no longer be an *ad hoc* approach throughout the State to the building of apartment blocks. Some will argue this is a good thing while others will argue that is not the way to go. That is because we cannot consider each county or location and decide that prescribed national guidelines must be implemented for all of them. There are different demands, densities and demographics in each area. This is why local development plans are important and have come into their own. One of the few remaining powers that local authorities have is setting their own local development plans for five years.

We have already heard from the previous speaker, Deputy Cowen, that some local authorities have very high standards while those in others are not as high. Reference was made to Dún Laoghaire-Rathdown and Dublin city councils. Deputy Cowen outlined some of the problems Dublin City Council has with the guidelines. They make the purchase of the apartments concerned extremely expensive. The apartments are designed not to attract the people who need them most. I do not know the breakdown of the housing list for Dublin City Council, but in Cork City Council 50% of those on housing waiting lists are single applicants who would be the type of people who, if they were to enter the property market, would consider apartments rather than three and four-bedroom houses. We need to build apartment blocks that are affordable and accessible to everyone, not just those on a particular pay scale.

The difficulty I have with ministerial guidelines taking precedence is that I do not know how it will work in practice, given that each area is different. In theory, it sounds great, but I do not know how we will implement it in practice. I also have some concerns about the guidelines. I understand, based on what we have heard, there will be smaller floor sizes, lower floor-to-ceiling heights and revised elevator and car parking sizes.

While there is no doubt that we have a housing crisis and we need to kick start the building of housing as quickly as possible, we need to ensure that the type and quality of housing that we will undertake as part of any build will be one that lasts long into the future. We have seen the mistakes of the past. Housing estates in my constituency have been knocked down because of poor planning, design and standards. I can understand national guidelines coming into play and the rationale behind that, but I do not know how it will work in practice.

I have some concerns that the Minister is moving to a position whereby he can override local development plans. I do not know whether that is the best road to go down. Elected representatives who represent those who elected them would have greater knowledge of local environments than a Minister. We have local development plans because they reflect local demographics, population, environment and the social and economic aspects of a particular city

or a local authority.

The Minister has proposed an amendment whereby he will now have the power to override the local development plans of local authorities. I do not think any appeals process is built into that proposal and perhaps the Minister of State or his officials could clarify the position. If a Minister gives a local authority national guidelines and tells it that is what he or she wants it to implement, despite the proposals being contrary to the local development plan because of higher or lower standards, there does not seem to be any mechanism for local authorities to appeal such decisions, which is one of the flaws in the Bill.

We need to solve the problem and build houses and apartments, but we need to make sure they are of a high quality, and are affordable and accessible. One of the issues we have is that the Bill will give a lot of power to one individual, namely, the Minister of the day - it may not be the Minister, Deputy Kelly, after the next election. The Bill proposes to take from local authorities their ability to formulate local development plans and give it to a Minister who can then override local development plans.

As I said, we support any measures that will improve the housing situation. We have questions about the Bill but we will not oppose it on Second Stage because we feel that would not achieve anything. We want to submit numerous amendments on the areas about which we have concerns on Committee Stage. Just as I respect the sincerity of the Minister of State in trying to resolve this crisis, I hope he will respect that there are people on the opposite side of the Chamber who may have different views but whose sincerity in trying to resolve this issue is the same as his.

I hope on Committee Stage we can have a very robust and open debate on what we are proposing in terms of amendments, and can get away from the back-and-forth debate across the Chamber. Much good work on legislation is done on Committee Stage. Even though we have concerns about the Bill, and probably would not support it if it remained as it is, if we allow it to proceed to Committee Stage we will put forward amendments and have an open, frank and robust debate. It is to be hoped some of our concerns and amendments would be taken on board by the Minister of State. We will see where we stand after Committee Stage and will then make a decision on Report and Final Stages.

**An Leas-Cheann Comhairle:** Deputies Clare Daly, Mick Wallace and Richard Boyd Barrett are sharing time.

**Deputy Clare Daly:** I will probably be briefer than Deputies Wallace and Boyd Barrett. I want to discuss two main provisions in the Bill - that is all that is in it anyway. One of the provisions is clearly aimed at preventing local authorities from demanding of developers higher standards than those set out in the new national apartment planning guidelines. It is a monumental joke that we have not even seen these guidelines. We have no idea what they might be and we have to trust the Minister that they will be grand and everything will be great. One could not make this stuff up. Each Bill that has been tabled in the past few weeks has been worse than the one before.

Until now, local authorities were at liberty to set higher standards for minimum floor areas and other design criteria for apartments than those laid out in the 2007 Department guidelines. As we know, the 2007 guidelines increased the minimum sizes for one-bedroom apartments from the 1998 minimum of 38 sq. m to 45 sq. m. In a very positive development, Dublin City

Council went one better and set the minimum floor size for one-bedroom apartments at 55 sq. m, which is 10 sq. m larger than the minimum set out in the national guidelines.

We are now being asked to remove that type of power from local authorities and force them to follow rules that the Minister makes up, which will apply nationally regardless of any context. It is disgraceful. We have to consider this in the context of the sustained pressure which Dublin City Council has been put under since it introduced new minimum standards.

A range of bodies have demanded that the standards be relaxed. We know that, to date, councillors have resisted that, and fair play to them. The Minister is now making sure that the democratic process and the will of councillors will not be upheld. Whose will is being upheld? We know that the Construction Industry Federation, Property Industry Ireland, IBEC and Mr. Brian Moran of Hines, a US investment company which is active in Dublin, have all pushed hard for Dublin City Council to relax its standards. This Bill will give them their wish, as the Minister wrests control over minimum standards from Dublin City Council, which, in fairness, has stuck to its guns.

Dublin already has plenty of small apartments - in fact, it has too many. It also has quite a large number of small houses and standard two-up and two-down houses. These houses run between 45 sq. m and 60 sq. m. For single storey terraces, the size can be between 30 sq. m and 50 sq. m. Dublin is not short of small places for people to live. What research did the Minister of State do on housing stock in advance of the Bill being put forward? Did he count how many dwellings are already below 45 sq. m? Has a comprehensive survey been conducted of current housing stock to allow the Minister of State come to the conclusion that Dublin needs a relaxation of standards so smaller apartments can be built because we do not have enough of them? Do we have this information? I have not seen any evidence of it. It seems to be driven by the needs of vested interests rather than by building a city in which people might enjoy living. Perhaps I am completely wrong and the Minister of State will surprise us with these magnificent national guidelines which will be better than anything we have seen before, but even if this were the case, and I doubt it, it is absolutely unacceptable that we are discussing the Bill in the absence of this knowledge. It is just not good enough.

According to the Bills digest produced by the Oireachtas Library and Research Service, the Government has taken on board the policy proposals contained in the Policy Options for Supporting the Provision of Housing at Affordable Prices report by the Society of Chartered Surveyors Ireland. Included among these little nuggets is that individual local authorities should not be permitted to apply more demanding standards than the national standard. This has essentially been integrated unchanged into the legislation we have before us. This is not good enough.

Who wrote the report? It was commissioned by Mr. Anthony Foley of the DCU Business School on behalf of the Society of Chartered Surveyors Ireland. What qualifications does this individual have to talk on housing? He is a senior lecturer at the DCU Business School and he is the head of economics, finance and entrepreneurship. His principal interests are European integration, industrial development, international trade, service exports, public expenditure, structure and trends, new ventures and entrepreneurship. Is he an expert on housing? I do not think so. His previous foray into advice to Governments and other policy makers was his paper on behalf of the Drinks Industry Group of Ireland which found, miraculously, that visiting pubs is a key attraction for tourists visiting Ireland. We have this expert in economics and entrepreneurship, who churns out papers on behalf of the drinks industry basically telling

it what it wants to hear, offering policy proposals, which have basically been transcribed by the Government into this legislation, to allow developers to build smaller apartments regardless of whether we even need them because the Government does not have the evidence to state this.

The paper has headings such as interest rates and availability of finance in the chapter on future demand of housing, but absolutely no survey of, or figures on, how many 40 sq. m to 50 sq. m apartments actually exist in Dublin, how much need for larger apartments might exist, whether more one-bed apartments are necessary at all and whether there is any need for more studio apartments or anything like this. We actually do not have this information. Later in the report we see figures on housing commencements in the Dublin region by number of bedrooms per unit, but there is no analysis of whether the 647 three-bedroom houses that were started in Dublin last year were needed over and above two-bedroom houses. The report concedes that the question arises whether the overall Dublin mix of houses is appropriate, but why should we let our lack of knowledge stop us from bringing forward the Bill in the last week before the Christmas break?

The Minister of State said previously that his changes would reduce the cost of apartment building in Dublin by approximately €20,000 per unit, allegedly, but we all know the cost reductions will not be fully passed on to buyers or renters. It is not good enough. The legislation will not do anything to address the supply. The Government has the power, seemingly, to magically increase supply overnight without having to fling cash at developers, which seems to be its favourite thing.

According to the Department, the total number of new social houses in progress in the second quarter of 2015 was 324. All of the 324 units in progress were built by voluntary and co-operative housing organisations. This is a bit odd, because according to the document there is supposed to be capital funding for 2,386 social housing units. Why are these units not in progress? We know a grand total of 20 social housing units were completed by the second quarter of 2015, and this is without even looking at the question of NAMA into which I will not get. It is time we faced facts. There has been an absolutely shambolic approach to housing in the State, and to bring this legislation here at the eleventh hour is a step beyond disgraceful. It should be opposed.

**Deputy Mick Wallace:** I will not agree with everything the previous speaker said, although I often do.

**Deputy Paudie Coffey:** I did not think the Deputy would.

**Deputy Mick Wallace:** People might say I am putting on my developer's hat but I would argue that I speak from experience, given that I am not a developer at present but God knows what day I might start again. However, I do agree with Deputy Clare Daly on several points. I am concerned because I am a little confused about what exactly will happen. From my understanding, the March 2007 recommendations that the city council came up with can now be ignored and we are back to the 2000 regulations. The Bill will give serious power to the Minister. Even if we had the best Minister on the planet looking after housing, who knows how long he or she would have the job? The next person might be a complete idiot, and how he or she exercises the power on getting the reins could be dangerous. We probably need to make it stronger and not leave things to the whim of any particular individual. This is a little scary. I also agree with Deputy Clare Daly that how the Government has dealt with housing challenges has been disappointing. I know it has not been easy, and the area is very complex with many

different problems in the industry, but I do not see many of them being properly addressed in the long term. We have had a tendency to implement short-term strategies and a serious absence of long-term strategy, and this is not how we should approach the challenges we have in housing.

I have read the Bill, and the Minister of State mentioned the various issues that could be re-examined, such as the minimum size of apartments, the number of apartments per lift, car park provision, floor-to-ceiling heights and the amount of dual aspect. Will a certain amount of dual aspect in a development be requested? Is this correct? Or will the Government go a little lighter on the demands being made of a developer?

We can build really well and lighten some of the recommendations that were introduced in 2007. My experience of the industry is that building quality need not suffer. I believe in the idea of studio apartments. More and more couples are breaking up and more and more people live alone. Studio apartments make sense and they do not have to be massive. Apartments need to be a healthy size for families. In a two-bedroom apartment, there must be room for a desk in the second bedroom.

That is not my mobile phone.

**Deputy Fergus O'Dowd:** It is Limerick calling. The Deputy left his hat behind.

**Deputy Mick Wallace:** It is not my phone.

If we want to build two-bedroom apartments and three-bedroom apartments in which families will be willing to live, we must change how we go about it. In the past, we did not build apartments that were fit for families. My company generally built apartments that were 15 sq. m to 20 sq. m larger than the norm but I still would not say they were fit for families. In Ireland, apartments are usually a stepping stone on the way to purchasing a house. By contrast, the apartments I have seen elsewhere in Europe really are suited to families. We will have to build more apartments than houses in the future because we cannot keep covering the country in concrete. Apartment blocks need to be higher, there must be more play areas and more communal space. The provisions in the Bill in this regard seem reasonable but they are very vague. It is not at all clear to what we are being asked to sign up.

Lifts are a huge expense for management companies. I had the misfortune to be the director of eight management companies and I could not wait to get rid of the lifts because the cost of their maintenance meant we could not possibly make ends meet. By European standards, we have tended to put in fewer apartments per lift. Provided people can stand over the number of apartments a lift can serve, I do not see a problem with reducing the number of lifts per number of apartments.

Car park provision is a hugely challenging issue. We must ask ourselves whether we wish to promote the use of more cars in city and town centres. There are already too many cars in Dublin city centre and the M50 has become a parking lot at peak times. I have no problem with the provisions reducing the number of car spaces a developer is obliged to provide with apartments. If we keep ignoring the increasing number of vehicles on Dublin's roads, I do not know how in God's name we will deal with it, because we have so many problems at the moment.

I would go to war on the issue of floor-to-ceiling heights. In the aftermath of the Second World War, the authorities in Turin, between 1945 and 1965 or 1970, built social housing with a floor-to-ceiling minimum of 10 ft., with some of the homes having a height of 11 ft. or 12 ft.

They are fantastic living spaces. A floor-to-ceiling height of 8 ft., or 2.4 m, on the other hand, is simply not good enough for a living space. The big problem is the competing demands from the local authority and the financial institutions. Let us say we want to build units with a 2.7 m floor-to-ceiling measurement, so the height of the whole floor of the building is 3 m. If we did six floors, that would equate to 18 m, plus an extra metre for the ground floor, which makes 19 metres. The local authority would say we could have the 19 m, but it would want to know how many floors we were putting in. Ultimately, we would be pushed back to a ceiling height of 2.4 m for financial reasons. The bank would say we needed to squeeze in more units if it was to finance the project. There is pressure on one side from the financial institution to make the project stand up. I urge the Government not to allow apartments to be built with a ceiling height of less than 2.7 m. What I would say to the local authority is this: give those building the project their six floors, and let them go that bit extra. It is 300 mm per floor over six floors, which makes 1.8 m. Let them have the extra 1.8 m, and make it happen. The difference between 2.4 m and 2.7 m has a massive impact on the living space and the quality of life of people living there. What progress it would be for this country if we never again put in a ceiling at 2.4 m. It would be a breathtaking, historic change. It would be fantastic. We can make it happen. The developer and the bank can be kept happy by getting the local authority to accept that if we do not want to cover the country in concrete, we need to go a little higher with the buildings. It makes sense to take that approach.

It goes without saying that dual-aspect apartments are good. I do not know by how much the Government is planning to reduce the number of units that must have a dual aspect in each development. I do realise, however, that it is a very restrictive requirement to meet. I have in mind a site where we found it was almost impossible to give a dual aspect to more than about 60% of the units. In fact, if it had been a requirement for all of them to have it, we would not have been able to build the other 40%, in which case we would have ended up not doing the development at all because we would not have got finance for it. I realise that it is challenging.

An issue that has not been mentioned is the safety of balconies. I acknowledge that the weather is different on the Continent, but it is mild enough in Ireland for people to sit outside much of the time. Balconies can be sheltered somewhat by putting Perspex or proper glass around them, thereby providing a beautiful space to spend time in. It can be done without costing a fortune. It is really important to ensure that balconies are an adequate size. It does not involve a massive cost for the developer. We all know about the balcony that collapsed in Berkeley; I do not know how many people were standing on it at the time. It is easy to build a bad balcony but it is just as easy to build a good one. There is a style of doing a balcony which guarantees it will stay up and every builder knows how to do it. There is also, however, a cheaper way of doing it and it should no longer be allowed. The material used is a factor. For example, using mild steel in a balcony is looking for trouble. It is a bad example to use, but when I went out to look at Priory Hall, I was struck by the poor quality of the balconies. I am not afraid of much, but I was afraid to stand on the balconies there because they looked as though they were ready to fall down. The mild steel used in their construction was corroding. It had not even been galvanised properly. All steel of a mild nature which is structural must be properly galvanised. If at all possible, a balcony should be made of stainless steel.

I would like to hear more details from the Minister of State about what he is planning to do. Some aspects of the Bill are sensible and to be welcomed. I look forward to the Minister of State's response.

**Deputy Richard Boyd Barrett:** We on this side of the House are too often obliged to voice

our dissatisfaction with the guillotining of legislation and this Government's underhand parliamentary tactics in pushing through Bills in order to avoid debate or for some other political reason. What is being done in the case of this particular Bill is especially shameful because it is one of the most important legislative measures we have dealt with all year. For it to be pushed through at the last minute and the debate guillotined is outrageous. I may be wasting my voice and time here but I appeal to the media to take cognisance of the significance of the Bill. It might not be very sexy compared with the more sensationalist stuff the media likes to focus on but it is about something of great importance for people in this country, which is the provision of quality housing for those who desperately need it and dealing with associated planning issues. It also touches on a range of other issues which I will refer to presently. It is outrageous that the Bill is to be rammed through without proper consideration.

Of course, this fits into a pattern that is becoming increasingly apparent whereby this Government is seeking to exploit the housing crisis. There is no other way to describe it. It is doing so in order to unleash once again the evils of the Celtic tiger, evils which brought us Priory Hall, the pyrite scandal and unplanned and unregulated development, with all the terrible consequences of these things for the entire economy and for proper planning and development in the key area of housing. This is about facilitating that. In this Bill, the Government is dancing to the tune of the Construction Industry Federation. There is no doubt about it. It is exploiting the justified demand to increase the supply of social and affordable housing and to deal with the housing and homelessness crisis, not as a means to deal with these problems but to let our developer friends off the hook again. These developers will not provide the social housing we need. They never have before and they will not do it in the future.

The Government talks about supply and says we have to increase supply and incentivise the private sector. That is what this Bill is about: incentivising the private sector, relaxing the planning regulations and so on, to encourage our old friends, the developers, to believe they can make money in the current situation because if we do that, we will deal with the housing crisis. I ask the Minister and anybody else looking at this debate whether increasing the supply, *per se*, provides social and affordable housing or deals with housing and homelessness problems. It does not at all and this seriously needs to be debated on a national level. We were building 70,000 to 90,000 houses a year, mostly in the private sector, before the crash, in the boom period. Did it improve the housing and homelessness situation? No. The problem got worse during that period. It got even worse after the crash, but it got worse consistently throughout the period of the Celtic tiger. The idea that we can solve the housing and homelessness crisis by upping the supply from the private sector is a total fallacy. It is an ideological fallacy that rationalises the greed and profit-seeking of the private developers, which is what the Government is doing.

It is an automatic impulse for the Government to imagine that in dealing with any problem, we have to facilitate our private developer friends. In doing that, we are now going to sacrifice proper planning and development and proper building standards. That is shameful, given the consequences this had in the past. We do not even fully know the consequences it had. We are going to find out in a few decades, but we have seen elements of it with Priory Hall, with pyrite and with God knows what else that was built during that period because of poor building standards and because the developers were let off the hook. Now the Minister wants the power to prevent local authorities from ensuring we have adequate standards at a local level if those standards go beyond the national standards. Shamefully, I believe the Minister has instructed Dún Laoghaire-Rathdown County Council that some of the measures it agreed in the develop-

ment plan in terms of ensuring good building standards have to be deleted from the plan. He is riding roughshod over democracy. Those proposals included that 50% of all non-residential development should have green roofs - a very sensible measure, given our aspirations on climate change and all the rest of it - and the passive housing requirement about proper insulation, which helps mitigate climate change, is much better for the health of the people living in these places and will save on heating and all that. Those provisions are almost certainly the ones the Minister has directed the council to delete. They are precisely the measures we need to have a good standard of housing, but instead he wants to delete them in order that developers can build cheap, poor quality stuff to make money out of it. That is what the Government is doing and it is shameful.

I can see what is going on here in that we will have the modular housing, from which some of our private developer friends could make money in the short term, and then, because we do not want to build actual physical, permanent council houses, our private developer friends, the vulture funds and so on will come in with the permanent stuff, which they will then lease to the Government for social housing at huge cost and make a killing off it. It is outrageous.

What should we be doing? The Minister of State will say we need the stuff fast. I will tell him how we will get it fast. It is very simple. Start with what I said earlier this morning: buy up the substantial stock of existing housing in Dublin and elsewhere for the people who need it on an emergency basis. That would be just as cheap but much more permanent and appropriate for the people who are in emergency situations. Provide the rent controls, not the flimsy rent certainty the Government was talking about, and increase rent allowance. Open the books of NAMA to see what it actually has rather than accepting whatever it throws at local authorities, which is undoubtedly mostly the crap stuff it thinks it cannot make money out of. We want to see what it actually has - land, property and so on - in order that we can give it over to those who need it.

How do we fast-track without overriding proper building and planning and development standards? We set up a State construction company in order that we take a year out of the construction process. The Government is saying it takes two years to build houses. One year of that is a result of the outsourcing of the design and construction to private developers through the tendering process. That is taking up a year. We have a breakdown from Dún Laoghaire-Rathdown. A year of this big delay the Government is talking about is because local authorities cannot do it themselves directly. If we did not have to tender out and if we had the teams, the architect, the construction workers, the equipment and so on in the local authorities, like we used to have, we could deliver the social housing in a year, and not modular homes but quality stuff. That is what we should do. NAMA could be the vehicle for it if its mandate were changed and if it were resourced to construct these houses directly. We could build on the land it has, finish the properties that are not ready, and we could do it much quicker without having to sacrifice building standards, proper planning and development, public consultation and local democracy, which is what this Bill is doing. It is outrageous.

**Deputy Fergus O'Dowd:** I welcome the discussion and debate on this Bill. It is a very important issue because at the heart of this Bill is a fundamentally positive objective, namely, to allow for the fast-tracking of the introduction of modular housing in strategic development zones. I do not think anybody would object to the principle involved, but there are significant difficulties, some of which were mentioned by speakers opposite, and I would like to add my own tuppence worth to the debate. It is essential we get housing for as many people as possible as quickly as possible, given the severe crisis we are in and the state of the collapse of the

building industry, which thankfully is now turning a corner and beginning to change. In my constituency, there have been many new starts and I welcome that.

There are issues with modular homes. Let us be very frank about it. They are low cost, they are efficiently built, they are transported by vehicle and they arrive on the spot very quickly. The size of them can vary, but generally they have to be smaller because the vehicle has to transport the prefabricated structure. Where are they going to be, how long will they last, who is going to live in them and for how long? In what sort of environment will they be placed? These are key issues that have to be determined. They are critical, but it is essential that construction goes ahead. I just want to point out some significant issues that need to be addressed.

If we look at the historical situation in housing, the biggest and most awful construction we ever had was out in Ballymun. That was built in a housing crisis. It was built to Deputy Wallace's specifications, the higher the better, and so it was. They put into it not people who did not have families, but people who had children. The environment did not sustain family size or family life. One need only look at them on television as they were brought down, eventually, which was a good thing. They served a purpose but they did not serve it for long.

In my constituency, I can look at three types of fast-track housing. I am in public life a long time. The Leas-Cheann Comhairle probably beats me on length of service, and the Taoiseach does so by approximately a year. In the 1970s, when I was first elected, the first debate I went to in my local authority was on prefabricated housing. It was a wonderful idea by some brilliant designer who would build an estate where the dividing walls between the houses would be of concrete blocks but the front and back walls would be prefabricated, and that is what they did. They put the blocks up, they brought in the prefabricated structure and, lo and behold, after two or three years the houses were riddled with damp and with all sorts of problems. One could not put a bath into the bedrooms because they were too small. That did not work. We had other experiments, as I am sure others had all around the country.

We had a housing estate in which some bright spark - it may even have been the then Minister - decided we would build houses without chimneys because it was so cheap to use electricity and they would be built quicker. The houses went up with no chimneys and, lo and behold, with the oil crisis they had to retrofit chimneys to them taking up half of their living rooms, and we had another problem.

The other experiment was with so-called "Walt Disney" houses. These were thought up by a wonderful architect. There were maybe ten or 12 houses, not built in a straight road but at right angles to each other so that when one walked out of one's front door one looked straight in to the living room of the family right next door and somebody coming to visit did not know where a person's front door was. It was a catastrophe.

At the end of the day what works best is the standard traditional-type housing which is in the older estates generically. That works well because residents have privacy, they have good quality build, they have front and back gardens and they have a place at the back where they can bring in their bikes, cars or whatever. That is the ideal. That is what we want to see.

As no doubt the Minister of State intends, with the money in the Strategic Investment Fund which he mentioned and the special purpose vehicle, NAMA, we as a government ought to supply served sites, with water and sewerage, to builders who will commit to building affordable or social housing, in other words, providing them the land with no need for expenditure on their

part on either water supply or sewerage and asking them to build houses at an acceptable price. Can we do that? Of course we can: why not? Gormanston is in my constituency. It was an Army camp and most of it is not active anymore. It is owned by the State - land cost is nil. It is in a sustainable location. It is beside a motorway and has a railway station. It has a lot going for it. If we use our heads and look at such sites around the country we can build the houses we want built at the price people can afford where there will not be the speculation there was in the building boom and we will not end up with the likes of Priory Hall, and we will have control of them.

There is a difference between the ministerial powers to direct a local authority and what I think should happen. In the absence of the recommendations by the tribunals, we do not have a regulator in place at present but the Government is committed to that happening. The powers the Minister is taking onto himself in this Bill must transfer to the regulator when he or she is in place. In other words, the politician is there for the policy and the regulator works out the details with the local authority. It is fine and proper for the Minister to sign up and say what should happen in planning policy and what the specification should be and for the regulator to ensure that happens. That would ensure there would be no political interference in any decision-making, which other Members may have raised here, and it would make a lot of sense.

It is high time we looked at empty houses in rural and mixed urban-rural constituencies. When I go around the constituency of Louth, I see dozens of houses that are empty. There are houses that were not finished, perhaps, during the Celtic tiger. There are houses that people have left because they lost their jobs and went abroad. There are houses that are empty for three or four years. If the Minister of State saw fit, he could instruct the local authorities to undertake an analysis of empty houses in their areas that may be in private ownership, in disputed ownership or merely lying idle and abandoned. There is a golden opportunity to get in and do something about it. That would reap a significant benefit. I estimate that in County Louth, including the south of the county, there are between 100 and 150 houses that could be occupied within a shorter period of time than one would think.

I would also like to think that we would have a new target in urban renewal and I hope the strategic development zone, SDZ, is where this is at. However, I have a problem with smaller apartments, especially if they are smaller because there is a profit incentive or motive. I have no difficulty if the apartments are constructed within an existing house, shop or whatever. If one looks at the 1911 census, one will see there were hundreds of people living in the centre of towns. There is nobody living there now and the reason is, obviously, they have gone out to housing. In the centre of a town one has services such as electricity, water and sewerage. One has buildings, whatever their purpose, constructed in whatever time they were. If one wants to encourage development, one should allow people to construct within existing buildings the apartments that are needed. Rather than define a small size, it should be purpose built to the existing size. I do not want any dumps or dives. I do not want to have to go down dark, dank and smelly stairs, as I have, to meet housing applicants in desperate places in which they ended up during the so-called "good times". We do not want to repeat that. I want to ensure that does not happen. That is a core value we should have as well.

The other issue I raise on the Bill, which is developed there, is about planning. When I leave here tonight, I will visit a place in County Meath to look at a drain. What the hell am I going looking at a drain for, at probably 7 p.m.? I am looking at a drain that is coming from a flood plain. The councillors in Meath some time ago decided to build houses on this flood plain and the planning permission was given against, I believe, the advice of the planners. Now that the

builder has gone in there, the residents of the existing houses are concerned that the drain they are taking off this flood plain will flood them because it will be right beside their houses. That is a bit of a nightmare, if one happens to live there. It is a nightmare for planning generally. When one looks at Athlone and the appalling trouble on the Shannon, one asks why in the name of God do we allow building on flood plains. I have no problem with housing where there have been houses and people have lived traditionally in rural areas, but why do we allow planning on flood plains? It is a joke. There are housing estates I have visited in east Meath where in fairness to the OPW it has a strategy for dealing with it, but the people are concerned. It should not be happening. I ask the Minister to address that issue.

I also see other issues in planning. One of them is this cozying up to developers. The cozying up to developers is what destroyed this country during the recent boom. Developers ran the show. They designed houses which was fine, they designed estates which was fair enough, but then they designed access routes and every damn thing. In County Meath - this is something which is on the Minister's desk - one developer believed that he was encouraged to buy up land that would have a link to the motorway on which he would build a soccer stadium for a club and he proceeded on that process as he believed it to be, but another developer decided he would come in with his little local area plan and look for rezoning there. When the detail came together, the planning permission went to the person who lived elsewhere and had produced his own development plan. At issue is the fundamental question of developer-led area action plans and planning. It is a very serious issue, which has been examined. It is with the Department and has been sitting there for four months. It has been going on for a while and has been examined previously by other investigators. Could we please have it in the public domain in order that we can know the outcome of the €100,000 we spent on it and on planning in Carlow, Dublin, Cork and Galway? The allegations should be addressed.

While we must be very careful what we do, we must build houses as quickly as possible. What I propose for places such as Gormanston makes the most sense. It is practical, it works and nobody can be caught out. The State owns the land, the services are provided by the Ireland Strategic Investment Fund and there is clarify about the cost before it starts.

On the modular homes issue, we have had many experiments and will have many housing crises. I want to be sure the families going into those modular homes will have as good a quality of life as anybody else and that the homes do not become places where nobody wants to go or which are put up for special letting. There are very serious issues about it. Will a person who takes such a home be able to get a transfer some years later? The Bill digest identifies a number of significant positives of modular homes. It identifies that the value of the homes decreases very significantly very quickly. The Government must address this and ensure it does not end up with something it regrets.

I welcome the Bill and the debate. I do not object in principle, given the crisis, to the powers that are changing and what the Minister is doing, and I have no doubt the Minister will act properly and appropriately. That said, I ask that he ensure the powers will transfer to the planning regulator, that he re-examine the issues I initially raised regarding county councils identifying empty homes in their areas, and most of all, that he look to see if we can fast-track hundreds of houses on State-owned land. Let us provide the infrastructure by special vehicle, fix the price of the houses and look after those who need them.

**Deputy Billy Timmins:** I welcome the opportunity to speak on the Bill. Sometimes, legislation goes through the House and the general perception is that it is very welcome and posi-

tive. Such legislation goes through the House relatively unnoticed but can come back to cause many difficulties. Profound changes can be put through of which people are not aware. The way the Bill is being quietly put through just before Christmas reminds me of the legislation on Irish Water two years ago. There are very few in the Chamber, nobody in the Press Gallery and probably nobody watching the debate. However, there is a measure in section 2 of the Bill which amends section 28 of the principal Act, as follows:

Section 28 of the Principal Act is amended by inserting the following after subsection (1B):

“(1C) Guidelines to which subsection (1) relates may contain specific planning policy requirements to be applied by planning authorities and the Board in the performance of their functions.”.

If I understand it correctly, the section empowers the Minister to issue directions to An Bord Pleanála as to what the planning policy should be. It is a reversion to the situation in which the Minister for local government was the final arbitrator in planning matters. While the motivation seems to be good, given that we want to get through various housing projects due to the housing shortage, there may be implications from the legislation which may come back to haunt the House. In his summation, maybe the Minister can give me some assurance that it is not the case.

In general, I am a strong supporter of political responsibility and I disagree with farming out the Government’s responsibilities to State agencies and non-elected and, in many respects, unaccountable bodies such as An Bord Pleanála, Fáilte Ireland, the NRA or the HSE. I am not sure whether the HSE still exists. The board is gone. An Bord Pleanála is a very contentious body. When decisions go our way, we praise it and are delighted to have it, whereas when they do not go our way, we are suspicious and concerned about it. In my political dealings with An Bord Pleanála it has been contentious. Last week, I welcomed a decision it made to grant permission for an entrance for a secondary school construction in Bray which had been refused by Dún Laoghaire-Rathdown County Council. In this case, I say “well done” to An Bord Pleanála.

An Bord Pleanála comprises nine members, eight of whom are appointed by the Minister following recommendations from four independent groupings, and the chairperson is appointed by the Government. I am conscious that we should not criticise organisations or groups that often do not represent themselves, and I will not name any individuals. I have not been able to find a forum in which I can articulate my concerns about An Bord Pleanála. I have had calls to meet representative bodies in my constituency who are concerned about serial objectors to one-off rural housing in parts of County Wicklow. They expressed serious concern that a number of people were submitting serial planning objections. We sent several deputations to the Minister at the time who gave an assurance that An Bord Pleanála was always constructed in a fair and equitable manner in order that people got fair play. To my surprise and that of others, one of the serial objectors was appointed to An Bord Pleanála. This does not instil public confidence in a body that is supposed to be independent. I am not questioning the individual integrity of any member of the board. While An Bord Pleanála must act in a fair and equitable manner, perception is also very important. How can I tell my community An Bord Pleanála is an independent body if a person who has been a serial objector against rural planning is a member of the board? It raises serious questions and perhaps the Minister would examine it.

Regarding housing and the Government’s decision to ask NAMA to build 20,000 houses

over the coming years, I assume NAMA will not build the houses itself but will disburse the money to various developers. I have contacted the Competition and Consumer Protection Commission and everything seems to be okay. A number of developers may take an action against the decision to give NAMA this head start on others. Concern is expressed about NAMA and it is difficult to get to the bottom of it. Maybe in time we will find NAMA has done a wonderful job and everything is fine. In my limited dealings I have always found it to be very positive and progressive. I do not have access to any information other than that associated with my dealings with it. A well-respected sports journalist, Colm O'Rourke, recently wrote an article in the *Sunday Independent* in which he questioned the ability of the political system to fight on behalf of communities that are looking for sporting facilities. Part of the remit of NAMA is to give consideration, if not necessarily preference, to local organisations or groups that are seeking to purchase land for community benefit. The most high-profile case in this regard was the attempt by the Dublin GAA county board to purchase the Spawell lands in south Dublin. I am given to understand that it basically came in at the asking price but was outbid by somebody else. That does not instil public confidence in the work of NAMA. I ask the Minister to ensure that NAMA's dealings should involve a fair hearing to those concerned, should be reflective of due diligence and should pay high regard to the organisation's remit to assist in the provision of facilities to communities.

I support any measure that would assist in meeting the demand for public and private housing and alleviating the general housing shortage. In my view, the main difficulty in the areas of housing and homelessness is the shortage of supply. For a number of years during the economic downturn, I advocated a policy of "workfare" rather than welfare. I said that a scheme equivalent to JobBridge should be pursued to allow unemployed architects and engineers, etc., to be seconded to local authorities. Many of them would have been quite happy to get involved in such a scheme if it enabled them to keep their skills up to date, to upskill if necessary and to participate in the planning of future housing and infrastructure projects. One of the difficulties now being experienced by many local authorities is that money has been allocated to them, but they do not have schemes prepared because the necessary staff or expertise has not been available to them. That should not be allowed to happen in the future. If this means hiring private groups to plan and organise for the local authority, so be it.

I think there are too many layers in the system. When we give money to local authorities, surely we should let them be responsible for spending it, for choosing the sites and for building the houses. In my own county of Wicklow, it was recommended that 30 new houses should be built in Dunlavin. One might think that was a good idea. However, there were two problems with it. First, there were just 20 people on the housing waiting list in the town. In other areas that did not have allocations, there were several hundred people on the waiting list. Second, the water supply in Dunlavin was not adequate. Indeed, a proposal to build a private development had been turned down a few months previously. This shows a lack of joined-up thinking. In smaller towns and villages, there is not a great inter-movement of population. Those who grow up in such areas generally like to remain in them. While it is fine to cater for large numbers in bigger towns with wider hinterlands, the social houses that are built in smaller areas that do not have such a critical mass should be just for people who are living in those areas.

I often think the Minister should take a proactive approach by bringing in the directors of service in the housing and planning sections of local authorities and asking them to take a correspondingly proactive approach to private development in particular. Perhaps the Minister has already done this. Those who are involved in the provision of private housing have told me they

cannot get a return on their developments at the moment. By the time they purchase land, it is impossible for them to get a fair return or profit from the development of houses on that land. Those who already own land might be sitting on it and waiting for the price to increase, but that is not going to happen any time soon. Many small-time developers were severely burned during the good times after getting caught for planning and development fees of several hundred thousand euro as they prepared developments which ultimately came to naught. They are now left with the land and they are afraid to revisit the entire process. In many cases, they do not have the money. If they have the money to invest, they might be worried about getting burned again. In such circumstances, directors of planning in local authorities should be identifying these lands and sites, adopting a proactive approach with those who own them and trying to come to a mutual agreement on what would be an acceptable application at these locations. I know these matters cannot be prejudged, but I suggest that some kind of souped-up pre-planning meeting would encourage people to start building houses in locations where housing is needed.

The issue of homelessness is close to my heart. I had to agree with the Taoiseach a few weeks ago when he said that the provision of funding is not the actual problem with regard to homelessness. I have said on a number of occasions that funding is not the issue. If it is not the issue, however, what is the issue? In the late 1990s, some €14 million or €15 million was allocated each year to deal with the issue of homelessness. Over the following seven or eight years, the annual allocation increased to €65 million or €70 million but the situation did not seem to improve. When I speak about homelessness in this context, I am referring to rough sleepers. We need a dedicated multidisciplinary unit to deal with this problem. I would support the establishment of a pilot scheme in Dublin along the lines of that which operated in London. It is not simply a case of getting a house in a certain location and putting someone into it. We had started to move in this direction, albeit indirectly, when we provided the night bus that used to operate in Dublin. I am sure many Deputies have received correspondence from a former employee of Dublin City Council who operated this bus. I have had a long conversation with this individual. He told me that when they went around the city at night to pick people up, they know what was the most suitable hostel or other form of accommodation for him or her. The rough sleeper or homeless person was able to put a face on the social provider, and the social provider was able to put a face on the individual who needed assistance. That scheme was cut back due to a lack of resources but I suggest it could be revisited in the short term. We know that homelessness is an issue in Dublin but I met someone recently who told me it is an issue in Newbridge. I know it is no longer in Deputy Durkan's constituency-----

**Deputy Bernard J. Durkan:** No. It used to be.

**Deputy Billy Timmins:** -----but he will be familiar with it. A couple of weeks ago, I met a local community group in Arklow that is dealing with the issue of homelessness in that town. There are ten or 12 rough sleepers there. In the past year or two, this problem has developed in many places where it was not an issue previously. We need a dedicated unit that can co-ordinate and regulate the various non-governmental organisations that are involved with this issue and place a requirement on the statutory bodies. In some cases, the statutory bodies have taken a back seat and basically handed responsibility to the non-governmental organisations. As a result, no one is really responsible.

I hear much talk about increasing the rent cap. I am not an advocate of such a measure simply because rents would increase accordingly. We are all aware of what is currently happening in practice. The rent is going up after the individual makes contact with the rents section, which makes an adjustment accordingly. Rent supplement levels have been increased on an individual

case-by-case basis in order not to add to the number of people who are homeless. That policy is fine - I do not disagree with it - but the downside of it is that landlords are informing their tenants that they are going to increase rents and advising them to ask their local representatives to contact the rents section so the relevant rent supplement level can be increased. That is why I think the rent cap should not be increased. The manner in which landlords are proactively taking advantage of the Government's compassionate and humanitarian response is having a negative impact on everybody. Ultimately, we are going to be back to square one.

I read an article in the last week or so about the number of people who are turning down public sector housing. My understanding is that local authorities provide updated housing lists every three years after carrying out assessments. Perhaps that system has changed, although I do not think it has. It is very difficult for the Government to ascertain the correct number. I suggest that the assessment in question should be done after a 12-month period. One cannot deal with a problem if one does not know what are the statistics relating to it. If we start in the first year with a certain number of people on the housing list and we add 10% or 20% to the list each year, at the end of the third year the list will have increased by 60% or whatever, even though many of the people who were originally on it may be in a position to move off it. Another problem is that when some local authorities are making their assessments, they differentiate between housing need and housing desire. A few years ago, the Department of the Environment, Community and Local Government issued a directive that this distinction should be made but some local authorities are not complying with it. Housing need applies when there is a definite need for physical accommodation due to personal circumstances. There may be no room at home or no access to accommodation. Housing desire applies when somebody has accommodation but does not like where it is or the people with whom they are living, so they want to move out. There is merit in both cases but housing need is much more important than housing desire. It is important in dealing with the problem to make that differentiation and it is not satisfactory for a local authority to completely exclude those with housing desire, as happens in some cases. Equally, it is not satisfactory that housing need and housing desire are pitched together in the one list. We need to break the list down into one for housing desire and one for housing need.

In my time in the Army, I spent many a night in modular homes and I have seen the current models, which are excellent. One could not argue about their comfort but I have a deep reservation about the concept of groups of modular homes in certain areas. I do not like using the term "ghetto" but I feel these homes will be looked at negatively where there are 20, 30 or 40 of them together. We will get people into them initially but they will be categorised as houses for the homeless and such estates will not be a positive environment. We could speed up the planning process under the legislation and if the Minister had a direct input into the provision of social housing I would agree with it, but I would not be a strong advocate of the modular home concept. Perhaps time will prove me wrong but I am not sure.

On the face of it the legislation is fine and nice to have but Deputy Alan Kelly is the Minister for the Environment, Community and Local Government today and there seems to be a conflict between him and the Minister for Communications, Energy and Natural Resources, Deputy Alex White, on wind turbines. What if the Minister, Deputy Alex White, ends up as Minister for the Environment, Community and Local Government? I do not mean to do him an injustice but he has a more positive view of wind turbines and he might decide to give a direction, based on his philosophy or policy, that An Bord Pleanála shall act on his advice to put wind turbines in a certain place. When wind turbine applications are turned down by An Bord Pleanála, people are quite happy to accept the decision but when they are granted, they are not so happy. I have

grave reservations. I was initially an advocate of wind turbines but when I saw them going up in north Wexford, I saw the impact they had on communities. While we may welcome them in a certain climate and in a certain environment, when we reflect on such things and look at best international practice, we sometimes decide to go back to the drawing board and wind energy might be one of those cases. It goes back to the flaw in the section 2 amendment. People, including Members of this House, have no idea about what is actually happening but it is a very serious change of power and direction. There will probably be no vote on this legislation and it will go through anyway but this should not go unquestioned.

**Acting Chairman (Deputy Alan Farrell):** I understand Deputy Connaughton is sharing time with Deputies Michael Creed and Bernard Durkan. How does he wish to share it?

**Deputy Paul J. Connaughton:** I will need five minutes.

Deputy Timmins asked about the role of An Bord Pleanála and I wish to ask the Minister a similar question about the time An Bord Pleanála takes to make decisions on certain matters of real importance. It is topical at the moment because south Galway has been badly flooded in the past couple of days and one area along the Dunkellin river, namely, Craughwell, is under water, something which happens on a yearly basis. The Dunkellin flood relief scheme has been proposed for many years and it was with the board for a decision. Last Saturday, as the rain was coming down and the place was beginning to flood, someone said: “The only good thing that can come out of this is that if anyone from the board is watching this, when they go to make their decision next Thursday, surely they will grant it.” Lo and behold, today An Bord Pleanála put back its decision by two months. It is very hard to explain to anyone in that area how the board can justify putting that decision back. I am not saying there should be a “Yes” or “No” and I am not interfering in the planning process, but how do I explain to anybody that this is how it works? One could understand people being very cynical about this. For a week, one could not look anywhere on Facebook or in the paper without seeing a politician with a sandbag but this is where we are letting people down. We have a plan and another arm of the State, the OPW, has the money to spend on it, but the board is saying it is not ready yet and it will come back to people in a couple of months. I have been around long enough to know that in a couple of months somebody in the OPW might say that, although we have ring-fenced the money, Bandon in Cork or somewhere else needs it just as much. The money might not be ring-fenced any more.

I do not advocate getting involved in this but surely it is time for An Bord Pleanála to make a decision when it says it will make it. This is simply unacceptable. Who is to stop the board, in two months’ time, putting it off for another two months, or another two? Is there anything we can do in this legislation next week, perhaps by an amendment, to require An Bord Pleanála to make a decision on the date it says it will make a decision? It is one thing for one’s house or land to be destroyed by flooding but when we start attacking people’s hope of there ever being a solution, we are going down a bad road. There are people in south Galway tonight who are losing hope that anything will ever be done for them. I am 33 years of age and people have been talking about draining the Dunkellin river for 30 years. People who might not be aware of that might say to me “It is only two months” but if someone tells the people in Craughwell tonight that it will be two months before a decision is made, they will get a very short hearing.

As surely as night follows day, these floods will start to abate but it is high time the board made a decision. If a person goes into Galway County Council with a housing application, he or she will get a due date for the decision. It will be to refuse, to approve or to request further

information but at least one knows where one stands. On a day like today it is a disgrace that the board tells people in south Galway, who have put up with this for many years, that it will come back to them at the end of February with a decision. It may come back and turn it down but I hope it does not and we can go ahead with the work. The OPW had better hold on to that money. If the board grants the application on 26 February, it does not change anything as one still has to do the work, which will take time, but there is no hope from what happened with An Bord Pleanála today. Is there anything the Minister of State or the Minister, Deputy Kelly, can do with this legislation this week to require the board to give a decision on a due date? What it has done today is a national scandal and completely unacceptable. People are livid in south Galway because the drainage work on the Dunkellin river should already be commissioned and it is taking the board forever to make a decision. With all the bodies that are involved in this, it is heartbreaking. For the three houses near Craughwell village which have been flooded for four or five days now, this was the day we were to give them a bit of hope. The board was considering whether to say, “Yes, go ahead with that work”, and at least the people could think something might be coming, but they were told to come back in two months’ time. I wonder if members of An Bord Pleanála would be happy with this decision today if their houses were flooded. Is there anything we can do through this legislation? It is unacceptable that the board keeps putting back these dates. We are destroying people’s lives by taking away their hope and it is simply unacceptable.

**Acting Chairman (Deputy Alan Farrell):** Deputy Durkan is next.

**Deputy Bernard J. Durkan:** Do I have five minutes?

**Acting Chairman (Deputy Alan Farrell):** Fifteen minutes remain. It is entirely up to yourselves.

**Deputy Bernard J. Durkan:** I am glad to have the opportunity for a quick few words on this subject. Many subjects have been covered in this debate on housing. It is an issue we have all watched grow, and not to our satisfaction, over the past 20 years and it is more than 20 years since a decision was made to shift sole responsibility for providing local authority housing away from local authorities and towards the private sector. It was construed at the time that the private sector would provide housing and the public would rely on renting accommodation in the future. They were, of course, wrong about that.

5 o'clock  
People said we would become like continental people and would no longer need to purchase our houses. They were wrong about that as well. If one seeks proof of that, it is a simple matter to compare the cost of rents and mortgages at any time. Even at present many people have mortgage repayments that are considerably less than the cost of renting. The logic behind that was wrong and I recall protesting loudly at the time, but it did not make a difference. There were those who thought they knew better. I do not know what they think now but they failed and, unfortunately, we have inherited a very sad legacy as a result of their ridiculous failure.

I am strongly supportive of a return to direct build by the local authorities as a first option. It is the only reliable way to ensure there is an adequate supply of houses for people who are not currently in a position, although they might be in the future, to build or buy their own houses. It will solve that problem for a start. There is another group of people. The irony is that 20 years ago many people could get a local authority loan if they were on a lower income than would give them an entitlement to get a loan from a building society. It was extremely satisfactory.

That is gone now. It is impossible to qualify for such loans. I recall that during the boom I tried to encourage people to buy houses at that time, knowing what was coming down the tracks, but it was almost impossible to get anybody to qualify. On the one hand they were above the qualification limits in terms of income for a local authority house, but at the same time they were below the limit for qualification for a loan. Whoever thought up that must have been a genius. He or she must have gone home at night and thought: "Nobody can qualify for that, so we are dead safe and sound. Nothing is ever going to happen."

Next, we must recognise that we are in a housing emergency. Regardless of how the houses can be provided, they must be provided as a matter of urgency. I do not have the same reservations about modular housing that many others have expressed. It is as if we are reluctant to solve the problem. We must do whatever must be done to solve the problem. We cannot allow a situation in which people have no roof over their heads. That is what is facing many people at present. Reference has been made to the homelessness problem. In a housing scarcity the people who do not own a home are in the hands of somebody else, whoever that might be. They find themselves squeezed to such an extent that they become desperate. Many people at present have found themselves sleeping in cars and in various other places in order to accommodate themselves on a temporary basis. It is appalling. Incidentally, I am aware that several Members of this House dealt with homelessness during the boom. It existed then, so it had to get worse and it has got worse.

There has been much talk about flooding. It is correct to state that it affects housing and that we are experiencing climate change. There are 100-year event floods every five or seven years. However, we should not forget one thing which Deputy Fitzmaurice raised today and which has been raised by several other speakers in this debate. The rivers and waterways of the country cannot continue indefinitely without de-silting. That cannot happen and it will not work. Irrigation does not work that way. There is a requirement to have ongoing servicing of waterways. If that does not happen, there will be floods.

County Kildare had a sad problem with large-scale flooding in 2010, particularly in Sallins. I recall that the retort of the Minister with responsibility for the environment at the time was that it was not called The Waterways for nothing. That was the typical reaction of people who should know more than they profess to know. The reason it was called The Waterways was that it was next door to a facility owned by Waterways Ireland, the canal. The only thing that was wrong is that nobody had thought of the drainage during its construction. There was a 40 ft. drop or outfall, so the entire area flooded. That is the stupidity of things that can happen right in front of our noses. We should not have to deal with those things. There are certain rules and parameters that govern these matters and that should be sufficient.

I regularly hear that the number of people on the housing list is being updated and counted again. I am on the record of the House as objecting to that principle for the past 30 years, at least. If proper records are kept, there is no need to update them. One ticks people off as they get accommodation or move on. It is a simple way to do it. With modern computerisation it should be even more simple. It really irritates me when I hear that they must be checked again to see if the people are really in need of housing. We must cop on to ourselves. The fact is that if somebody has been waiting seven or eight years on a housing list but has received nothing and suddenly finds that the landlord wishes to move him or her out of the current house or that the landlord's house is being repossessed by a financial institution, it is poor comfort for me to say to that person: "Well, actually, we want to count you again, just to make sure you really are in need of housing."

Every year for the past 15 years I have been pointing out what was going to happen with regard to the housing crisis we have at present. I spoke to all of the voluntary agencies that were willing to listen and I tried to make my point. I am just one person but I am sure all other Members were doing the same. Why did nobody listen? I cannot understand why nobody listened to the fact that a housing crisis was coming down the track. Why was that? There was no competition in the marketplace and nobody was providing houses for a large sector of the population, who would be neglected. There was a pretence that they were going to be accommodated in a fluctuating market by the private sector when, at the same time, that private sector was subject to fluctuations in production. At this point, one cannot do justice to the subject but if the Minister and the officials wish to discuss it privately with me, I will be more than happy to do so.

**Deputy Michael Creed:** I welcome the opportunity to make some brief remarks on the Planning and Development (Amendment) Bill. The Bill is being introduced primarily in the context of a housing crisis but it also deals with a range of issues that will reach into other areas covered by the planning system over time. Broadly, the provisions are welcome, although they require some further discussion in terms of their import and impact. I commend the Minister and his officials on the legislation.

I wish to deal with the provisions in section 2, in particular. These amend section 28 of the Planning and Development Act in respect of planning guidelines. I will discuss two aspects of that. One relates to planning guidelines for housing accommodation. What is being introduced here is specifically in the context of apartment size and so forth so we can move more quickly and cost efficiently to deal with that section of the housing market. As I have said previously in the House, the housing crisis is complex but part of the solution surely should be linking the significant number of vacant houses all over the country with the housing need that exists.

I recently attended meetings in my constituency at which the issues of the decline of rural villages and dereliction were raised. One of the problems is that housing standards in the 1900s, when the houses were built along the main streets in the towns and villages of provincial Ireland, were very different from the planning standards that would apply if one wished to build a house now. It should not be beyond our capacity, in the context of the planning guidelines, to enable local authorities to play a proactive role in bringing back into use the many houses that have been abandoned in our towns and villages. They are no longer lived in. They might well be commercial units that have closed and nobody resides over the shop now. There could be a little ingenuity and creativity on the part of architects and engineers and some waiving of planning guidelines, because we do not wish to have a situation where in order to facilitate people to return to live on the main streets of our towns and villages we must virtually demolish these houses and build them again to new standards.

There is ample evidence in our towns, cities and villages that artisan-type redesign of old buildings can result in very attractive accommodation. There is a cost-effective solution in that regard. Many of these properties can be acquired for relatively low prices and it should not be beyond our capacity to design an incentive package to enable local authorities and private citizens to get involved in this regard so these houses can be brought back into residential use. Part of the contract in respect of making those towns and villages attractive must be the local authority looking at what will encourage people in terms of the provision of footpaths, public lighting and playgrounds. Rural Ireland is not unlike urban Ireland and, while it is not without its problems, it is not in a state of terminal decline as some opposite would have us believe. However, there is a problem of dereliction in towns and villages which should be addressed. It

could give a lift to an entire community if a village or town was presented in an attractive way. It would be a significant morale boost to local rural economies and our towns and villages.

In his speech on planning guidelines, the Minister of State indicated:

The amendment to this section elaborates on that by introducing a new power whereby the Minister may, within the section 28 guidelines, expressly state specific national planning policy requirements to be applied by An Bord Pleanála or planning authorities, as appropriate, in the exercise of their functions.

The Minister of State went on to say that the amendment will also enable future revisions to any other current guidelines. In the context of “any other current guidelines”, I refer to a specific issue with the current guidelines on wind energy and wind turbines in particular. This is an issue which exercises communities affected like no other issue of which I am aware. I will provide one instance that illustrates graphically the problem with the current guidelines. A permission was granted by Cork County Council for the erection of 15 or 16 turbines not far from where I live in Macroom - perhaps ten miles away or less - some years ago. The project was compliant with the guidelines that applied then. However, the developer has come back in, forgone the planning application and applied for an alternative approval for five turbines which are nearly double the size of those which were the subject of the previous guidelines. It may have been appropriate six or seven years ago to have a turbine height from base to tip of 120 m but there is now an application for a wind turbine that is 170 m tall. That is an entirely different scale of development. It shows how quickly the guidelines have become outdated.

I commend the Minister of State on engaging in a consultation process. However, we need to reach an end game on this very quickly and publish the guidelines. At least, draft guidelines should be published and submitted to the Joint Committee on the Environment, Culture and the Gaeltacht. The Minister of State needs to show people the colour of his money in respect of where we are going with the guidelines because rural communities deserve a fair crack of the whip. They are the people who live there and it is not fair that wind turbine technology has moved on very significantly and they are now double the height of what permission was being granted for ten years ago. Nevertheless, the guidelines have not moved at all. In terms of noise, flicker and distance from residential properties, the guidelines are significantly out of date. The consultation process and the level of engagement with it showed clearly the depth of feeling on the issue. It is time to publish and to let a new era begin.

In the broader context, everybody recognises that we need to decarbonise our energy and transport. We need to look at the mix of energy between wind, solar and biomass in the debate and I am sure that mix will form part of the energy policy announced by the Minister for Communications, Energy and Natural Resources, Deputy Alex White. The specifics of the guidelines on wind energy are significantly out of date and revised ones must be published at the earliest possible opportunity.

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Paudie Coffey):** I thank all of the Deputies who have made valuable contributions irrespective of their viewpoints. Some we might agree with and some we do not, but we value them. The debate was a wide-ranging one covering planning issues relating specifically to the Bill and extending to housing-related matters, which the Bill is intended to address by increasing supply and addressing the viability of development and its capacity to meet demand. Many of the housing-related matters raised by Deputies were debated during the passage of the

Residential Tenancies (Amendment) Act 2015 but I acknowledge the proposals and suggestions that were made.

I clarify for Deputy Cowen that the recommendations of the Mahon tribunal will be incorporated in a further planning Bill which will be published next week. That Bill will include provisions on the establishment of a planning regulator's office which was one of the main recommendations of Mahon. I am glad to report that the Bill will be published next week.

Deputy Clare Daly raised issues about having proper information and statistics with regard to policy. The good news is that the Government utilises research produced by the Housing Agency, which is independent. The statistics the agency has published in its comprehensive report on housing in Ireland, demographic needs and the types of housing required to respond to that need, are utilised in policy formation and the adoption of strategies in government. That is as it should be.

The Bill is all about construction viability while retaining minimum standards - which we acknowledge is very important - in order to increase appropriate supply in appropriate locations to meet the demand that is out there. Much criticism has been made of the Government. People are accusing it of reducing standards in terms of passive housing and in other areas. However, nothing is stopping builders or developers from developing passive house standards. It is about meeting the demand that is there. We feel there is no need to impose the highest standards across the board without any regard for cost and viability. I listened to Deputy Boyd Barrett and others saying, quite rightly, that we need to improve energy standards. While we are providing for a minimum standard which is a positive one, we cannot rule out affordable housing by imposing high standards. Deputy Boyd Barrett is calling for more affordable housing and we need to be very careful in taking account of the impact of imposing such standards. That is what we are doing in the legislation.

Deputy Mick Wallace raised a couple of very important points on apartment standards. Dublin City Council currently requires that 85% of apartments must be dual aspect. We propose that 50% of apartments will be dual aspect which we feel is more reasonable and which will have an impact on affordability. We are also allowing taller apartment buildings, which is also something for which Deputy Wallace called. Currently, Dublin City Council limits apartment buildings to five storeys. That is a limit on the footprint of a serviced site. We consider that there should be more flexibility to maximise the potential to deliver units on a particular footprint or site. The new guidelines will also permit halving the number of lifts required by Dublin City Council. Deputy Wallace was right to point out that there are cost implications of having more lifts in apartment blocks. There are installation costs and ongoing maintenance costs and these add to the unit cost of apartments. We are trying to address affordability and viability by halving the current lift requirements. That will make it more affordable to put up these buildings and make them more accessible to people, which is what we want to see.

Deputy Wallace also mentioned that 2.4 m is the normal ceiling height requirement in the building regulations. We are requiring a 2.7 m ceiling height for ground floor and all north-facing apartments which have less light. I think the Deputy will welcome that. It is a reasonable approach which takes account of the need for good standards while making units viable, affordable and, I reiterate, accessible. The new guidelines will also require larger balconies as suggested by Deputy Wallace, which is also to be welcomed.

Some Deputies raised the issue of building on flood plains. Under departmental guidelines,

building on flood plains is prohibited and the Bill will prevent local authorities from ignoring those guidelines.

Deputies also raised the issue of An Bord Pleanála. Deputy Connaughton made a specific point regarding the Dunkellin flood relief scheme. Deputy Timmins also spoke on this issue. For the Deputies' information, an operational review of An Bord Pleanála is under way and is expected to report early in the new year. It is examining efficiencies, timelines and decisions. I have listened to Deputy Connaughton's concern, which he rightly raised. For his information, the location in question is in a special area of conservation, SAC, and environmental impact assessments of decisions are, therefore, required by EU law. However, a final decision on the scheme is imminent. I hope to see an outcome within the next month or so. I understand the Deputy's frustration, but An Bord Pleanála must respect the legal requirements. As the Deputy knows, an oral hearing process was completed last month.

Deputy Creed discussed the wind farm guidelines. The Government is working on those and hopes to publish them as soon as possible. We must take account of the White Paper on energy and of sustainable planning. Wind farm guidelines form an important component of our renewable energy strategy to reduce carbon emissions, but they are only one element of many that we need to develop and exploit. We will see further progress in that regard in the coming period.

The Bill proposes to issue revised apartment standard guidelines to replace the 2007 ones. The new guidelines will contain specific requirements in terms of minimum apartment sizes, the number of lifts per number of apartments, car parking provisions, floor-to-ceiling heights and the provision of dual aspect apartments, storage provision and so on with a view to ensuring their consistent application. It is estimated that the proposed revisions, which are being finalised and that all planning authorities will be obliged to apply upon enactment of the Bill, will deliver an average cost reduction of approximately €20,000 per apartment in Dublin city. This will be in addition to other cost reductions that already apply on foot of previous Government actions and interventions. This is being done to address the critical issues of viability, access and affordability.

I have noted the reservations expressed by some Deputies about reductions in apartment sizes. However, I will categorically state that these revisions will not become a race to the bottom in apartment standards. Even allowing for some reductions in the minimum floor area requirements that are currently applied by Dublin and Cork city councils, we will still have minimum floor areas that are the most generous in Europe.

The primary aim of the revised guidelines will be to promote sustainable urban housing by ensuring that the design and layout of new apartments will provide satisfactory accommodation for a variety of household types and sizes, including families with children, over the medium to long term. A further aim of the guidelines will be to make apartments more economically viable for developers to develop and more affordable for potential owner occupiers and renters.

The Bill is not about eroding the powers of elected local authority members in the adoption of local standards. Rather, it is primarily aimed at ensuring the adoption of a consistent approach by all local authorities to avoid a multiplicity of approaches being applied across the country, as that can be unsustainable and unaffordable.

The streamlining of the procedures for the modification of proposed and previously ap-

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proved strategic development zone, SDZ, planning schemes, as outlined in sections 4 to 6, inclusive, are necessary in order to help bring on stream housing supply in such schemes more speedily, as any modification to a scheme can currently take up to two years to be approved, thereby bringing development to a halt. These provisions will allow local authorities or SDZ promoters the flexibility to facilitate increased housing supply within designated zones. This should be welcomed.

The Bill's measures are designed to ensure that any perceived barrier to housing supply from a planning perspective is addressed and the planning system is fit for purpose and increases housing construction activity, which we all want. Accordingly, I commend the Bill to the House and look forward to further engagement with Deputies as it progresses.

Question put and agreed to.

**Acting Chairman (Deputy Alan Farrell):** When is it proposed to take Committee Stage?

**Deputy Paudie Coffey:** Next Wednesday.

Committee Stage ordered for Wednesday, 16 December 2015.

## **Topical Issue Debate**

### **Flood Relief Schemes Funding**

**Deputy Barry Cowen:** I thank the Ceann Comhairle for allowing me to raise this issue, clarify some matters and seek information from the Department regarding its response.

I empathise with everyone who has been and continues to be affected by what has been happening since the weekend. We can only hope and pray that their homes, businesses, livelihoods, farms and so forth can be saved from the disaster that many fear is imminent despite their efforts to withstand the pressure being caused by the floods. It is only right and proper that we acknowledge and pay tribute to the various stakeholders for the help that has been given across the country from Crossmolina to Bandon and everywhere in between, including Athlone, east Galway, Clare and Shannonbridge, Shannon Harbour, Banagher and so forth in my county of Offaly. I refer to local authorities and their staff, the Red Cross and volunteers, but also to the great community spirit that has been shown by everyone involved in the efforts to help in urban and rural areas.

The difficulties are continuing. Unfortunately, it emerged in recent weeks that the Office of Public Works, OPW, had under provided for flood defences by €15 million. This is cold comfort to the people in question, but it may offer an opportunity for the Government to ensure that sufficient resources and funding are available to address the issue. From a humanitarian perspective, it is the responsibility of the Tánaiste and the Department of Social Protection to respond to those households that have been affected by providing white goods, clothing, bedding, food, etc. Funds should be made available immediately.

The minor works and drainage works schemes have been cut by 3% per annum since 2010. That remedial and preventative work was carried out by council staff. As Deputy Fitzmaurice

stated today, there has been a loss of up to 60% in local authorities' outdoor staff in recent years. The ensuing problems are crystallising as we speak in terms of insurance. People are beginning to ask about accountability and culpability. We wonder about promised flood defence mechanisms and the funding that, despite being available from the Department for onward transmission to local authorities, was not drawn down. Could it be that people will be in a position to ask questions of those whose foot-dragging may have caused this problem?

The previous major storm struck in January 2014. The local authority in my county proposed that the Department meet the cost it had incurred. It is currently incurring costs. The cost of the works in respect of which it made its proposal amounted to €439,000. Eventually, after six, eight or ten months, the local authority was reimbursed to the tune of €43,000. While local authorities and the other stakeholders are making every effort to address the difficulties that exist, they need to hear from the Department that they will be reimbursed in full, irrespective of the cost, without foot dragging by the Department in making the funds available. In this way people can be safe and secure in the knowledge that every effort is being made and that every possible source of funding is being used by local authorities to address the difficulties in the full knowledge the local authorities will be reimbursed. This has not been the case in recent years.

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Paudie Coffey):** I thank the Deputy for raising this important matter, which I am taking on behalf of the Minister, Deputy Alan Kelly, who, as we know, is out of the country.

I wish to be associated with the comments of Deputy Cowen on how we should empathise with all those who have been seriously affected by the recent flooding and past flooding. We have seen footage of flooding that has affected homes, businesses and farms. I can only imagine how stressful it is for all those concerned. I agree with the Deputy on the various State agencies, local authorities, voluntary groups and the emergency response unit, which have responded, as always, in a very positive way to assist those in most need.

On Thursday, 3 December, a high wind and rainfall weather system was flagged by Met Éireann. This is the first time a red level warning, which is for rainfall in excess of 70 mm in a 24-hour period, has been issued since Met Éireann put the Meteoalarm warning system in place.

My Department has been assigned the lead departmental role for responding to a number of emergency scenarios, including severe weather and flooding. As a result of the Met Éireann warning, my Department asked the Office of Emergency Planning to convene a national co-ordination group. Since it was convened last Thursday, the group, led by my Department, has been meeting routinely in the National Emergency Co-ordination Centre to assess the threat level based on the weather forecasts in addition to information on river levels and flood forecasts as part of a co-ordinated national response. On 4 December and 5 December, local authorities convened their severe weather assessment teams. These teams anticipated problem areas, based on Met Éireann's weather forecasts and OPW flood warnings received, and activated their crisis management and local co-ordination arrangements and responses. Protocols for inter-agency collaboration with An Garda Síochána and the HSE were also activated to co-ordinate the response. No major emergency was declared but severe weather emergency protocols are part of the major emergency plans in place in all the principal response agencies.

The entire outdoor staff of local authorities in the worst affected areas worked since Friday, with area engineers directing operations and fire services responding to life-threatening situations and incidents where pumping was appropriate. Local authorities have also mobilised

their Civil Defence services. In Donegal alone, 97 volunteers were involved in supporting the local response. Other voluntary organisations, such as the Red Cross, Mountain Rescue and the Coast Guard unit, have also been mobilised to provide assistance at local level, as required. In addition, the Defence Forces were active at the request of the local authorities, and they have assisted communities from Cork to Donegal. They are currently heavily involved in assisting communities in Athlone and Clare.

Local authorities are continuing to monitor circumstances in areas regarded to be most at risk based on both forecasts and OPW warnings. Local authority crisis management teams will continue to manage and direct the overall response at local level and liaise with the national level bodies. The work of local authority area engineers and outdoor staff has continued where flooding threats remain.

My Department wrote to local authorities on 9 December asking them to compile an initial estimate of the damage caused to public infrastructure in their administrative areas as a result of the severe flooding. The information received from local authorities will form part of the report that the Minister will use to update the Cabinet on Tuesday.

With regard to communications between local authorities and residents in affected areas, there has been direct contact in many cases between local authority staff and residents in areas considered to be at risk of flooding. I note that the first priority of the local and national responding agencies is public safety, and local authorities have been using a number of methods to get public safety messages out to people in their areas. In addition to utilising social media, a number of local authorities have been issuing SMS texts directly to people in their functional area.

Local authorities are using the OPW's guidance messages on planning for responding to and recovering from flood events. They will continue to link and work with residents to protect their homes and will offer any assistance they can to residents who are making efforts to put mitigation measures in place. Local authorities also support the evacuation of residents where inundation cannot be avoided.

**Deputy Barry Cowen:** I thank the Minister of State for his response and clarifying the total commitment of local authorities to working with everybody concerned to ensure the public is informed and assisted and that no stone is left unturned in helping everybody affected.

I am conscious that the Minister of State said the Minister, Deputy Alan Kelly, will be updating the Cabinet on Tuesday on the perspective of his Department, which has responsibility for local authorities. With this in mind, I remind the House about certain occurrences in the hope they will not recur this time around. There was under-expenditure by the OPW in the order of €15 million on flood defence mechanisms. Only one tenth of the cost was reimbursed to councils further to the damage caused two years ago. Councils, the public and Members need to be reassured that no obstacle will be in the way of the Government when funding local authorities to ensure the sort of response our constituents deserve.

Having met representatives of the ESB today, it continues to be apparent that the organisation believes any alterations to address water levels in Lough Derg will not benefit anybody in my area or that of Deputy Fitzmaurice. It has no control and no obligation and there is no coming together of minds to address the silt issue that was raised earlier today in the House and by many of our constituents over recent years. The Government and its predecessor committed

funds for drainage works in the River Brosna, but they were brought to a grinding halt by bodies such as the fisheries authority and the National Parks and Wildlife Service.

Despite previous commitments, I would like another commitment to be given today to help the people at the coalface whose livelihoods have been destroyed because of a lack of cohesive action on the part of all the relevant authorities. I want the Government to commit to bringing together all the relevant stakeholders, including the ESB, the OPW, the relevant Departments, the National Parks and Wildlife Service, the fisheries authorities and the IFA. Reason has to win over. Although we hear about the environmental impact of various works that are required, unfortunately it has come to the stage where the common good has to be prioritised. This year, we noted the figure for drainage works has been reduced by 3% since 2010. It is a year in which the OPW spent €15 million less than it had committed for drainage works and in which the Department of the Environment, Community and Local Government has not fully reimbursed councils. I will be obtaining the national figure in the coming days. In my county, which has been greatly affected once more, only 10% of the cost of rectification works was paid to the local authority. I have fears in this regard that need to be addressed. I hope the Minister of State will do so right now.

**Deputy Paudie Coffey:** I reiterate that there has to be a cross-government response involving the Department of the Environment, Community and Local Government, the OPW, the Department of Social Protection in so far as it supports families who are directly affected, the Department of Agriculture, Food and the Marine, the Department of Arts, Heritage and the Gaeltacht, all the agencies that come under the Departments, and the local authorities. They need to try to work together to mitigate the flood risk and assist those who are worst affected. My colleague, the Minister of State, Deputy Simon Harris, is making an announcement regarding a further assistance programme to be administered by the Office of Public Works. Officials from the Department of Social Protection are available and are providing direct assistance to those affected by the floods, including those who had to leave their homes.

It is important to acknowledge the excellent response led by the local authorities to this severe weather crisis that is being delivered under extremely difficult conditions. I thank the principal response agencies, volunteers from the various agencies and Defence Forces personnel who supported the local authorities during the response phase. In addition to the national and local government response, it is a feature of this type of weather crisis in Ireland that communities come together to assist their neighbours in responding to the crisis. This has played a major role in contributing to the relief effort and I thank those who have taken time and resources to support their neighbours in their communities at this time of need. Local authorities and supporting agencies remain in full response mode and the national co-ordination group is meeting daily to update the threat assessment at national level.

The Deputy raised some valid points. It should be recognised that much progress has been made in the provision of flood relief schemes in areas that had been severely affected by flooding. While these recent efforts have had some degree of success, I accept that this will be of little comfort to those who are affected by the current flood event. We must continually work together and collaborate to mitigate the flood risk for as many citizens as possible.

## Flood Prevention Measures

**Deputy Michael Fitzmaurice:** We have seen on television and on the ground the devastation being caused by the floods. People's hearts have been broken. The River Suck drainage committee was disbanded more than a year ago, meaning that 30 or 40 people employed in the committee have not been doing any work to prevent flooding. The scheme was sponsored by Galway and Roscommon county councils. The rivers in most counties, including counties Mayo and Offaly, have not been cleaned out.

The Minister of State, Deputy Damien English, will be familiar with land. We come from marginal land and spend our lives trying to tame a wild duck, in other words, trying to make good land out of middling land. We do this by creating shores and making and cleaning drains. Some towns require flood walls to block flood waters. However, in the vast majority of locations, the most important measure is to clean out rivers. The River Shannon at Banagher, for example, is silted up to approximately 12 ft. I know a guy who failed to get up the River Suck in a canoe because of the level of silt in the river. I am not scare mongering. I come from this area and have a good idea of the issues.

Under successive Governments, the position has been that everyone but local people are responsible for water courses. Five or six bodies, including the ESB, Inland Fisheries Ireland, the National Parks and Wildlife Service, which thinks it owns the country, and Waterways Ireland, share responsibility but none of them co-ordinates with the other bodies. We have to cut to the chase by ensuring that one body assumes responsibility. It is hard luck to whoever comes in the way of a machine intended to save people's lives because I am sick of people telling me that flora or fauna are more important than a human being.

Nearly every Deputy was brought up in the countryside and we grew up with nature and looked after it. We preserved the birds. Weekend fundamentalist environmentalists are coming to the country and telling us what to do, which will not work. We have now drowned most of the nature in every part of the country because these people do not understand managed landscapes.

Municipal areas generally have two area engineers. However, staff have been cut over the years and people who retire are not replaced. At one stage, a member of council staff, usually an elderly guy, would travel around water courses, opening them up with a shovel. This had an unbelievable effect in areas.

The lunacy of European Union regulations means workers building a road in Moycullen were told to stop work if rainfall exceeded 6 ml. because a dropeen might get near the poor pearl mussel, which was five miles downstream. We need to cop on. Behind the scenes, everyone will tell me I am right but that does not solve the problem for people in Athlone who are out of their homes this evening because of flooding.

If we are so fond of the environment, we should consider the environmental damage being caused by the floods. Many slatted sheds are full of water today, which means a large amount of slurry will flow down the River Shannon. There is no point in denying it.

Every Deputy would support the Government if it sent a Minister to Europe to face down whoever it is over there who thinks he is God almighty. We should ask the EU whether it wants slurry or water to flow down the River Shannon and whether it wants people to live in Ireland

or the country to become a theme park.

**Minister of State at the Department of Education and Skills (Deputy Damien English):**

I thank Deputy Fitzmaurice for his comments. As usual, he speaks common sense. His contribution reminds me of a conversation I had in my first year in the Dáil with the former Minister of State with responsibility for the Office of Public Works, Mr. Tom Parlon. I asked him to get the dredging machines working and he responded positively to that suggestion. That is the type of attitude we need. There are many rules and regulations in place, some of which have been introduced by the European Union and some introduced at national level. There are also many agencies involved. We need to find a way to cut through the red tape and get the work done. Part of the solution is having staff and resources to achieve this and thankfully we are now in a position to start doing things again because we have money. As I stated the other night, more money will be spent on flood remediation in the next five years than was spent in the past 20 years. The issue is to ensure this money is spent as quickly and effectively as possible and none of it is wasted unnecessarily on red tape.

Many changes are coming on stream from a European perspective in the sense that we are seeking to reduce regulation. The Deputy is correct, however, that we must also speak with our own voices to try to bring back common sense where we can. However, it should be noted that while the European Union is often blamed, most of the rules introduced by the EU are agreed by national governments. For his reason, we must start to speak up at the right time. We also have to find ways to respond properly when emergencies occur.

I am speaking on behalf of the Minister of State, Deputy Simon Harris, who could not be present as he and the Minister for Agriculture, Food and the Marine are giving a presentation on this matter elsewhere. The Minister of State recognises the importance of leading on the issue of flooding and ensuring we are not always caught up in red tape. The Government is trying to do this as best it can.

In the past six years, we have twice had a level of rainfall that is expected only once every 100 years. This brings urgency to the issue. The Office of Public Works is trying to lead by producing long-term plans to deal with flooding. I understand the Deputy's position in asking what we can do today and tomorrow to try to alleviate the immediate problems, while the long-term plans are being implemented.

I convey my deepest sympathy to all those who have been affected by the recent flooding. In particular, I extend my sympathies to the family and relatives of Mr. Vaughan who died in County Monaghan as a result of the floods. The Minister of State has seen at first hand the devastating impact of flooding on lives and livelihoods in recent days, as all Deputies have either on television or their local areas. The Government assures all those affected that we will continue to do everything we can to assist people in getting their properties and lives back to normal again as soon as possible. A number of funding arrangements have been put in place in recent days to help alleviate some of the difficulties that have been caused. I am aware that the Deputy has welcomed these measures. He also discussed how to prevent more hassle, which is an issue on which the Government is focused.

Storm Desmond, which affected the whole country but particularly the western seaboard, was a severe weather event dominated by record high intensity, short duration rainfall together with storm force gales, with the greatest impact experienced along the western seaboard from County Donegal to County Cork. I reiterate that the type of flooding that one expects once in

100 years is becoming common. It is time to review the basis on which such predictions are made.

I pay tribute to local authority and Defence Forces personnel and all those who are working day and night to protect life and properties and who are also engaged in recovery work.

The national co-ordination group for severe weather is meeting this evening. The group is chaired by the Department of the Environment, Community and Local Government. It has been meeting on a daily basis since last Friday. Initially, the group met to assess the forecast and the risk. Since then, it has met to deal with the aftermath of the storm. As Deputy Fitzmaurice is aware, the gauging stations in the Shannon catchment are indicating that the river level is continuing to rise. The public should continue to be aware and take heed of public safety advice.

This week the Government established a fund of €5 million to assist business owners who have suffered from damage to their property but who do not have insurance. The fund is being administered by the Irish Red Cross according to criteria for payment and assessment currently being worked out. This is being done under the auspices of my colleague, the Minister for Defence, Deputy Coveney. We warmly welcome the creation of this fund. An existing humanitarian aid scheme has been in operation for some years. It is operated by the Department of Social Protection and serves to assist households with immediate needs and requirements. The Government is making every effort to get the new fund up and running and to get the money out to the people who need it as quickly as possible. The idea is to try to skip some of the red tape that is delaying the spending of that money.

The Office of Public Works is the lead State body for the co-ordination and implementation of Government policy in the management of flood risk in Ireland. The OPW is also the national authority for the implementation of the EU floods directive and the assessment and management of flood risk. This goes back to bringing a focus to the problem. We have numerous agencies but someone has to lead. The OPW has taken charge now. The office is trying to speed up somewhat the delivery of change.

The statutory basis of the OPW role in flood risk management is contained in the Arterial Drainage Acts 1945 to 1995. Under these Acts, the OPW undertook a number of arterial drainage schemes, whose purpose was primarily to improve the drainage of agricultural land to enhance production. I know what Deputy Fitzmaurice has said in this regard. This is what we are trying to enhance. Typically, that work involved lowering or widening riverbeds to facilitate the drainage and discharge of neighbouring lands and drainage channels. While not the primary purpose of the schemes, this work did provide enhanced conveyance capacity where rivers passed through towns, villages and dispersed rural communities. This has, in turn, reduced the amount of flooding that could occur in these areas. Although new arterial drainage schemes are no longer being undertaken, the OPW has a statutory duty to maintain the completed schemes and ensure they remain in proper repair and in an effective condition. Local authorities also have a statutory responsibility for the maintenance of drainage districts, which comprise local drainage schemes completed as per the 1935 legislation. Each year the OPW carries out work along approximately 2,000 km of channels as well as 200 structures throughout the country as part of its ongoing and rolling arterial drainage maintenance programme.

**Acting Chairman (Deputy Joe O'Reilly):** I am sorry to interrupt. Will the Minister of State consider reading the second part of his script at the end? Is that acceptable?

**Deputy Damien English:** Yes. The annual maintenance programme typically involves some clearance of vegetation and the removal of silt over a five-year cycle. Approximately 730 km of channels are maintained in the west and north-west regions annually. The schemes in the west region include the Moy scheme, the Boyle and Bonet schemes, the Corrib group schemes and the Maam flood relief scheme. I understand Deputy Fitzmaurice is keen to see more of this and more silt removal. I am well aware of the situation regarding the Shannon, where silt has built up. I know exactly what Deputy Fitzmaurice is saying. We have to find ways to address this quickly. As I said earlier, a total of 300 areas are being investigated and examined, and plans are being put in place for them. Up to 66 of these areas are affected by the Shannon. Out of this process, we will see action plans that will deal with the areas in question. The money for this work has been ring-fenced for the coming three or four years. However, we need to co-ordinate who does what. The Action Plan for Jobs process is instructive. We put in place what had to be done and assigned the work to each of the various agencies. We know that five or six agencies are affected in this case. We need to ensure the work gets done and that is what we are trying to do. The 66 areas affect each other. The idea is to co-ordinate that work and get the money spent as quickly as possible to try to prevent further problems. This work will be done along with the ongoing maintenance that involves cleaning out all the various drains and so on. I realise this is what Deputy Fitzmaurice wants to see done. I will try to move that as quickly as possible. There is more to the reply and I will read it into the record later.

**Deputy Michael Fitzmaurice:** I thank the Minister of State for his reply. It is the first sign of positivity I have seen since coming in here. At least the Minister of State recognises and understands the problem.

We have a problem in Europe for the simple reason that the water framework directive is hitting the habitats directive head-on. We could have the best will in the world and the greatest people in the world in the OPW. However, they are still being shafted by three or four crowds and that is a problem. The Minister for Arts, Heritage and the Gaeltacht needs to put her head above the parapet and tell those responsible in the National Parks and Wildlife Service and all the other groups to pull back and let the OPW take charge of a difficult and dangerous situation.

The work of voluntary groups in communities throughout the country has been phenomenal. However, a certain fear remains. I spoke to engineers from my local authority last weekend. They are afraid to call for help in case something goes wrong and someone gets hurt. If that happens, there will be a problem. We need to ensure that we change something because there are many good people involved. I refer, for example, to people who bring diggers out and who would do whatever it takes in an emergency to help their people and their country. We need to facilitate these individuals. A council engineer should not have to look over his or her shoulder sweating about whether something happens.

The Minister for Agriculture, Food and the Marine needs to get involved. We have brought in the green low-carbon agri-environment schemes. That is fine. At present, a farmer could decide to plant 1,000 m of hedges a mile down his or her field. However, there could be 500 m of trees adjacent to the road that could kill someone because they are rotten and could fall. We need to introduce something that is constructive. For example, if a farmer plants 500 sq. m in a field, he or she should be able to cut 500 sq. m if other trees are going to be a danger to people. Any tree over 6 ft. high located along a main road is a danger, particularly in view of what I saw in the aftermath of Storm Desmond at the weekend.

GLAS should include arrangements for cleaning water channels rather than only for mak-

ing a habitat that a farmer is going to destroy in five years' time because he or she does not get the basic payment scheme qualification. We need to start doing constructive things that will help. It would save money at the end of the day. Ultimately, houses that are flooded cost insurance firms or the Government or else the cost comes out of people's pockets. We need a little joined-up thinking between the relevant people to ensure that the various Departments are set aside and that one person or group takes charge. To be honest, we must cut to the chase. The biggest problem is that when the flood goes and the sun comes out, the memory of it seems to disappear. We have to cut to the chase or else no one will be living in the west because they will only be drowned out of it.

**Deputy Damien English:** I agree. As usual, Deputy Fitzmaurice talks a considerable amount of sense. There is an issue with regard to good samaritan legislation and allowing people to do certain work when they are genuinely trying to do the right thing. It should give them a little protection. That is in place and it is designed to help people to do as outlined. There is always a fear, especially when it comes to water and flooding, that if we alleviate it in one place, it can cause a problem somewhere else. That is the danger when it comes to a quick-fix or short-term solution.

I know Deputy Fitzmaurice appreciates that we need to get the long-term planning right. We have seen many cases in the United Kingdom where money was spent and wasted and where what was attempted did not work. There are two issues. The first is what we can do in the short term to alleviate some of the problems. The second is what we can do in the long term to prevent them from happening in the first instance.

The most important question is the allocation of money. There is a ring-fenced fund of €430 million. I accept this does not help anyone who is suffering today. We know that we will need approximately €1 billion in total in the coming seven, eight or ten years to solve this problem for most people, in other words, to alleviate the danger of flooding. A total of €430 million is set aside for the coming four years. That is being spent in a co-ordinated way. The Minister of State, Deputy Simon Harris, has taken a co-ordinating role across all Government agencies. That money will be spent properly. The plans are well worked out and there are no knock-on effects for the next person. However, we also need to increase what we can do to prevent short-term flooding in the coming years.

I agree with another point made by Deputy Fitzmaurice. I agree that a review of existing schemes such as GLAS could be useful. We are spending the money already. We should see whether these schemes can be adapted to allow for a little more common sense, for example, when it comes to danger on the roads or where trees are falling into rivers and ditches and so on. All we need is a little co-ordination and common sense. I will certainly raise that issue directly. The issue of trees on roads is something I get involved in personally because it makes total sense. We know of many cases where trees are rotten because of ivy and so on. We know they need to come out. Again, if someone needs permission they should not be in danger for not obeying the law by cutting down trees. What we do not want is for this to be abused and for trees to be cut left, right and centre to allow for greater use of land. It should only happen along roads. We should be clear on that. Certainly, we will work on that as well.

A number of schemes are in place. We are paying out money. Some of the money is European and some of it is our own. Perhaps we can see whether these can be adapted to facilitate or solve two problems with one budget. That is what Deputy Fitzmaurice is trying to say. It is something in which I will take a personal interest. I will try to work on that as well.

## **Penalty Points System**

**Deputy Thomas P. Broughan:** I thank the Minister of State for coming to the House to take this debate. I understand the Minister for Transport, Tourism and Sport, Deputy Donohoe, is in Brussels. The Minister of State last took a similar debate on 22 October. He told me in respect of questions I put to the Minister that he had no doubt the Minister would address the issues I raised, because it was not in his nature not to do so. Unfortunately, the Minister, Deputy Donohoe, has not given me any replies to the key questions I put to the Minister of State that day. For example, I requested that the Minister would clarify whether it was the case that there is no requirement in legislation for the Courts Service to record the licence of a disqualified driver. I also asked for clarification regarding the breathalyser printouts and whether they had to be in English and Irish.

Yesterday, I asked the Taoiseach to ensure the new road safety Bill dealing with drug-driving and mutual recognition with Northern Ireland would be passed before the Dáil ends. Along with my colleagues in the outstanding and sterling civil society group, the PARC road safety group, led by Ms Susan Gray, we continue to trudge through half-answers, fob-offs and long-awaited replies from the Minister, Deputy Fitzgerald, and the Minister, Deputy Donohoe. The tardiness of both Ministers is the nub of the debate, namely, the urgent need for the Minister to direct the Road Safety Authority to compile, monitor and update statistics relating to the implementation and follow-up of penalty point offences and disqualifications, in particular those relating to drink-driving and dangerous driving.

Earlier in the summer, through figures supplied to me by the Minister for Justice and Equality, we discovered that of the 20,830 drink-driving cases listed before the District Court between January 2013 and May 2015, just 8,391, or 40%, received a conviction. That involves completed cases. The Courts Service quickly challenged the figure and said the overall conviction rates were over 80%, but how can we verify this information? The Ceann Comhairle disallowed a number of parliamentary questions in which I asked for the number of cases, the reasons they were struck out per the District Court for the 20,830 driving cases between January 2013 and May 2015, the number of cases and reasons for adjournment in the same parameters per the District Court, the number of cases withdrawn in the same parameters per the District Court, and the number of cases and reasons for non-completion in the same parameters per the District Court. We do not have all that information in the House. I am still awaiting a reply to my parliamentary question on the overall breakdown of the above issues, which was finally accepted.

Without this information, the public and Oireachtas cannot form a view on the efficacy or implementation of traffic laws. More worrying is the fact that of the 8,391 persons convicted between 2013 and early 2015, a mere 1,647, or 20%, had their licence details recorded in court. Under section 22 of the Road Traffic Act 2002, persons summonsed to court for road traffic offences are legally obliged to produce a driving licence in all cases, as the Minister, Deputy Donohoe, said in a recent reply. However, he said implementing the legislation was a matter for the courts and that bringing prosecutions for the non-production of licences is a matter for An Garda Síochána.

In a recent ruling, Judge Marie Keane found a court could not convict persons summonsed for the non-production of their licences as the consequences and penalties for the non-production had not been stated in the summons. However, I have been informed that An Garda Síochána is responsible for the wording of a summons. Approximately 125 such cases were

thrown out last month, apparently due to this technicality on summonses which was in fact created in the first instance by the Garda. I understand the Director of Public Prosecutions, DPP, has appealed Judge Keane's ruling.

Time and again, we have clear evidence of a dysfunctional system, in particular the system of reporting. While our road safety legislation is fairly robust and a lot of work has been done in the House and the Department, the application and implementation of the law is where improvement is badly needed. Surely it is now time for the Road Safety Authority to liaise very closely with the Courts Service and An Garda Síochána and for the computer systems of the three organisations to monitor, evaluate and report precisely to us on how all road traffic offences are disposed of through the courts, and we can then work on what gaps remain to be dealt with.

**Deputy Damien English:** I thank Deputy Broughan for raising this issue. When I saw his name, I hoped his questions had been answered. I will track the information for him. There was a commitment to get the information for him and I will track that as best I can. As the Deputy knows, the Minister, Deputy Donohoe, is in Brussels at the Transport, Telecommunications and Energy Council today. He sends his apologies. That is why I am taking this Topical Issue matter.

The fixed charge notice and penalty points system has, in general, operated very well since its introduction in 2002 and has enjoyed wide public support. This is evidenced by the fact that over 80% of those who receive a fixed charge notice pay the specified amount within the prescribed period. The system plays a very important role in enhancing road safety. The system of penalty points was first introduced in the Road Traffic Act 2002. The main goal of the system is not to penalise people but to make them more aware of unsafe driving behaviour, to influence and improve driver behaviour and to reduce the level of deaths and serious injuries on roads.

The key to reducing injuries and fatalities on a road is to continue to change driver behaviour. To date this year, 147 fatalities have been recorded. While there have been 33 fewer fatalities since this date last year, a lot of work remains to be done to reduce further the number of fatalities on roads, and we can all play a part in achieving this aim.

The role of the Road Safety Authority in the production of road safety information statistics is enshrined in the Road Safety Authority Act 2006. The research department of the Road Safety Authority is responsible for the production of road safety information and statistics. The role of the research department is to collect collision statistics and publish reports to understand how, when, where and why collisions happen to prevent them from recurring. It also promotes and participates in multidisciplinary research projects at national and EU level to inform road safety policy and road safety communications and ultimately reduce collisions.

Statistics on penalty points by offence, including those relating to drink-driving and dangerous driving, are readily available on the Road Safety Authority website. It publishes a monthly breakdown of drivers by number of penalty points, by number of penalty points and county, and the number of drivers issued with fixed charge notices for penalty points offences broken down by offence and by county.

The Deputy will appreciate that statistics should always be interpreted with caution. It should be noted, for example, that points data, broken down by county, do not correspond to where the original road traffic offence took place. The points data just state where the driver

is domiciled. Therefore, it is not possible to link definitively the points awarded to a specific county as having been incurred while committing an offence in that county. A driver may have been detected committing an offence in Dublin, for example, but because the address on his or her licence is in Kildare, the licensing authority that originally issued the licence, the points will be attributed to County Kildare.

The Department of Transport, Tourism and Sport provides to the Road Safety Authority analysis reports on penalty points and offences. All statistics on drink-driving and dangerous driving, including the surrender of driving licences, are provided on a request-only basis to the Road Safety Authority, but the Department is working with it with a view to extending the monthly reports to include statistics on all court endorsements, including convictions and disqualifications for drink-driving and dangerous driving.

I am pleased to inform the Deputy that it is envisaged that this will be automated and operational in the new year and I will ask that the Road Safety Authority publish this information on a monthly basis on its website. Targeting road user behaviour through education, engineering and enforcement, known as the three Es, has been the cornerstone of our improved road safety record to date.

I am satisfied that our current road safety strategy and continued enforcement of existing road safety legislation by An Garda Síochána, together with forthcoming legislation which will focus on strengthening the law on drug-driving, among other issues, will allow Ireland to maintain progress in reducing fatalities and serious injuries on roads. As road users, we should never underestimate the power we have to help to save lives and reduce injuries on the roads. Changing driver behaviour for the better, whether it is to reduce speed, turn off our mobile phones or leave our car keys at home when we are heading out for the night over the festive period, can have a life-saving impact on our safety and the safety of others. We can all play our part in making this festive period one of the safest on record.

**Deputy Thomas P. Broughan:** The key point, as the Minister of State said, is that we still have a very tragic figure in terms of the number of fatalities on road this year, which is 147. The figure may be lower than recent years, but an enormous amount of damage has been done, besides the fatalities themselves, to the families and connections of each and every person killed on our roads. We do not have a statistical basis to be able to measure the implementation of our laws. For example, one shocking statistic, on which I am still awaiting further clarification, is that 521 drivers were already disqualified between January 2013 and March 2015 at the time of conviction for involvement in a collision causing serious injury or death.

The Minister of State referred to the Road Safety Authority and its relationship with the Department, including the surrender of driving licences. The Minister of State said they are currently provided on a request-only basis to the Road Safety Authority, but the Department is working with the Road Safety Authority with a view to extending this monthly report to include statistics. The statistics on which the Department is working to move towards with the Road Safety Authority are the very statistics we want.

I have submitted a plethora of questions to the Minister, Deputy Donohoe, and the Minister, Deputy Fitzgerald, on the number of learner drivers paying fixed charge notices, information on the DPP's appeal against Judge Marie Keane's ruling, which I mentioned, the number of speeding offences and convictions, the number of drivers disqualified for drink-driving or dangerous driving, fixed notices for drivers parked in cycle lanes, disqualifications per District Court

breakdown and so on. That is all information that is not to hand and does not appear in the statistics to which the Minister of State referred. The Minister, Deputy Donohoe, told me that since January 2013 a disqualified driver has been required to post his or her driving licence to the Road Safety Authority and the National Driver Licence Service in Cork city. I am informed that 96% of those disqualified simply do not do so. Approximately a year ago, the Minister, Deputy Donohoe, told Ms Susan Gray of PARC on “Prime Time” that if he felt the postal system was not working he would take action and introduce legislation. Here we are, more than a year later, and nothing has happened. The nub of the debate tonight is that the Road Safety Authority is up to date on every conceivable aspect of the statistics relating to road traffic offences, so we would not have to do a trawling, relentless search through the Courts Service’s records. This is what we want, and it should be an ambition for, if not the outgoing Government, then certainly the new Government.

The recently announced proposals to introduce graduated fines for road traffic offences, perhaps ultimately based on a person’s income, seems ludicrous. If the current system is not implemented in a clearly transparent way that is satisfactory to the House with up-to-date statistics, why would we introduce a much more complex system and introduce a double standard for people of different levels of wealth? It just does not make any sense. What we need is to have the current legislation which we passed in the House implemented fairly and squarely for every citizen and that we know the facts and the statistics.

**Deputy Damien English:** The Deputy has many facts and statistics himself, which are very useful, and I do not have the same information as he does. I know he is concentrating on the subject and rightly so. The Department shares some of the Deputy’s aims and it is trying to improve the information flow between it and the RSA. It is probably a matter of applying more urgency to this. The Deputy is correct that the more information we gather the more it can inform our thinking, policies and law making. The main point is that we continue to try to drive down the number of fatalities. The Deputy is absolutely right that one is far too many, and to have 147, regardless of whether the number is increasing or decreasing, is still far too many. The onus is on all of us to try to do this.

The Deputy is correct that statistics and facts help focus our minds on it and help get the message out to people. If, when I am on the road, I park for ten minutes and watch, I often wonder how we do not have more fatalities because so many improvements can be made when it comes to driving. The onus is on all of us. None of us is innocent when it comes to driving 100% perfectly. It is about engineering and education, but it is also about attitude. This is something the Department of Education and Skills is working on, and I hope that junior cycle reform will provide opportunities to introduce new initiatives and programmes to educate young people in second level on the importance of having the right attitude when it comes to driving a vehicle, and on being aware of what is around them and thinking like an engineer. It is about understanding what it is like to drive a bus if one is a cyclist and *vice versa*. This is the understanding we must achieve. We all have a role in this. I will take what the Deputy has said to the Department of Education and Skills and I will feed back to the Department of Transport, Tourism and Sport the issues he has raised.

The Dáil adjourned at 6.15 p.m. until 10 a.m. on Friday, 11 December 2015.